

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

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GOLDEN GATE YACHT CLUB, :
 :
 :
 Plaintiff, :
 : INDEX NO. 602446/07
 v. :
 : IAS Part 54
 SOCIÉTÉ NAUTIQUE DE GENÈVE, :
 :
 : Hon. Shirley Werner Kornreich
 Defendant, :
 :
 : **AFFIRMATION OF**
 v. : **BARRY R. OSTRAGER**
 :
 CLUB NÁUTICO ESPAÑOL DE VELA, :
 :
 :
 Intervenor-Defendant. :
 :
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BARRY R. OSTRAGER, an attorney duly admitted to practice law before the Courts of the State of New York, hereby affirms under penalty of perjury:

1. I am a member of the firm Simpson Thacher & Bartlett LLP, counsel to Société Nautique de Genève (“SNG”) in the above-captioned action. I submit this Affirmation, in further support of SNG’s Opposition to Golden Gate Yacht Club’s (“GGYC”) Motion to Enforce the April 7, 2009 Order and Judgment, Renew Its Sailing Rules Motion, and to Permit Disclosure of SNG’s 33rd America’s Cup Agreement (the “Motion”).
2. Attached hereto as Exhibit A is a true and correct copy of the Memorandum Decision and Order of this Court dated July 29, 2009.
3. Attached hereto as Exhibit B is a true and correct copy of a letter from Fred Meyer and Alec Tournier of SNG to Marcus Young of GGYC dated August 6, 2009.
4. Attached hereto as Exhibit C is a true and correct copy of the Deed of Gift.
5. Attached hereto as Exhibit D is a true and correct copy of the Affidavit of Fred Meyer dated July 20, 2009, without exhibits.

6. Attached hereto as Exhibit E is a true and correct copy of the Affidavit of Tom Schnackenberg dated July 20, 2009.

7. Attached hereto as Exhibit F is a true and correct copy of *Mercury Bay Boating Club, Inc. v San Diego Yacht Club*, No. 21299/87 (N.Y. Sup. July 25, 1988).

8. Attached hereto as Exhibit G is a true and correct copy of a letter from James V. Kearney of Latham & Watkins LLP to Jon Youngwood of Simpson Thacher & Bartlett LLP dated August 18, 2009.

9. Attached hereto as Exhibit H is a true and correct copy of a letter from George Schuyler to James Smith Esq., Chairman, America's Cup Committee, New York Yacht Club dated September 24, 1887.

10. Attached hereto as Exhibit I is a true and correct copy of the Transcript of a Hearing before this Court, in the above-captioned matter, on August 10, 2009.

11. Attached hereto as Exhibit J is a true and correct copy of an article from the New York Times entitled A Question of Fair Play, dated May 14, 1890.

12. Attached hereto as Exhibit K is a true and correct copy of a letter from Marcus Young and Norbert Bajurin of GGYC to SNG, dated July 11, 2007, attaching GGYC's Notice of Challenge and GGYC's Certificate of Name, Rig, and Specified Dimensions of Challenging Vessel.


13. Attached hereto as Exhibit L is a true and correct copy of a BMW ORACLE Racing press release, "BMW ORACLE Racing back on the water in San Diego," dated July 6, 2009.

14. Attached hereto as Exhibit M is a true and correct copy of a BMW ORACLE Racing press release, "BMW ORACLE Racing starts on-water testing program in San Diego," dated July 8, 2009.

15. Attached hereto as Exhibit N is a true and correct copy of a Transcript of the BMW Oracle Racing press conference held in Munich, Germany, on July 16, 2008.

16. Attached hereto as Exhibit O is a true and correct copy of the Transcript of a Hearing before this Court, in the above-captioned matter, on July 21, 2009.

Dated: September 18, 2009

By: 
Barry R. Ostrager