

# DECISION

Protest

**Request Number: 5**

**Heard Jointly With Number(s): 6, 7**

**Event:** Etchells World Championship    **Race Number:** 4  
**Hearing Date:** 2017-09-28

## PARTIES AND WITNESSES

**Initiator:** Etchells - USA 1137 - La Tormenta - Shannon W Bush

**Respondent(s):** Etchells - HKG 1243 - gunga din - nick burns  
Etchells - AUS 1435 - 1435 - JEANNE-CLAUDE STRONG

**Witnesses:** Paul Zupan - International Jury witness

## 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

1. USA entered the zone of a leeward gate mark on starboard preparing for a starboard rounding
2. USA was clear ahead of AUS and HKG
3. AUS entered the zone on port sailing faster, overlapped inside of HKG sailing slowly on starboard
4. As USA rounded the mark and altered to close-hauled, AUS was closest to the mark overlapped inside HKG who was overlapped inside USA
5. USA made contact with HKG - no damage
6. No boats took penalty turns

**Diagram:** Diagram not endorsed

## CONCLUSIONS AND RULES THAT APPLY

1. USA was entitled to markroom by AUS and HKG
2. AUS was entitled to markroom by HKG
3. USA broke RRS 16.1 while she was sailing within the mark-room to which she was entitled but is exonerated under RRS 21(b)
4. HKG as outside overlapped boat at the zone, failed to give AUS mark-room, breaking RRS 18.2(b)
5. HKG as clear astern boat at the zone, failed to give USA mark-room, breaking 18.2(b)
6. It was not reasonably possible for USA, [a boat entitled to mark-room], to avoid contact with HKG when it was clear that HKG was not giving mark-room] and did not break RRS 14
7. AUS broke RRS 18.2(b) by not giving USA mark-room to which she was entitled but because she was compelled to do so by HKG's breach, AUS is exonerated under RRS 64.1(a).

## DECISION

Protest Upheld  
HKG DSQ race 4

**Date & Time:** 2017-09-27 19:42 PDT

## PROTEST COMMITTEE

**Chaired By:** Dick Watts (USA)

**Committee Members:** Luca Babini (ITA), Ron Barak (ISR), Douglas Sloan (USA), Paul Zupan (USA)

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