

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

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GOLDEN GATE YACHT CLUB,	:
	:
Plaintiff,	:
v.	:
SOCIÉTÉ NAUTIQUE DE GENÈVE,	:
	:
Defendant,	:
v.	:
CLUB NÁUTICO ESPAÑOL DE VELA,	:
	:
Intervenor-Defendant.	:
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**AFFIDAVIT OF
LUCIEN MASMEJAN**

LUCIEN MASMEJAN, being duly sworn, deposes and says:

1. I am a citizen of Switzerland over the age of 18 and a member of the law firm Lenz & Staehelin in Lausanne, Switzerland. I am also a member of Société Nautique de Genève (“SNG”), as well as its America’s Cup Committee Secretary.
2. In my capacity as America’s Cup Committee Secretary, I am SNG’s representative and advisor in matters pertaining to the 33rd America’s Cup.
3. I respectfully submit this affidavit in support of SNG’s opposition to GGYC’s motion regarding the Deed’s constructed-in-country requirement.
4. Attached hereto as Exhibit A are true and correct copies of the Certificates of Origin of the (i) yacht “Alinghi 5” and (ii) the sails delivered by the Vaud Chamber of Commerce and Industry, Switzerland (“*Chambre Vaudoise du Commerce et de l’Industrie*”) acting on behalf of the Swiss Federal Authorities under the supervision of the Federal Customs Authorities. These two Certificates are used in international trade

and attest that the certified products are manufactured in Switzerland under the Swiss Federal Council's Decree governing Certification of Origin of 9 April 2008. The Certificates of Origin are delivered only after analysis of the documentary evidence of the origin of raw material and transformation in Switzerland.

5. To qualify a vessel as being built in Switzerland, the hull must be fabricated in Switzerland. Like the U.S. Coast Guard (*see* 46 U.S.C.A. § 12112 (2006); *Shipbuilders Council of America v. U.S. Coast Guard*, 578 F.3d 234 (4th Cir. 2009)), the Swiss Chamber of Commerce provides that items not integral to the hull, such as the sails, have no bearing on a Swiss or U.S. build determination and may, therefore, be foreign-built. This said, although the sails have no bearing on the determination of the country of origin of the vessel, the Swiss Chamber of Commerce has certified that the sails of the Alinghi 5 vessel are of Swiss origin.

6. Attached hereto as Exhibit B is a true and correct copy of the Swiss Made Certificate delivered by the Swiss Label Association. Team Alinghi is a member of the Swiss Label Association. This Swiss Label certifies the Swiss origin defined under the same criteria of the Federal Council's regulations governing Certification of Origin of 9 April 2008. The Swiss Made Certificate suffices as evidence of the Swiss character of a product for purposes of international trade.

7. Attached hereto as Exhibit C is a true and correct copy of the Admission Temporaire ("ATA") Carnet of the yacht "Alinghi 5." ATA Carnets are obtained from the home country's National Guaranteeing Association, in Switzerland, the Swiss Chamber of Commerce. The ATA Carnet is an international customs document that allows the temporary importation (up to one year) of goods without payment of

value-added taxes and duties. The ATA Carnet is valid for entry of a product into the territories of countries that belong to the Customs Convention on the ATA Carnet for the Temporary Admission of Goods. The United States acceded to the ATA Convention in 1968. The ATA Carnet attached hereto indicates that the yacht “Alinghi 5” is of Swiss origin.

Dated: January 21, 2010

Lausanne, Switzerland

A handwritten signature in blue ink, consisting of a series of loops and a long horizontal stroke at the end.

