

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  
RICHARD P. SLATER**

STATE OF CALIFORNIA    )  
                                      ) ss.  
COUNTY OF SAN DIEGO    )

RICHARD P. SLATER, being duly sworn, deposes and says:

1. I am over the age of 18 and am currently assisting Golden Gate Yacht Club's racing representative BMW Oracle Racing in its preparations for the 33<sup>rd</sup> America's Cup as a Rules Advisor, and held the same position for its campaign in the 32<sup>nd</sup> America's Cup. I held the position of Rules Advisor in the 31<sup>st</sup> America's Cup for Societe Nautique de Geneve's ("SNG's") racing team and the 30<sup>th</sup> America's Cup for Cruising Yacht Club of Australia's racing team.

2. I currently hold the designation of an International Sailing Federation ("ISAF") International Judge and an ISAF International Umpire; designations that carry the responsibility of officiating major international sailing events. I was granted these designations in 2004 and 2003 respectively. I am also one of 13 members of the ISAF Racing Rules Question & Answer Panel whose function is to provide ISAF Member National Authorities and ISAF International

Judges, Umpires, Race Officials and Measurers assistance in applying the ISAF Racing Rules of Sailing (“RRS”) consistently. I have been on this panel since 2005.

3. When the Golden Gate Yacht Club (“GGYC”) was unsuccessful in arranging a multi-challenger event in monohulls with Societe Nautique de Geneve (“SNG”) after GGYC’s Notice of Challenge of July 11, 2007, GGYC was compelled to prepare a competing vessel for a potential default match. From the beginning of that design and construction process in Fall 2007, GGYC and its racing team, BMW ORACLE Racing (“BOR”), relied upon SNG’s rules and sailing regulations extant at the time of GGYC’s Notice of Challenge. These rules are the ISAF rules.

4. In addition, GGYC relied on the common current and historical practice for measuring the “length of load water-line.” That methodology does not include measurement of a vessel’s rudder(s). This common methodology is codified in the ISAF Equipment Rules of Sailing (ISAF measurement rules).

5. It would be impossible to move the rudders forward on GGYC’s challenge vessel, without a complete redesign and rebuild of the vessel (for which there is insufficient time before a February match) and it would compromise performance and significantly reduce the maneuverability of the vessel. The rudder on SNG’s current vessel (“Alinghi 5”) is below the water-line and hence its inclusion in the measurement does not lengthen its vessel’s measurement of length on load water-line. Thus, there appears to be no purpose to SNG’s inclusion of the rudders in its measuring rules other than to assure disqualification of GGYC.

6. GGYC also relied in the design and construction of its vessel upon the Deed’s requirement that its vessel Certificate dimensions “shall not be exceeded.”

7. ISAF rules are structured with the assumption that the organizing authority shall conduct the match impartially and in the best interests of all the competitors and the match as a whole.

8. I have reviewed the affidavit of Fred Meyer, Vice-Commodore of SNG, dated July 20, 2009. With respect to his comment in Paragraph 9 that “SNG is a member of the Association des Clubs de Voile de la Region Lemannique ("ACVL")” and “ACVL rules are adopted by SNG as part of its rules and sailing regulations.” This is simply not correct. ACVL is an association that creates classifications for yachts (“classes”), and therefore its rules only apply to those specific classes. Yacht clubs throughout the world conduct events for many different classes of yachts, and the rules applicable to those vessels are the class rules, not the yacht club rules.

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Richard P. Slater

Sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 2009

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Notary Public