



Mr. Marcus Young Commodore  
The Golden Gate Yacht Club  
#1 Yacht Road  
San Francisco  
California 94123  
USA

6 July 2009

## 33<sup>rd</sup> America's Cup

Dear Commodore,

We write to correct your erroneous letter of June 19, 2009 and to address news reports of a recent interview with Russell Coutts.

In the June 19 letter, you curiously claimed that naming a Northern Hemisphere venue other than Valencia without your “*express agreement*” would “*flaunt the Deed of Gift and/or the Court's Judgment and Orders.*” This statement is baseless.

To be perfectly clear: the last court orders of Justices Kornreich and Cahn stated that SNG is entitled to select Valencia “*or any other location*” for the next Cup, without qualification or limitation. “*Any other location*”, of course, includes any Northern or Southern Hemisphere venue. The orders also make clear that SNG has until 6 months prior to the race of the next Cup to announce a location. SNG will specify Valencia or any other venue in the Northern or Southern Hemisphere in due course.

We also take issue with a report of an interview of Russell Coutts that appears in the August, 2009 issue of Seahorse Magazine. When asked, “[D]o you feel bound by the 90ft x 90ft dimension of the challenge document?” Mr. Coutts stated, “*We won't exceed the dimensions as stipulated. The Deed is clear that you are not allowed to exceed the dimensions.*”

This is, of course, a blatant misreading of the requirements of the orders and the Deed of Gift. The Deed, as Justice Kornreich reiterated at the May 14, 2009 hearing, expressly requires GGYC to challenge in, and provide a Custom House Registry for, a challenge vessel that conforms exactly to the measurements contained in the boat certificate that accompanied GGYC's notice of challenge. As Justice Kornreich said at the hearing, and as we noted in our letter of May 26:





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I am stating right now that ... the Deed does require that the vessel conform to the challenge dimensions. If the [Custom House Registry] does not conform to the challenge dimensions, it is this Court's belief, and my direction, that Golden Gate will be disqualified, and I am directing Golden Gate, in good faith, to abide by the Deed, to make application for the CHR as soon as possible and providing it as soon as possible. That's the order of the Court.

Should you challenge in a vessel that does not conform to the challenge dimensions, we will seek your GGYC's immediate disqualification. We look forward to the immediate receipt of the Custom House Registry.

Your letter and Mr. Coutts' interview make clear that your favored means to compete for the Cup is through litigation. We encourage you to stop these tactics and agree to meet us on the water in a boat that conforms exactly to those dimensions listed in the Challenge.

In the same interview Mr. Coutts said that the challenge received by SNG from Circolo Vela di Gargnano (CVG) was "*unrealistic*". As far as we know you have not responded to the latest letter of CVG dated June 12, 2009. Please advise as soon as possible if GGYC is going to give the opportunity to other challengers to compete in the 33rd America's Cup or will continue to exclude challengers from competition.

Yours sincerely,

Fred Meyer  
Vice-Commodore  
and Chairman of America's Cup Committee

Alec Tournier  
General Secretary

