

# DECISION

Request No.: 06

## Protest

Event: Sunset Series Race Number: 6  
Hearing Date: 2021-06-30

### PARTIES AND WITNESSES

**Request No.: 06:** PH D - Performance - USA 36014 - Big Apple - Joe Couce

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

**Witnesses:** Mike Kunes, Ryan Ward, Ashley Miller (crew)

### 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

California Yacht Club

Race #6 Sunset Series, 2021-06-30

Protest 6

Protest by boat against boat

Protestor PHRF "D" sail # 36014, BIG APPLE, represented by Joe Couce, Skipper Protestee PHRF "D" sail # 46380, AVET, represented by Curt Johnson, Skipper

Time and place, 2021-6-30, 7:15 pm, at the south end of the MdR detached breakwater (see 2 attached jpg's). The black models show the breakwater. The wind was 235 at 6 knots, directly down to the breakwater)

#### Significant facts found before the hearing started:

- 1 Big Apple did not enter Sunset Series correctly and did not appear on the entry list, although she had raced in previous Sunset Series 2021 races.
- 2 Big Apple hit the breakwater causing considerable damage to the boat and injuring crew members.
- 3 Because of the accident it was necessary to file a report. It was decided that this protest be heard to learn in much greater detail why the accident happened.
- 4 Although the protest was otherwise judged valid, Chief Judge, David Collins, clarified at the outset to both parties that the Big Apple had not correctly entered the event.

#### Facts found:

1. Wind 6 knots
2. Sea state, light chop
3. Both boats approached the breakwater downwind to round the south end to port.
4. Both boats flying spinnakers, Big Apple symmetrical, Avet asymmetrical.
5. Avet clear ahead at zone on starboard, Big Apple on port.
6. Avet crossed Big Apple and gybed to port, dousing spinnaker.

7. Big Apple rounded mark on port as she doused her spinnaker.
8. Big Apple now windward boat, but below breakwater, hit the rocks forming the breakwater a few lengths from the mark.

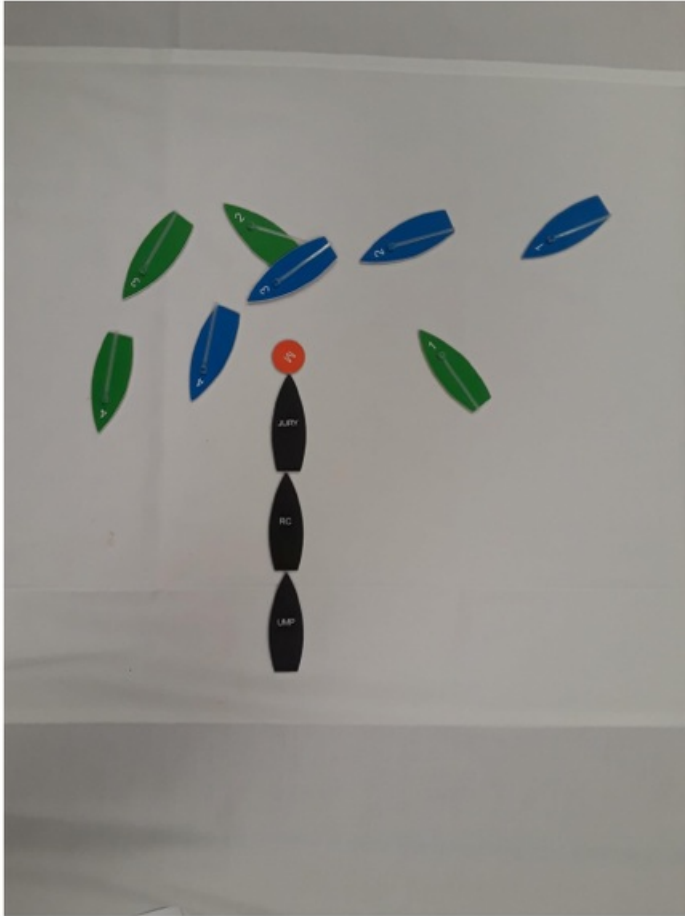
See 2 attached images, wind from right to left in both images



Protestor version above (Avet green, Big Apple blue, breakwater black/orange)

protest 6, 6-30-2021 SS (dragged).pdf 101 KB

Protestor version above (Avet green, Big Apple blue, breakwater black/orange)



Protestee version above (Avet green, Big Apple blue, breakwater black/orange)

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protest 6, 6-30-2021 SS (dragged) 2.pdf 99.9 KB

Protestee version above (Avet green, Big Apple blue, breakwater black/orange)

**Diagram:** Protest Committee diagram attached

#### CONCLUSIONS AND RULES THAT APPLY

##### Rules:

1. Big Apple was not legally racing, although Avet had no knowledge of this, NOR 5.2, 5.3 RRS 75
2. Avet did not change course to cause Big Apple to adjust, RRS 19.1, 19.2, 2, 69

#### DECISION

**Date & Time:** 2021-06-30 21:30 PDT

1. No penalty on Avet
2. Big Apple not registered in the event on 6-30-21

#### PROTEST COMMITTEE

**Chaired By:** David Collins (USA)

