

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

Golden Gate Yacht Club
Plaintiff,
v.
Societe Nautique de Geneve
Defendant,
Club Nautico Espanol de Vela,
Intervenor-Defendant.

Index No. 602440/07

**AFFIDAVIT OF
BRYAN WILLIS**

BRYAN WILLIS hereby deposes and says:

1. I am over 18 years of age and am a citizen of Great Britain. I have been involved with the America's Cup in one capacity or another for almost thirty years. I was a member of the International Jury for the 28th America's Cup in San Diego, chairman of the International Jury and Chief Umpire for the 30th and the 31st America's Cup competitions in Auckland, and chairman of the specially appointed 'jury', which had unusually broad powers acting both as a Sailing Jury and an Arbitration Panel, for the 32nd Americas Cup Competition concluding with the match in 2007 in Valencia. I served as Rules Advisor to the Swedish team and their yacht Sverige in the 24th America's Cup at Newport, RI in 1980, the British team and their yacht Victory in the 25th America's Cup at Newport in 1983, and the Australian Kookaburra which won the Defense Trials and was the Royal Perth Yacht Club's defender in the 26th America's Cup in 1987.

2. For approximately thirty years, I have been a member of the International Sailing Federation ("ISAF") Racing Rules Committee, which oversees the ISAF Racing Rules of Sailing ("RRS") including addressing proposals from member national authorities to amend the rules, and compiling the authoritative interpretations of those rules known as the ISAF Case Book.

Also, for several years I was a member of the ISAF Race Officials Committee, and chaired that committee for two years. The Race Officials Committee oversees, certifies, and appoints the umpires, judges, measurers, and race officers that serve at ISAF-sanctioned events. I have written two books on sailing rules, *The Rules in Practice 2009-2012* and *The Racing Rules Companion 2009-2012*, both published by John Wiley & Sons, and for thirty years I have updated (and by now largely re-written) *The Rules Book*, published by Sheridan House, which is designed to demonstrate the application of racing rules at the club, national, and international levels. For twenty years I was a member of the ISAF Judges sub-committee which set standards for the appointment of ISAF Judges, and I have been chairman of the Race Management sub-committee.

3. I would like to advise the Court about the general nature and authority of an ISAF “International Jury,” often referred to as a sailing jury, and its functions in any regatta.

4. The ISAF RRS require that an International Jury comprise 5 independent people with experience and expertise in the application of all the rules governing the event. There must be a minimum range of nationalities, and a majority of the members must be certified by ISAF.

5. The function of an International Jury is to provide an independent and impartial dispute resolution service for the parties (the boat owners, race committee, measurers, and the organizing authority). The procedures for its conduct are specified in the RRS, and follow generally accepted judicial practices.

6. Under ISAF Racing Rules of Sailing (“RRS”) 62 and 64, the International Jury has the power to hear claims for redress brought by a competitor who alleges that the actions of the organizing authority or racing committee were improper and have caused prejudice. This

could include claims of prejudice arising from the organizing authority's change, modification, or abrogation of an ISAF racing rule.

7. When hearing a claim for redress, the International Jury – like any adjudicator – considers the conduct of the complaining team. For instance, it must consider whether the complaining team was partly at fault or otherwise contributed to the dispute at issue, whether equitable concepts like laches weigh against relief, and so forth.

8. When the International Jury is satisfied that the claim meets the requirements that allow redress to be considered, it is broadly empowered to craft appropriate relief. There are no limits to the redress or relief that can be given; it is required to make as fair an arrangement as possible for all boats affected. This might include changing or amending the rules of the match.

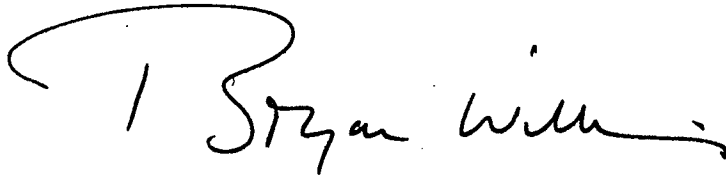
9. If an ISAF International Jury's authority, in particular that which is provided in RRS 62 and 64, were to be abrogated by an organizing authority, then the International Jury would be without power or authority to remedy a claim of prejudice by a competitor against the organizing authority. This would significantly alter the carefully-considered structure of important ISAF-governed international events such as the America's Cup.

10. To abrogate, or even limit, the RRS rules 62 and 64 would be wholly inconsistent with ISAF's objective of providing an independent on-site International Jury with power to resolve disputes between boats and between a boat, or boats, and the organizing authority. Without such a dispute resolution body in place, the concept of fair competition, a cornerstone of ISAF's existence, would surely be missing and the sport could be brought into disrepute.

11. The Americas Cup is followed by the sailing fraternity, and others interested in the sport, all over the world. It has a major impact on young people entering the sport. It would be very harmful to the future of the sport if it were perceived that the ISAF appointed

International Jury was not properly empowered to resolve disputes or its independence was in any way compromised.

12. I declare under penalty of perjury under the laws of the State of New York that the foregoing is true and correct.

A handwritten signature in black ink, appearing to read "Bryan Willis", written over a horizontal line.

Bryan Willis