

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

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GOLDEN GATE YACHT CLUB, :
 :
 : Plaintiff, :
 : v. : Index No. 602446/07
 : SOCIÉTÉ NAUTIQUE DE GENÈVE, : IAS Part 54
 : Defendant, : Hon. Shirley Werner Kornreich
 : v. : **AFFIDAVIT OF**
 : CLUB NÁUTICO ESPAÑOL DE VELA, : **NIGEL IRENS**
 : Intervenor-Defendant. :
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NIGEL IRENS, being duly sworn, deposes and says:

1. I am over 18 years of age and am a citizen of the United Kingdom.

I submit this Declaration in connection with the above-captioned litigation to address the design origins of *BOR-90*.

2. I have designed racing yachts and other multi-hulled vessels since 1979. Yachts I have designed have won many significant races, including the British Transatlantic single-handed race ('88, '92, '96 & '00), and the French Route du Rhum ('86). I have designed trimarans that beaten world records, including the world circumnavigation record - both under sail (catamaran 'ENZA', 1994), and power (trimaran 'CABLE & WIRELESS ADVENTURER', 1998).

3. In 1997, Benoit Cabaret joined my yacht design firm and later became a partner. Together, we designed the trimaran 'B&Q-CASTORAMA' in which Ellen MacArthur beat the world solo circumnavigation record in 2005. This record was



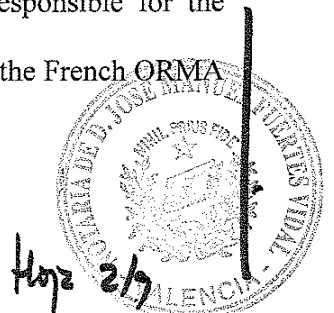
then beaten two years later by the trimaran 'IDEC' (Francis Joyon), also an Irens/Cabaret design.

4. Since December 2007, Benoit Cabaret and I have been retained by Team Alinghi as consultants to the Alinghi Design Team. During that time, we have participated in the development of the *Alinghi 5* catamaran.

5. I have reviewed photographs and drawings of the BMW Oracle Racing ("BOR") yacht, which is the challenger for the upcoming 33rd America's Cup. A true and correct copy of a photograph of the BOR yacht is attached hereto as Exhibit A. In my view, the BOR yacht represents an extrapolation and adaptation of other current racing designs of the French firm, VPLP. This view is supported by comparing drawings or photographs of the BOR yacht with other VPLP designs, such as Groupama III and Banque Populaire V. True and correct copies of photographs of those two yachts are attached hereto as Exhibits B and C, respectively.

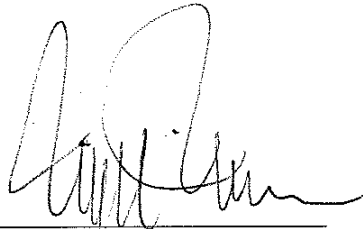
6. It is my understanding that the BOR yacht was designed by Marc Von Peteghem and Vincent Lauriot-Prévoist, two partners of VPLP and residents of France. VPLP has been responsible for the design of approximately 55% of multihulls designed to compete in the French-dominated professional ORMA fleet, while Nigel Irens Design designed some 40% of such vessels.

7. Moreover, it my understanding from public statements and other information in the public domain that the chief structural engineer for the BOR yacht is French engineer, Hervé Devaux. His company (HDS) has been responsible for the structural engineering of most racing multihulls designed by VPLP for the French ORMA Circuit, including Groupama III and Banque Populaire V.



8. Finally, it is my understanding that BOR has retained Joseph Ozanne, a young French aeronautical engineer, and also French hydrodynamics Michel Kermarec to develop underwater appendages such as rudders and hydrofoils.

Dated: January 21, 2010
Valencia, Spain



NIGEL IRENS

LEGITIMACIÓN: En Valencia, mi residencia a veintiuno de enero de dos mil diez. -----

Yo, JOSE-MANUEL FUERTES VIDAL, Notario del Ilustre Colegio de Valencia. -----

DOY FE de que la firma que precede, es la perteneciente a Don NIGEL ANTONY IRENS, con Pasaporte británico número 206165453. Dicha firma ha sido puesta en mi presencia, y así resulta del Acta número 130 del Protocolo, autorizada por mí el día de hoy conforme al artículo 207,2,2ª del Reglamento Notarial. -----

En dicha acta, Don NIGEL ANTONY IRENS declara conocer el contenido del documento, cuya firma aquí se legitima y quiere que produzca los efectos que le sean aplicables conforme a lo previsto en la legislación de los Estados Unidos de América. -