LUCIEN MASMEJAN

EXHIBIT A

Exportateur Exporteur Esportatore Exporter TEAM ALINGHI SA AVENUE DU TRIBUNAL FEDERAL 34 1005 LAUSANNE, SUISSE	No. Nr. 608444
Destinataire Empfänger Destinataro Consignee TO ORDER	CERTIFICAT D'ORIGINE URSPRUNGSZEUGNIS CERTIFICATO D'ORIGINE CERTIFICATE OF ORIGIN CONFÉDÉRATION SUISSE SCHWEIZERISCHE EIDGENÖSSENSCHAFT CONFEDERAZIONE SVIZZERA SWISS CONFEDERATION  Pays d'origine Ursprungsland Paese d'origine Country of origin SUISSE
Informations relatives au transport (mention facultative) Angaben über die Beförderung (facultative Angabe) Informazioni riguardanti il trasporto (facultativa indicazione) Particulars of transport (optional declaration)	Observations Bemerkungen Osservazioni Comments
Marque, exécution, nombre et nature des colis; désignation des marchandises Zeichen, Marken, Anzahl und Art der Packstücke; Warenbeschreibung Marchi, marchi, numero e natura dei colli; designazione delle merci Marks, numbers, number and kind of packages; description of the goods <p style="text-align: center;">ALINGHI YACHT ALS</p> 	Poids net Nettogewicht Peso netto Net weight No. 1, 2, 4, 6 <p style="text-align: center;">15 g</p> Poids brut Bruttogewicht Peso lordo Gross weight
<p>La Chambre de commerce soussignée certifie l'origine des marchandises désignées ci-dessus. Die unterzeichnete Handelskammer bescheinigt den Ursprung oben bezeichneter Ware La sottoscritta Camera di commercio certifica l'origine delle merci summenzionate The undersigned Chamber of commerce certifies the origin of the above mentioned goods</p>  <p style="text-align: right;"> Chambre vaudoise du commerce et de l'industrie, Lausanne Waadtländische Industrie- und Handelskammer, Lausanne Camera Vodese di commercio e dell'Industria-Industria Vaud Chamber of commerce and industry, Lausanne </p> <p>Lausanne, le 08. JUNI 2009</p>	

EXHIBIT B



Certificat

Les soussignés attestent que le

*Team Alinghi, sise à Lausanne
et Villeneuve*

est membre de SWISS LABEL depuis 2009. Il est ainsi autorisée à apposer la marque protégée représentée par l'arbalète sur ses produits vendus en Suisse et dans les principaux pays d'exportation.

Le président
Bruno Zuppiger

Le directeur
Rudolf Horber

Berne, en juillet 2009

SWISS LABEL

Gesellschaft zur Promotion von Schweizer Produkten und Dienstleistungen
Société pour la promotion des produits et services suisses

EXHIBIT C

(Before completing the Carnet, please read Notes on cover page 3 / Avant de remplir le carnet, lire le notice en page 3 de la couverture)

A T A C A R N E T	A. HOLDER AND ADDRESS / Titulaire et adresse	G. FOR ISSUING ASSOCIATION USE / Réseau à l'association émettrice FRONT COVER / Couverture
	TEAM ALINGHI SA AVENUE DU TRIBUNAL FEDERAL 34 1005 LAUSANNE	a) CARNET No. Carnet N° CH VD/2009/0947 Number of continuation sheets: Nombre de feuilles supplémentaires:
	B. REPRESENTED BY* / Représenti par* selon procuration	b) ISSUED BY / Délivré par CHAMBRE VAUDOISE DE COMMERCE ET D'INDUSTRIE
C. INTENDED USE OF GOODS / Utilisation prévue des marchandises	e) VALID UNTIL / Valable jusqu'à	
TESTS ET COMPÉTITIONS	2010 / 07 / 29 year / month / day (inclusive) année / mois / jour (inclus)	

F. This Carnet may be used in the following countries/Customs territories under the guarantee of the associations listed on page four of the cover: / Ce carnet est valable dans les pays/territoires douaniers ci-après, sous la garantie des associations reprises en page quatre de la couverture.

