

DECISION

Request No.: 07

Request to Reopen

Event: Sunset Series Race Number: 6
Hearing Date: 2021-07-05

PARTIES AND WITNESSES

Request No.: 07: PH D - Performance - USA 36014 - Big Apple - Joe Couce

PH D - Performance - USA 46380 - Avet - Curt Johnson

Witnesses: Mike Kunes, Ryan Ward

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

FACTS FOUND

Diagram: Diagram not endorsed

CONCLUSIONS AND RULES THAT APPLY

Rules:

Before the hearing the protestor was informed that he hadn't entered the event, RRS 75. Big Apple was not '*racing*'. At the beginning of the hearing the judge clarified this fact to both parties.

Because there was injury and damage it was essential for the Organizing Authority to record the facts. The hearing was opened by the chief judge, David Collins. RRS Appendix M 2.3:

Nothing in the request from the protestor satisfies RRS 66.1. There was no significant error and there is no new evidence provided in the text.

This request for reopening does not satisfy RRS 66.2 as it was delivered on 7-5-21.

It would be easy to dismiss this case because the protestor had not entered the race, however the judge provided an investigation into the detail to establish facts for the record. There was no boat-on-boat contact but the protestor did have contact with the breakwater. It was necessary to clear the protestee of any responsibility for this.

Although California Yacht Club (OA) is saddened that the incident occurred, there is no justification for reopening the hearing and this report stands. Request denied, CJ David Collins.

DECISION

Date & Time: 2021-07-06 09:37 PDT

Request for reopening does not satisfy RRS 66.2 as it was delivered on 7-5-21.

Although California Yacht Club (OA) is saddened that the incident occurred, there is no justification for reopening the hearing and this report stands. Request denied, CJ David Collins.

PROTEST COMMITTEE

Chaired By: David Collins (USA)

Committee Members: Greg Rutter (USA) Tim Clarke

