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VIA HAND DELIVERY

October 2, 2009

Re: *Golden Gate Yacht Club v. Société Nautique de Genève, et al.*
(New York County Clerk's Index No. 602446/07)

The Honorable Shirley W. Kornreich
The Supreme Court of the State of New York
County of New York
Part 54
60 Centre Street, Room 418
New York, NY 10007

Dear Justice Kornreich:

Yesterday I sent the Court a letter (a copy of which is enclosed) concerning the scheduling of oral argument on GGYC's fully briefed motion to essentially reargue the issues this Court decided in its July 29 decision. My letter noted that GGYC's request for SNG to release its agreement with ISAF is moot as ISAF publicly released the agreement some weeks ago. I also noted that GGYC has finally produced its Custom's House Registry certificate.

Yesterday evening at 11:03 P.M. I received an email indicating that GGYC has filed a motion challenging the propriety of Ras-Al-Khaimah as the venue for the 33rd America's Cup and requesting the Court to relocate the venue of the America's Cup from Ras-Al-Khaimah to Valencia, Spain. The principal grounds of the motion appears to be that the venue SNG has chosen is unsafe even though Oracle, whose Chairman, Larry Ellison, owns BMC Oracle, sponsors GGYC and financed GGYC's vessel does substantial business in the U.A.E. and Oracle has an office in the U.A.E. GGYC's law firm, Latham & Watkins, also has an office in the U.A.E. Significantly, Russell Coutts, the skipper of BMC Oracle organizes an annual regatta in Dubai (50 kilometers from Ras-Al-Khaimah in the U.A.E.) in November.

The new motion is GGYC's seventh litigation initiative calculated to scuttle and/or usurp complete control of the 33rd America's Cup by means of legal initiatives. As this Court is aware, SNG announced the venue for the 33rd America's Cup on August 5 in conformity with prior orders of the Court. Thereafter, during the first week of September GGYC and its principals and sailors spent a week in Ras-Al-Khaimah reviewing the course

The Honorable Shirley W. Kornreich

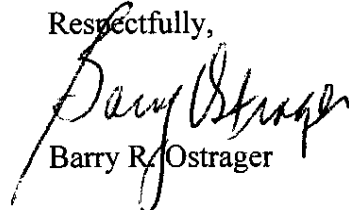
-2-

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for the America's Cup match and meeting with senior government officials. GGYC well knows that SNG's Team Alighi shipped its yacht and equipment, and flew its personnel to Ras Al Khaimah in preparation for the match. The process of transporting SNG's vessel took approximately 30 days. In the latter connection, SNG publicly announced that its boat was leaving Genoa, Italy on September 16 (after SNG spent considerable time preparing the boat for transport and SNG also publicly announced that the boat had arrived in Ras-Al-Khaimah on September 30, although it will not be fully unloaded and seaworthy for at least another ten days. In addition, SNG and the venue authorities have expended considerable sums and entered into significant third party contracts in order to prepare the race course for the America's Cup match. GGYC is equally aware that switching the match to Valencia for a February 8 match is an impossibility. Finally, GGYC is also aware that the reason Ras-Al-Khaimah was chosen as the venue is that it is one of the few Northern Hemisphere locations in which sailing conditions are not dangerous to catamarans and sailors in February. And, since the operative order in this case requires SNG to defend the America's Cup in February at any venue it selects, Ras-Al-Khaimah was chosen after considerable investigation and discussion with the host country

This morning we received electronic notification that your Honor has scheduled oral argument on GGYC's fully briefed motion for Tuesday, October 6. We are prepared to proceed on October 6, but in light of GGYC's latest gambit, I respectfully request that both motions be scheduled for oral argument during the week of October 26 as outlined my October 1 letter (with the exception of the morning of October 28 when I have a long scheduled oral argument before the Second Circuit). This will enable our clients to travel from Switzerland without having to make last minute arrangements and will enable the Court to resolve all pending issues relating to the conduct of the next America's Cup at one hearing.

Respectfully,


Barry R. Ostrager

Enclosure

cc (via electronic mail):
James V. Kearney, Esq.
David Boies, Esq.

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October 1, 2009

Re: *Golden Gate Yacht Club v. Société Nautique de Genève, et al.*
(New York County Clerk's Index No. 602446/07)

The Honorable Shirley W. Kornreich
The Supreme Court of the State of New York
County of New York
Part 54
60 Centre Street, Room 418
New York, NY 10007

Dear Justice Kornreich:

We represent Defendant Société Nautique de Genève ("SNG"), and write regarding my availability to attend the anticipated hearing on Golden Gate Yacht Club's Motion to Enforce the April 7, 2009 Order and Judgment, Renew Its Sailing Rules Motion, and to Permit Disclosure of SNG's 33rd America's Cup Agreement.

Although I understand that in the normal course the hearing would generally be scheduled in mid to late October, I write in an abundance of caution to avoid any scheduling conflicts. I am unavailable to attend a hearing from October 12 through October 16, as I will be out of the country. My client is unavailable the following week, October 19 through October 23. Therefore, we request that the hearing be scheduled any day during the week of October 26, except for October 28, when I have a scheduled oral argument before the Second Circuit Court of Appeals, and the afternoon of October 30. Alternatively, we are available on October 8 or 9.

As set forth in our Opposition, GGYC's motion is essentially a motion for reargument and the issues raised in the motion are presently subject to GGYC's appeal to the Appellate Division. GGYC has provided SNG its Certificate of Documentation for its challenge vessel, which we are currently reviewing. GGYC's argument regarding the agreement between SNG and the International Sailing Federation ("ISAF") is now moot given that ISAF has publicly released the agreement. Thus, we presently are aware of no

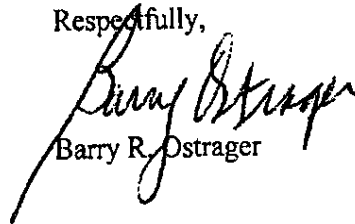
The Honorable Shirley W. Kornreich

-2-

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circumstances that would prevent the match from taking place as scheduled in the United Arab Emirates on February 8, 2010.

Respectfully,

A handwritten signature in black ink, appearing to read "Barry R. Ostrager", is written over the typed name.

Barry R. Ostrager

cc (via electronic mail):
James V. Kearney, Esq.
David Boies, Esq.