ALGERIA (DZ) ANDORRA (AD) AUSTRALIA (AU) AUSTRIA (AT) BELARUS (BY) BELGIUM/LUXEMBOURG (BE) BULGARIA (BG) CANADA (CA) CHILE (CL) CHINA (CN) CROATIA (HR) CYPRUS (CY) CZECH REPUBLIC (CZ) DENMARK (DK) ESTONIA (EE) FINLAND (FI) FRANCE (FR) GERMANY (DE) GIBRALTAR (GI) GREECE (GR) HONG KONG, CHINA (HK) HUNGARY (HU) ICELAND (IS) INDIA (IN) IRELAND (IE) ISRAEL (IL) ITALY (IT)	IVORY COAST (CI) JAPAN (JP) KOREA (REP. OF) (KR) LATVIA (LV) LEBANON (LB) LITHUANIA (LT) FORMER YUGOSLAV REPUBLIC OF MACEDONIA (MK) MALAYSIA (MY) MALTA (MT) MAURITIUS (MU) MONGOLIA (MN) MOROCCO (MA) NETHERLANDS (NL) NEW ZEALAND (NZ) NORWAY (NO) POLAND (PL) PORTUGAL (PT) ROMANIA (RO) RUSSIA (RU) SENEGAL (SN) SERBIA (CS) SINGAPORE (SG) SLOVAK REPUBLIC (SK) SLOVENIA (SI) REPUBLIC OF SOUTH AFRICA (ZA) SPAIN (ES)	SRI LANKA (LK) SWEDEN (SE) SWITZERLAND (CH) THAILAND (TH) TUNISIA (TN) TURKEY (TR) UNITED KINGDOM (GB) UNITED STATES (US)
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The holder of this Carnet and his representative will be held responsible for compliance with the laws and regulations of the country/Customs territory of departure and the countries/Customs territories of importation. / A charge pour le titulaire et son représentant de se conformer aux lois et règlements du pays/territoire douanier de départ et des pays/territoires douaniers d'importation.

TO BE RETURNED TO THE ISSUING CHAMBER IMMEDIATELY AFTER USE
 A RETOURNER A LA CHAMBRE ÉMETTRICE IMMÉDIATEMENT APRÈS UTILISATION

<p>H. CERTIFICATE BY CUSTOMS AT DEPARTURE Attestation de la douane, au départ</p> <p>a) Identification marks have been affixed as indicated in column 7 against the following items No(s), of the General List Apposé les marques d'identification mentionnées dans la colonne 7 en regard du (des) numéro(s) d'ordre suivant(s) de la liste générale</p> <p>b) GOODS EXAMINED* / Vérifié les marchandises* Yes / Oui / No / Non</p> <p>c) Registered under Reference No.* Enregistré sous le numéro*</p> <p>d) Customs Office / Bureau de douane / Place / Date (year/month/day) / Lieu / Date (année/mois/jour) / Signature and Stamp / Signature et tampon</p>	<p>I. Signature of authorized official and issuing Association stamp / Signature autorisée et tampon de l'association émettrice</p> <div style="text-align: center;"> <p>2009 JUL 30</p> <p>Place and Date of Issue (year/month/day) Lieu et date d'émission (année/mois/jour)</p> </div> <p>J. Signature of Holder / Signature du titulaire</p> <div style="text-align: center;"> </div>
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FORM 5010/1

GENERAL INVOICE DESCRIPTION

FORM 5010/1

Item No. N° d'ordre	Trade description of goods and marks and numbers, if any Désignation commerciale des marchandises, et, le cas échéant, marques et numéros	Number of Pieces Nombre de pièces	Weight or Volume Poids ou volume	Value* Valeur*	**Country of origin ** Pays d'origine	For Customs Use / Réservez à la douane Identification marks / Marquage d'identification
1	2	3	4	5	6	7
1	ACC33 MULTIHULL YATCH N° CH-ALI 00001G909	1	13000 kg	15'000'000.00	CH	
TOTAL or CARRIED OVER / TOTAL ou À REPORTER		1	13'000 kg	15000000.00	1	1

*Commercial value in country/Customs territory of issue and in its currency, unless stated differently

