

# DECISION

Request No.: 04

## Protest and Request for Redress

Event: 2023 Star World Championship Race Number: 4  
Hearing Schedule: 2023-09-23 19:15

### PARTIES AND WITNESSES

Request No.: 04: Star - 8516 - Gemmasofia - Marco Viti

Star - 8570 - Brian O'Mahony

### VALIDITY

**Objection to Jury:** No

**Within Time Limit:** Within Time Limit

**Incident Identified:** Yes

**Proper Hail:** Protest hailed

**Red Flag Displayed:** Yes

**Decision:** Request Valid

### PROCEDURAL MATTERS

- Alessandro Cattaneo, the crew of ITA 8516 attended the hearing as a witness about validity for ITA 8516.
- The request of a hearing was lodged by the application of RRS, that actually doesn't work, and for this reason the form result empty.
- The description of the incident due to technical issue was lodged before the hearing started in writing on a paper, accordingly to SI 17.2.

### FACTS FOUND

1. Wind 14 kts, 1 mt. wave. Race 4.
2. ITA 8516 was sailing close hauled on starboard. USA 8570 was sailing close hauled on port. The boats were on collision course.
3. When USA 8570 was at less than 1.5 boat lengths from ITA 8516, USA 8570 bore away.
4. A contact occurred between the bow of USA 8570 and the ITA 8516's port aft side of his hull. After that contact, the USA 8570's bow also did hit ITA 8516's boom and mainsail.
5. The contact caused a hole of ITA 8516's port aft side of his hull, and the main sail of ITA 8516 was broken in 2 parts.
6. At the moment of the incident, ITA 8516 was approximately in 25th position.
7. Both ITA 8516 and USA 8570 retired from the race.

**Diagram:** Diagram not endorsed

### CONCLUSIONS AND RULES THAT APPLY

**Rules:** RRS 10, 14, 44.1(b), 62.1(b).

1. USA 8570 on port failed to keep clear of ITA 8516 on starboard, and broke RRS 10
2. USA 8570 did not avoid contact when it was reasonably possible, and broke RRS 14.
3. It was not reasonably possible for ITA 8516, the right-of-way boat to avoid contact with USA when it was clear that USA was not keeping clear. ITA did not break RRS 14.
4. Since USA 8570 caused serious damage, her penalty was to retire as required by RRS 44.1(b). By retiring from the race, USA 8570 took the appropriate penalty.
5. ITA 8516's score in race 4 was made significantly worse through no fault of her own by physical damage because of the action of USA 8570 that was breaking RRS 10 and 14 and took an appropriate penalty.

**DECISION****Date & Time:** 2023-09-23 19:53 CEST

- The protest is upheld. Since USA 8570 took an applicable penalty, she is not further penalized under RRS 64.2(a).
- Redress is given to ITA 8516. ITA 8516 is to be scored in race 4, points equal to the average, rounded to the nearest tenth of a point (0.05 to be rounded upward), of her points in all races in the series except race 4. No other boat's score shall change.

**PROTEST COMMITTEE****Committee Type** International Jury**Chaired By:** Ewa Szyfter (POL)**Committee Members:** Luigi Bertini (ITA), Andrus Poksi (EST), Hans Vengberg (DEN), Antonio Rutoli (ITA)**Printed:** 04 Oct 19:30