

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, : **DUNCAN MACLANE**
 : Intervenor-Defendant. :
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DUNCAN MACLANE, being duly sworn, deposes and says as follows:

1. I am over 18 years of age and am a citizen of the United States of America. I submit this Declaration in connection with the above-captioned litigation to address the design origins of *BOR-90*.
2. Since July 2008 I have been retained by Team Alinghi as consultant to the design team. During that that time, I have participated in the development of the Alinghi 5 catamaran.
3. I graduated from Webb Institute of Naval Architecture in 1978 and am a practicing naval architect with more than thirty years of experience in both commercial vessels and high performance racing sailboats.
4. My 45 year competitive sailing experience has been primarily with multihulls. In addition to winning several national championships, I've been the skipper



of the challenger or defender competing for the International C Class Catamaran Trophy (commonly known as the "Little America's Cup) eight times, winning six of these eight events. I was designer or co-designer for our C Class catamaran participating in six of these events.

5. I've been co-designer, design team coordinator or a design consultant for six America's Cup teams, starting in the 1987 Cup, continuing through the present.

6. I was co-designer for Stars & Stripes '88, successful defender of the America's Cup sailed in San Diego in 1988. I also skippered the boat during the entire development and refinement of our two-boat program, and beat Dennis Conner 10-0 in a defender selection process before relinquishing the helm to Dennis for the actual Cup races.

7. From 2000-2003 I was a member of the design team for the ORMA 60 ft trimaran Gitana X, collaborating with designers from France, Switzerland and Italy.

8. Over the last ten years, there has been very little development of large performance multihulls in the United States. The larger racing multihulls have been concentrated in Europe, with European designers.

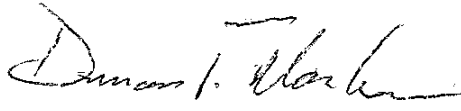
9. The BOR 90 foot trimaran is clearly the offspring of European racing trimarans, particularly the ORMA 60's and their development programs.

10. The statements made by the BMW Oracle team about their boat make it clear that the principal designer is the VPLP design office, and that the team



turned to them for their design experience and expertise in this type of yacht. VPLP is a French design firm with vast experience at the leading edge of the large racing trimarans.

Dated: January 21, 2010
Valencia, Spain


DUNCAN MACLANE

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 DUNCAN TREADWELL MACLANE, con Pasaporte estadounidense número 422077969. Dicha firma ha sido puesta en mi presencia, y así resulta del Acta número 129 del Protocolo, autorizada por mí el día de hoy conforme al artículo 207,2,2ª del Reglamento Notarial. -----

En dicha acta, Don DUNCAN TREADWELL MACLANE 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 54/2010. -----

