

DECISION

Protest

Request Number: 04

Heard Jointly With Number(s): 01, 03

Event: J/Fest **Race Number:** 2
Hearing Date: 2018-04-07

PARTIES AND WITNESSES

Initiator: J/105 - - - USA 374 - Strangelove - Justin Oberbauer

Respondent(s): J/105 - - - USA 157 - Walloping swede - Theresa Brandner
J/105 - - - USA 16 - Akula - Doug Bailey

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. Three protests involving the same incident were heard concurrently.
2. Walloping Swede approaching leeward mark inside overlapped on Strangelove who was inside overlapped on Akula all on port jibe.
3. Mark was a fixed government mark.
4. 10-12 knot breeze.
5. 1-2 knot current was sweeping boats from leeward to windward toward the mark as they rounded it.
6. After passing the mark, Akula changed course to weather.
7. Strangelove did not have room to keep clear due to the presence of Walloping Swede.
8. Akula collided with Strangelove. Akula's port aft quarter was damaged by the spinnaker pole on Strangelove.
9. Due to the collision, Strangelove collided with Walloping Swede. Causing damage to the stanchions on Walloping Swede.
10. Walloping Swede passed the mark with 2 feet of clearance.
11. Akula has a crack above the waterline that penetrates through the hull.
12. Strangelove had a scratch on the spinnaker pole
13. Walloping Swede has a skuff mark and damage to multiple stanchions and the deck plate.

Diagram: Diagram not endorsed

CONCLUSIONS AND RULES THAT APPLY

1. Akula, as outside overlapped boat at the zone, failed to give Strangelove mark-room, as required by RRS 18.2(b)
2. Although it was reasonably possible, Akula did not avoid contact with Strangelove, as required by RRS 14.
3. Strangelove as outside overlapped boat at the zone, failed to give Walloping Swede mark-room, as required by RRS 18.2(b)
4. It was not reasonably possible for Strangelove to avoid collision with Walloping Swede or Akula.
5. Strangelove was compelled to break a rule and collided with Walloping Swede due to the actions of Akula and is exonerated under RRS 64.1.
6. Akula's contact with Strangelove caused serious damage and was avoidable.
7. Strangelove's contact with Walloping Swede caused serious damage
8. A photo of the incident was provided that was not conclusive.

DECISION
Akula is DSQ.

Date & Time: 2018-04-07 18:45 PDT

PROTEST COMMITTEE

Chaired By: Thomas Allard (USA)

Committee Members: Dick Watts (USA), Danielle Lawson (USA), Thomas Allard (USA)