

# DECISION

Request Number: 06

## Protest

Event: J/70 World Championship Race Number: 3

Hearing Date: 2018-09-26

### PARTIES AND WITNESSES

**Initiator:** J 70 - Open - USA 381 - Tea Dance Snake - Peter Bowe

**Respondent(s):** J 70 - Corinthian - ARG 1188 - Manuto - Lucas Authier

**Witnesses:** Warren Nethercoate, Jury Member

### VALIDITY

**Objection to Jury:** No

**Within Time Limit:** Within Time Limit

**Incident Identified:** Yes

**Proper Hail:** Protest hailed Immediately

**Red Flag Displayed:** Yes Within boat length of incident

**DECISION:** Request Valid

### PROCEDURAL MATTERS

### FACTS FOUND

1. The hearing was conducted without the protestee under RRS 63.3(b).
2. USA 381 was sailing on starboard approaching the second windward mark.
3. ARG 188 was sailing on port on a collision course with USA 381.
4. ARG 188 tacked to leeward of USA 381 but collided with USA 381 prior to completing her tack.
5. ARG 188 made contact with USA 381 2 to 3 feet from her stern on the port quarter.
6. USA 381 suffered damage in the form of cracked gel coat and compressed laminate as a result of the collision.
7. Neither boat took a penalty.

**Diagram:** Diagram not endorsed

### CONCLUSIONS AND RULES THAT APPLY

1. After passing head to wind and before being on a close-hauled course, ARG 188 failed to keep clear of USA 381, as required by RRS 13.
2. ARG 188 failed to avoid contact with USA 381 as required by RRS 14.
3. It was not reasonably possible for USA 381, the right-of-way boat, to avoid contact with ARG 188 when it was clear that ARG 188 was not keeping clear.

### DECISION

Protest Upheld.  
ARG 188 to be scored DSQ for race 3.

**Date & Time:** 2018-09-26 18:02 EDT

### PROTEST COMMITTEE

**Chaired By:** Stephen Wrigley (USA)

**Committee Members:** Luca Babini (ITA), Warren Nethercote (CAN), Leo Reise (CAN), Paul Zupan (USA)

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