

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

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GOLDEN GATE YACHT CLUB, :
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Plaintiff, : Index No. 602446/07
:
-v.- : IAS Part 54
:
SOCIÉTÉ NAUTIQUE DE GENÈVE, : Hon. Shirley Werner Kornreich
:
Defendant, :
:
CLUB NAUTICO ESPAÑOL DE : **NOTICE OF CROSS-MOTION**
VELA, : (Oral Argument Requested)
Intervenor-Defendant. :
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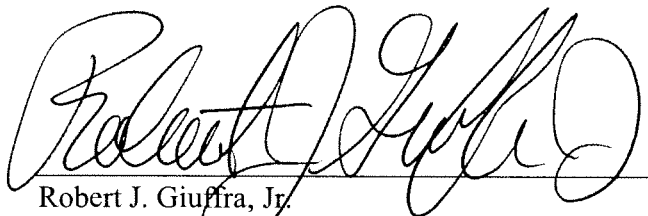
PLEASE TAKE NOTICE that upon the Declaration of Robert J. Giuffra Jr., dated January 21, 2010, and exhibits thereto; upon the Report and Declaration of John Rousmaniere, dated January 20, 2010, and exhibits thereto; upon the Affidavit of Nigel Irens, sworn to January 21, 2010, and exhibits thereto; upon the Affidavit of Duncan MacLane, sworn to January 21, 2010; upon the Affidavit of Lucien Masmajan, sworn to January 21, 2010, and exhibits thereto; upon the Affidavit of Ian Pattison, sworn to January 21, 2010; upon the Affidavit of Serge Sahli, sworn to January 21, 2010, and exhibits thereto; upon the Affidavit of Alec Tournier, sworn to January 21, 2010, and exhibits thereto; upon the Affidavit of Rolf Vrolijk, sworn to January 21, 2010; upon the affidavit of Thomas A. Whidden, sworn to January 19, 2010; and upon Defendant Société Nautique de Genève’s Memorandum of Law in Support of Cross-Motion to Enforce the April 7, 2009 Order and Judgment Regarding the Deed of Gift’s Constructed in Country, “Propelled by Sails Only,” and Notice of Challenge Requirements, a cross motion will

be made on the argument of Plaintiff's motion to "enforce" the April 7, 2009 Order and Judgment regarding the Deed's constructed in country requirement, which motion is now returnable at the New York County Courthouse, 60 Centre Street, Room 148, New York, New York, on the 28th day of February, 2010, at 9:30 a.m., or thereafter as counsel can be heard, for an Order directing that unless Plaintiff has used (i) a vessel "constructed in the country" where Plaintiff is located; (ii) a foldable fabric sail that is compliant with the Deed of Gift; and (iii) a sloop-rigged vessel – one sailing with a mainsail and foresail at all times – consistent with the certificate filed with Plaintiff's Notice of Challenge, Plaintiff shall be deemed disqualified from the 33rd America's Cup regardless of the outcome of said race.

PLEASE TAKE FURTHER NOTICE that, pursuant to CPLR 2214(b), answering papers shall be served upon the undersigned at least one (1) day prior to the return date of Plaintiff's motion.

Dated: New York, New York
January 21, 2010

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