

DECISION

Protest

Request Number: 08

Heard Jointly With Number(s): 09

Event: J/Fest Race Number: 5
Hearing Date: 2018-04-08

PARTIES AND WITNESSES

Initiator: J/105 - - - USA 116 - Arbitrage - Bruce Stone

Respondent(s): J/105 - - - USA 3 - Ne*Ne - Tim Russell

Witnesses: Bruce Stone, helmsperson on Arbitrage

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. Tom Allard notified the parties of a possible conflict of interest. The parties agreed to proceed.
2. On the first downwind leg in about 20 knots of breeze.
3. Arbitrage jibed to port and luffed to pass astern of Ne*Ne
4. Arbitrage crossed close to the transom of Ne*Ne, and then bore down
5. Within 2 boatlengths of Arbitrage, Ne*Ne also on port luffed.
6. Arbitrage luffed abruptly.
7. Ne*Ne luffed continuously.
8. The boom of Arbitrage hit the stanchions of Ne*Ne
9. The stanchion of Ne*Ne was damaged.

Diagram: Diagram not endorsed

CONCLUSIONS AND RULES THAT APPLY

1. Arbitrage to windward failed to keep clear of Ne*Ne to leeward, as required by RRS 11.
2. Although it was reasonably possible, Ne*Ne, the right-of-way boat, did not avoid contact with Arbitrage when it was clear that Arbitrage was not keeping clear, as required by RRS 14
3. The collision caused damage.

DECISION

Date & Time: 2018-02-08 18:50 PST

1. Protest Upheld, Arbitrage DSQ and Ne*Ne DSQ

PROTEST COMMITTEE

Chaired By: Dick Watts (USA)

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

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