Valeur commerciale dans le pays/territoire d'émission et dans sa monnaie, sauf indication contraire

**Show country of origin if different from country/Customs territory of issue of the carrier, using ISO country codes

Indiquer le pays d'origine s'il est différent du pays/territoire d'émission du carnet, en utilisant le code international des pays (ISO)

FOR USE BY CUSTOMS OF COUNTRY/CUSTOMS TERRITORY OF TEMPORARY IMPORTATION
RÉSERVÉ À LA DOUANE DU PAYS/TERRITOIRE DOUANIER D'IMPORTATION TEMPORAIRE

I M P O R T A T I O N	1. The goods described in the General List under Item No(s) Les marchandises énumérées à la liste générale sous l'item N°(s)			A/S		have been temporarily imported and are imported temporarily
	2. Final date for re-exportation / production to the Customs of goods* Date finale pour la réexportation / la réexportation à la douane, des marchandises*			year / month / day année / mois / jour		2010 / 07 / 29
	3. Registered under reference No. / Enregistré sous le N°			REG. A/6 T. I. - ATA N° 4		07.08.09
	4. Other remarks* / Autres remarques*			DUOGANA DI GENOVA MOLO VECCHIO		
Counterfoil Souche No. / N°	1	Customs Office Bureau de douane	Place Lieu	GENOLOVECCHIO GENOVA	2009 / 08 / 107	Signature and Stamp Signature et timbre

R E E X P O R T A T I O N	1. The goods described in the General List under Item No(s) Les marchandises énumérées à la liste générale sous l'item N°(s) which were temporarily imported under cover of importation vouchers (s) No(s) importés temporairement sous couvert du (des) volet(s) d'importation N°(s)			M/A		of this Carrel have been re-exported de présent carrel, ont été réexportés*
	2. Action taken in respect of goods produced but not re-exported* Mesures prises à l'égard des marchandises réexportées mais non réexportées*					
	3. Action taken in respect of goods not produced and not intended for later re-exportation* Mesures prises à l'égard des marchandises non réexportées et non destinées à une réexportation ultérieure*					
	4. Registered under reference No. / Enregistré sous le N°			DUOGANA DI GENOVA MOLO VECCHIO		
Counterfoil Souche No. / N°	1	Customs Office Bureau de douane	Place Lieu	GENOVA MOLO VECCHIO GENOVA	2009 / 09 / 15	Signature and Stamp Signature et timbre

I M P O R T A T I O N	1. The goods described in the General List under Item No(s) Les marchandises énumérées à la liste générale sous l'item N°(s)					have been temporarily imported and are imported temporarily
	2. Final date for re-exportation / production to the Customs of goods* Date finale pour la réexportation / la réexportation à la douane, des marchandises*			year / month / day année / mois / jour		/ /
	3. Registered under reference No. / Enregistré sous le N°					
	4. Other remarks* / Autres remarques*					
Counterfoil Souche No. / N°	2	Customs Office Bureau de douane	Place Lieu			Signature and Stamp Signature et timbre

R E E X P O R T A T I O N	1. The goods described in the General List under Item No(s) Les marchandises énumérées à la liste générale sous l'item N°(s) which were temporarily imported under cover of importation vouchers (s) No(s) importés temporairement sous couvert du (des) volet(s) d'importation N°(s)					of this Carrel have been re-exported de présent carrel, ont été réexportés*
	2. Action taken in respect of goods produced but not re-exported* Mesures prises à l'égard des marchandises réexportées mais non réexportées*					
	3. Action taken in respect of goods not produced and not intended for later re-exportation* Mesures prises à l'égard des marchandises non réexportées et non destinées à une réexportation ultérieure*					
	4. Registered under reference No. / Enregistré sous le N°					
Counterfoil Souche No. / N°	2	Customs Office Bureau de douane	Place Lieu			Signature and Stamp Signature et timbre

*If applicable / *S'il y a lieu