Libro Indicador 55/2010 -----

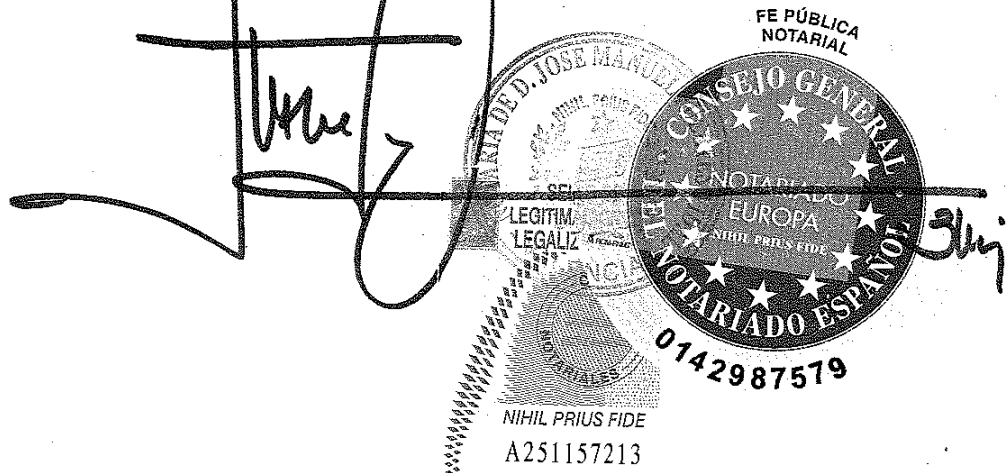


EXHIBIT A





BMW Oracle Racing Trimaran

Handwritten text: *Hoja 5/9*

EXHIBIT B

Hoje 6/9



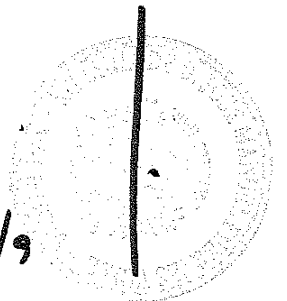


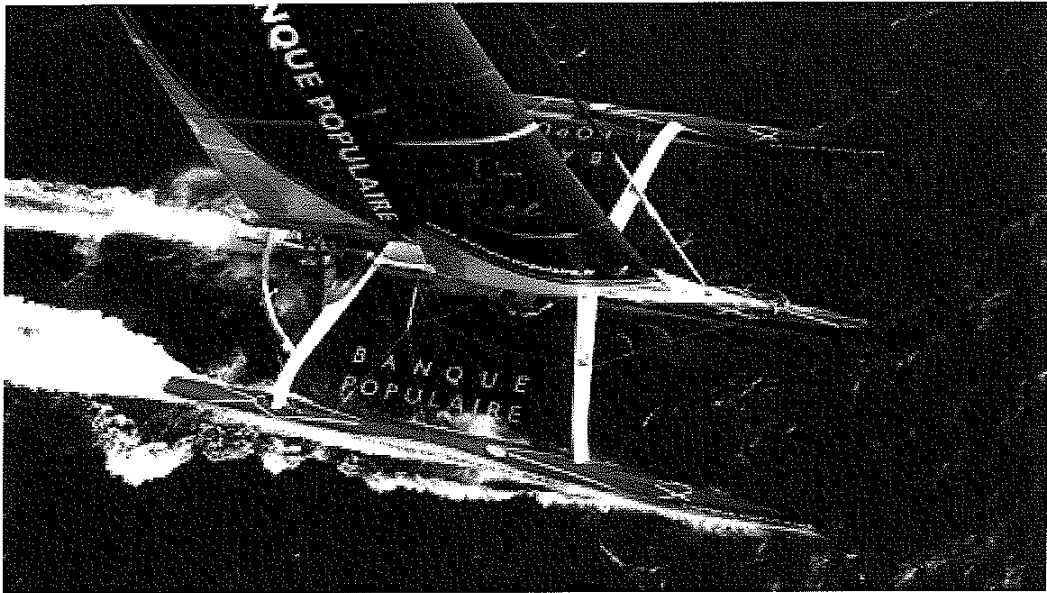
French Trimaran Groupama III designed by VPLP

Hoje 7/9

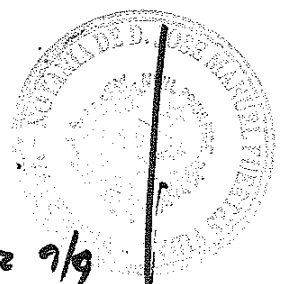
EXHIBIT C

H/28/9





French Trimaran Banque Populaire V designed by VPLP



COLOR EXHIBITS

EXHIBIT A



BMW Oracle Racing Trimaran

EXHIBIT B



French Trimaran Groupama III designed by VPLP

EXHIBIT C



French Trimaran Banque Populaire V designed by VPLP