

Protest and Request for Redress

Protest No: 06

Received At: 2023-09-07 15:25 PDT

1. Event Name: 2023 RVYC Wednesday Night Racing

Protest On: 2023-09-06

Race No: first race

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 checked="" type="checkbox"/> Request for Redress |
| <input type="checkbox"/> Protest by TC | <input type="checkbox"/> Request for Redress by RC |

3. Protestor

Martin 242 - Martin 242 - 65 - Midnight - Monte Paulsen

4. Protestees

1. Martin 242 - Martin 242 - 13 - Back in Black - Phillip Cragg
2. Martin 242 - Martin 242 - 8 (?) - Simply Red - Matt Sullivan

5. Incident

Time Place: First race, English Bay, Wednesday night

Rules: Rules 10 and 14

Witnesses: multiple witnesses available

6. Informing Protestee

- Hail:**
 - Hail When:** hailed race committee at end of race, told skippers when on shore
 - Hail Comment:** protest, serious damage
- Red Flag:**
 - Red Flag Comment** evening of the race
- Other:**
 - Other Comment:** told race committee boat at finish line, told skippers ashore at KYC

7. Description Of Incident

Midnight was approaching the upwind mark from the north (the bay side). Midnight was on starboard tack and was sailing high enough to clear the mark. There was good wind and Midnight was sailing upwind at approximately 5.5 knots over ground. Midnight had already made its spinnaker pole and crew was preparing for the hoist. Midnight was maintaining a lookout and was approximately three boat lengths from the mark when this incident occurred.

Simply Red approached from the south (the beach side). Simply Red was on port tack. Both the lookout (Ignacio) and skipper (Monte) saw Simply Red cut in front of Midnight. Midnight was forced to take evasive action to avoid a collision with Simply Red. Midnight's skipper saw open water behind Simply Red. Midnight ducked Simply Red in order to avoid a collision.

By the time Midnight's bow was astern of Simply Red, Back in Black had moved into the space immediately behind Simply Red, in Red's port quarter. Midnight attempted to also duck Back in Black, but there was not room. Midnight struck the starboard side of Back in Black.

Midnight did not observe Back in Black take evasive action.

Words were exchanged. Both Simply Red and Back in Black did 360 turns shortly thereafter.

Midnight suffered serious damage. Midnight's pulpit was twisted and ripped from the deck, leaving open holes in the deck. Midnight's bow was damaged. Midnight's roller furler was pressed into the deck, and no longer operable.

Back in Black suffered extensive cosmetic damage. A long scratch in the topsides shows that Midnight was attempting to bear away to port when the collision took place.

Midnight was left in irons. It took several minutes to assess the damage and get back underway.

Midnight notified the committee boat that it was filing a protest against Back in Black and another boat. This notice was provided orally on the water.

Midnight attempted to continue racing, but was unable to furl or lower its jib as a result of the damage. Midnight withdrew after the second race.

Midnight skipper Monte and Back in Black skipper Phillip spoke at KYC immediately after the race. Phil agreed the damage was serious and offered to do fiberglass repair to Midnight.

Monte spoke with Simply Red skipper Matt about an hour later at RVYC. Matt agreed to help with repair costs.

8. Damage Or Injury

No one was injured.

Midnight suffered serious damage to pulpit, roller furler, and foredeck. Photos attached.

Back in Black suffered a long gouge/scratch to starboard topside.

Attachments



[photo of damaged bow on Midnight](#)



[photo of where troller furler was pressed into foredeck](#)



[detail of foredeck damage on Midnight](#)



[photo of foredeck damage on Midnight](#)



[photo of pulpit damage on Midnight](#)