

# DECISION

Protest and Request for Redress

Request No.: 01

Heard Jointly With Number(s): 02

Event: Aldo Alessio / Phyllis Kleinman Swiftsure Regatta Race Number: 2  
Hearing Schedule: 2022-08-20

## PARTIES AND WITNESSES

Request No.: 01: J/105 - 26 - Donkey Jack - Rolf Kaiser

J/105 - 312 - Kestrel - Eric Pattersen

Request No.: 02: J/105 - 116 - Arbitrage

J/105 - 312 - Kestrel

## 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

- Greg Meagher has sailed on Kestrel before but has no plans to do so in the future. He has worked with Bure Stone & Rolf Kaiser on Club business.
- No objections to jury
- Hearing with #2 per 63.2.

## FACTS FOUND

1. 18 knots of wind; moderate chop.
2. At approximately 20 seconds before the starting, DONKEY JACK (26) was close-hauled on stbd approaching the starting line to start, travelling approximately 3 knots.
3. ARBITRAGE(116) was close-hauled on stbd to leeward and ahead of 26 at the pin end travelling at approximately 4.5 knots.
4. KESTRAL (312) was close reaching on port travelling at approximately 5.5 knots.
5. Starting 1/2 boat length from 116, 312 luffed rapidly.
6. 116 bore away but made contact with 312 approximately 7' fwd of 312's stern quarter on the stbd side.
7. After the contact with 116, 312 bore away and continued on port tack.
8. 26 luffed above close-hauled to avoid contact.
9. 312 made contact with 26 forward of the port shrouds.
10. Damage to 26 included a 4" hole at deck edge, 2 bent stanchions, and a broken port toe rail.
11. Damage to 116 included gel coat cracks on the bow. Future inspection may reveal additional damage.
12. Damage to 312 included damage to the deck edge approximately 7' fwd of stern quarter on stbd side.
13. Neither 26 nor 312 started Race 2.
14. Neither 116, 26, nor 312 took a penalty.
15. 26 and 312 did not start race 3.
16. 116, after stopping to inspect for damage and finding none, continued to race and finished Race 2.
17. 116 started and finished Race 3.

**Diagram:** Diagram not endorsed

## CONCLUSIONS AND RULES THAT APPLY

Rules: 10, 11, 14

1. 312, on port, was required by rule 10 to keep clear of 116 and 26 on stbd.

2. 26, on same tack and windward, was required by rule 11 to keep clear of 116.
3. 312 failed to keep clear of 116, breaking rule 10.
4. 312 failed to keep clear of 26, breaking rule 10.
5. 26 kept clear of 116 and did not break rule 11.
6. 312 could have reasonably avoided contact with 116 and 26 and did not, breaking rule 14.
7. 116 attempted to keep clear of 312 but could not reasonably avoid contact when it was clear that 312 would not keep clear and did not break rule 14.
8. 26 attempted to keep clear of 312 but could not reasonably avoided contact when it was clear that 312 would not keep clear and did not break rule 14.
9. As a result of the damage sustained in the collision with 312, 26's score was made significantly worse in Races 2 & 3 through no fault of her own, see Rule 62.1(b), and is eligible for redress.
10. 116 does not meet the requirements for redress as neither 62.1(a) or 62.1(b) apply.

**DECISION****Date & Time:** 2022-08-21 18:05 PDT

1. 312 is to be scored DSQ for Race 2
2. 26's score is to be average points (her score from Races 1, 4, 5, & 6) for Races 2 & 3 rounded to the nearest tenth of a point.
3. 116's scores are to remain unchanged.

**PROTEST COMMITTEE****Chaired By:** Greg Meagher (USA)**Committee Members:** Danielle Lawson (USA), John Christman (USA), Vickie Gilmour (USA)**Printed:** 21 Aug 18:18