

# DECISION

Request Number: 32

## Protest

Event: Kieler Woche 2019 Race Number: 6

Hearing Date: 2019-06-24

### PARTIES AND WITNESSES

**Initiator:** OK Europeans - GER 8 - R. Foest

**Respondent(s):** OK Europeans - DEN 1419  
OK Europeans - DEN 70

### 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. Approaching windward mark 1, DEN 1419 was on starboard tack on the starboard layline.
2. GER 8 was on starboard overlapped to windward and behind DEN 1419.
3. There were other boats behind GER 8 on the layline.
4. DEN 70 on port approaching the starboard layline on a course to collide with the aft half of the hull of DEN 1419.
5. With less than 1/2 boat length of separation, DEN 1419 luffed away from DEN 70.
6. DEN 1419 passed head to wind.
7. With 2m separation from DEN 1419, GER 8 also luffed
8. After reaching close hauled, DEN 1419 began to capsize as a result of the drastic maneuver.
9. As GER 8 passed the bow of DEN 1419, the bow of DEN 1419 tore through the main sail of GER 8.
10. DEN 70 retired from the race.
11. GER 8 was unable to complete the race or sail the next race.
12. GER 8 sailed the 8th race with a different sail.

**Diagram:** Diagram not endorsed

### CONCLUSIONS AND RULES THAT APPLY

1. DEN 70 on port failed to keep clear of DEN 1419 on starboard, as required by RRS 10, but took an appropriate penalty by retiring (RRS 44.1(b)).
2. DEN 1419 on port failed to keep clear of GER 8 on starboard, as required by RRS 10.
3. It was not reasonably possible for GER 8, the right-of-way boat, to avoid contact with DEN 1419 when it was clear that DEN 1419 was not keeping clear and did not break RRS 14.
4. DEN 1419 was compelled to break a rule by the actions of DEN 70 and is exonerated under RRS 64.1.
5. Because of physical damage caused by DEN 1419 breaking a rule of Part 2 GER 8's score was made significantly worse through no fault of her own.

### DECISION

Protest Upheld

No further penalty to DEN 70.

GER 8's request for redress is granted. GER 8 is to be scored in races 6 & 7 points equal to the average, rounded to the nearest tenth of a point (0.05 to be rounded upward), of her points in races 1-8, except races 6 & 7. This shall not change the score of the other boats.

**Date & Time:** 2019-06-24 21:15 CEST

### PROTEST COMMITTEE

**Chaired By:** Tracy Heritage (AUS)

**Committee Members:** Paul Zupan (USA), Ron Barak (ISR), Michal Jodlowski (POL), Danielle Lawson (USA)

