

SUPREME COURT
 COUNTY OF NEW YORK
APPROVED
 COMMERCIAL DIVISION
 SUPPORT OFFICE
 MOT X-MOT
 PRESENT:
 CLERK'S INITIALS

At Commercial Division Part 57 of the Supreme
 Court of the State of New York, held in and for the
 County of New York, at the Courthouse located at 010037
 60 Centre Street, New York, New York, on the 28th
 day of April, 2009.

NOTICE:

The purpose of this hearing is to punish the
 accused for a contempt of court, and that such
 punishment may consist of fine, imprisonment, or
 both according to law.

SUPREME COURT OF THE STATES OF NEW YORK
 COUNTY OF NEW YORK

MOTION SEQUENCE #007

GOLDEN GATE YACHT CLUB,

 Plaintiff,

 -against-

 SOCIETE NAUTIQUE de GENEVE,

 Defendant,

 CLUB NAUTICO ESPAÑOL DE VELA,

 Intervenor-Defendant.

Index No. 602446/07

**ORDER TO SHOW CAUSE
 TO ENFORCE ORDER
 AND JUDGMENT AND
 FOR CONTEMPT**

YEAR	AMOUNT
2007	45.00
2008	45.00
2009	45.00

FILED
 09 APR 27 2:36 PM 09-3

Pursuant to Judiciary Law § 756 and this Court's inherent remedial authority,
 please take notice that the purpose of this hearing, *inter alia*, is to punish Defendant Societe
 Nautique de Geneve ("SNG") for a contempt of court and such punishment may consist of a fine
 or imprisonment or both according to law.

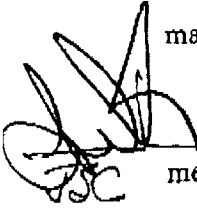
WARNING:

**YOUR FAILURE TO APPEAR IN COURT MAY RESULT IN
 YOUR IMMEDIATE ARREST AND IMPRISONMENT FOR
 CONTEMPT OF COURT.**

This document has
 NOT been
 E-Filed

NOW, upon reading the annexed affirmation of James V. Kearney, sworn to on April 27, 2009, and the exhibits thereto, and upon the accompanying Memorandum of Law, dated April 27, 2009, and upon all prior proceedings heretofore had herein, it is hereby:

ORDERED, that SNG show cause before this Court, at Commercial Division Part 54, Courtroom 418, at the Supreme Court of the State of New York, County of New York located at 60 Centre Street, New York, New York on the 14 day of May, 2009 at 9:30 o'clock or as soon thereafter as counsel can be heard why an order should not be made and entered: (i) holding SNG in contempt for its willful and intentional refusal to comply with the order and judgment of this Court dated April 7, 2009 entered pursuant to the direction of the Court of Appeals in its Remittitur dated April 2, 2009 ("Order and Judgment"); (ii) imposing upon SNG a fine in the maximum amount permitted by statute; (iii) awarding Plaintiff Golden Gate Yacht Club ("GGYC") its attorney's fees and expenses incurred in bringing this motion for contempt pursuant to Judicial Law § 773; (iv) ordering SNG to purge itself of its violation of the Order and Judgment by issuing, within five days of service of a copy of this Court's order directing the same, with notice of entry, upon the attorneys for SNG, a public announcement and verifying to GGYC in writing that, as required by the Order and Judgment, it has scheduled the first race for the next America's Cup match for February 8, 2010, the second for February 10, 2010 and the third, if required, for February 12, 2010; and (v) for such other and further relief as this Court may deem just and proper; and it is further

 **ORDERED**, that Defendant SNG shall serve any opposing affidavits and memoranda by personal service and electronic mail no later than the 11 day of May, 2009, and that Plaintiff GGYC shall ~~serve any reply affidavits and memoranda by personal service and electronic mail no later than the day of, 2009,~~ and it is further

JSC

ORDERED, that a copy of this Order to Show Cause, together with the papers

upon which it is based, shall be served by personal service and electronic mail upon Simpson Thacher & Bartlett LLP, Attn: Barry R. Ostrager, as Counsel for SNG, at its offices located at 425 Lexington Avenue, New York, NY 10017-3954 (bostrager@stblaw.com), on or before the 29 day of April 2009, which shall be deemed good and sufficient service.

ENTER:

[Signature]

J.S.C.

**ORAL ARGUMENT
DIRECTED**

[Signature]

J.S.C.