

Request to Reopen and Request for Redress

Protest No: 22

Received At: 2022-09-03 08:31 ADT

1. Event Name: 2022 49er, 49erFX and Nacra 17 World Championships

Protest On: 2022-09-03

Race No: 5

2. Hearing Type

- | | |
|--|---|
| <input type="checkbox"/> Protest | <input checked="" 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

49erFX - CAN 6 - Antonia Lewin-LaFrance

4. Protestees

1. 49erFX - FRA 9
2. 49erFX - JPN 586

5. Incident

Time Place: Immediately after first windward mark rounding; Race 5

Rules:

Witnesses:

6. Informing Protestee

- Hail:
Hail When: Hailing
Hail Comment: Protest FRA 9, Protest JPN 586
- Red Flag:
Red Flag Comment
- Other:
Other Comment:

7. Description Of Incident

We request reopening protest #9. We acquired new footage of the incident. This footage shows that we did not luff FRA9 and initiate contact which led to our disqualification (fact found #5 and conclusion #4).

As per conclusion #9, JPN586 was disqualified for causing serious damage to our spinnaker. The rip in our spinnaker after the incident increased in size and the spinnaker became unusable (fact found #10). A meter long tear through the bottom of the spinnaker, directly through the lower grommet, made us unable to douse our kite completely. We tried to sail upwind with the spinnaker not completely doused, but due to the nature of the damage, the kite fell out of the spinnaker bag, was sucked under our boat, and caused us to capsize (pitch pole) on the second upwind leg.

The damage to our spinnaker, as outlined in the decision of the protest, was serious and was a result of the contact with Japan, and not through a fault of our own.

We made every effort to continue the race until it became clear when we capsized that our spinnaker was completely unusable. Any effort to continue to sail the course, which would have included sailing a complete downwind leg with an unusable spinnaker in all likelihood would have resulted in us not making the time limit for the race, and potentially not having time to replace the spinnaker for the next race. It was at this time that we retired from the race.

We maintain that the tear in the spinnaker as a result of the contact with Japan, was not through a fault of our own, and thus request consideration for redress.

8. Damage Or Injury

Ripped spinnaker. Not repairable.

Attachments