

# DECISION

Request No.: 01

## Protest and Request for Redress

Event: 2021 Cabrillo Ocean Series Race Number: 4  
Hearing Date: 2021-04-01

### PARTIES AND WITNESSES

**Request No.: 01:** PHRF - 2 - USA 56440 - Aeolos - Greg Price

PHRF - 2 - USA 43513 - B'Quest - Keith Ericson

**Witnesses:** Aeolos - Peter Corrigan (trimming spinnaker); Creative - Carlos de la Lama (mast man)

**Interpreters:** N/A

### VALIDITY

**Objection to Jury:** No None

**Within Time Limit:** Within Time Limit

**Incident Identified:** Yes

**Proper Hail:** Protest hailed

**Red Flag Displayed:** Yes

**Decision:** Request Valid

### PROCEDURAL MATTERS

Both on board; no objections to jurors;  
The SIs delete the US Sailing prescription to RRS 63.2.  
The SIs 18.2 specified that RRS 44.3 applied.

### FACTS FOUND

1. Wind speed 13 knts gusting to 16 knts. Seas were calm.
2. Boat speed : Aeolos (Beneteau F44.7) 8 knts, B'Quest (Tripp 40) similar speed
3. The boats were on the first leg (Start to Mark 3) of the course.
4. Both boats were beam reaching on stbd tack, flying asym spinnakers.
5. Aeolos was just clear astern of B'Quest and 10-12 feet to windward.
6. B'Quest luffed rapidly (rounded up) in front of Aeolos.
7. Aeolos bore off to pass astern of B'Quest.
8. Aeolos' bow made contact with B'Quest's stbd side approximately 1 ft from the stern.
9. Aeolos' spinnaker pole and sprit pole were broken and anchor roller was damaged.
10. Aeolos was unable to fly her spinnaker following the incident.
11. B'Quest took a 1 turn penalty after the incident.
12. Both boats finished the race.
13. Aeolos withdrew her request for redress.

**Diagram:** Diagram not endorsed

### CONCLUSIONS AND RULES THAT APPLY

1. Aeolos to windward failed to keep clear of B'Quest to leeward, and broke RRS 11.
2. When changing course B'Quest, the right-of-way boat, failed to give Aeolos room to keep clear, and broke RRS 16.1.
3. Aeolos is exonerated per RRS 43.1(a) for breaking RRS 11.
4. Aeolos could not have reasonably avoided contact and did not break RRS 14.
5. B'Quest could have avoided contact and broke RRS 14 and is not exonerated.
6. The damage to Aeolos is considered 'serious' (see WS Case 141).
7. Since B'Quest caused serious damage by her breach, her penalty was to retire as required by RRS 44.1(b).

### DECISION

B'Quest is disqualified and to be scored DSQ in race 4.

Date & Time: 2021-03-31 21:42 PDT

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**PROTEST COMMITTEE**

**Chaired By:** Colleen Cooke (USA)

**Committee Members:** K Hawkins (USA), Peter Glick (USA), John Christman (USA) Charles Campbell

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