

Protest

Protest No: 13

Received At: 2021-07-15 12:12 PDT

1. Event Name: Sunset Series

Protest On: 2021-07-14

Race No: 8

2. Hearing Type

- | | |
|---|--|
| <input checked="" type="checkbox"/> Protest | <input type="checkbox"/> Request to Reopen |
| <input type="checkbox"/> Protest by RC | <input type="checkbox"/> Reopening by PC |
| <input type="checkbox"/> Protest by PC | <input type="checkbox"/> Request for Redress |
| <input type="checkbox"/> Protest by TC | <input type="checkbox"/> Request for Redress by RC |

3. Protestor

PH D - Performance - USA 77303 - Syndicate - David Haas

4. Protestees

1. PH D - Performance - USA 18474 - Zulu - Team Zulu

5. Incident

Time Place: Race 8 approaching No Sail mark in MDR channel

Rules: 18.2(b), 14, 2

Witnesses:

6. Informing Protestee

Hail:

Hail When: Immediately on contact

Hail Comment: Protest Zulu

Red Flag:

Red Flag Comment Immediately on contact. Flag was in a pouch on the backstay.

Other:

Other Comment:

7. Description Of Incident

This protest was originally filed via email to the OA on 7/14/21 at 2005, within the protest deadline and compliant with rule 61.2.

Syndicate and Zulu were approaching a No Sail mark in the channel. Both boats were broad reaching on port tack with jibs poled out to port. Syndicate was overlapped to weather.

When Zulu reached the zone, Syndicate was overlapped to the inside by about $\frac{1}{2}$ to $\frac{3}{4}$ boat length with about 3-5 feet of separation. Syndicate hailed for mark-room. Zulu responded that the buoy was not a mark but an obstruction. In fact it was a mark and not an obstruction so rule 18 applied. Zulu drove close to the mark, forcing contact between Zulu and Syndicate and between Syndicate and the mark. Contact was between the rigging and sails of both boats, there was no contact between the boats' hulls. It was not reasonably possible for Syndicate to avoid contact with either Zulu or the mark, and Syndicate was sailing within the mark room to which she was entitled. It was reasonably possible for Zulu to avoid contact by bearing away and giving mark-room to Syndicate.

There was no damage or injury on either boat. Zulu broke rules 18.2(b) and 14. She did not take a penalty turn.

Syndicate immediately hailed "protest Zulu" and displayed a red flag from her backstay. Syndicate carried the red flag through the finish line.

When both boats were approaching the previous No Sail buoy Zulu hailed that the buoy was a mark. She failed to give mark-room to Syndicate at that buoy and protested when Syndicate passed the mark on the incorrect side. This interaction at the previous mark coupled with Zulu's claim that the subsequent mark was not a mark, demonstrates that Zulu intentionally and knowingly broke a rule in this incident and failed to take an appropriate penalty, breaking rule 2 (WS Case 138).

8. Damage Or Injury

There was no damage or injury.

Attachments