

DECISION

Protest

Request No.: 01

Heard Jointly With Number(s): 02, 03

Event: 32 St.Nicholas Regatta 2023 Race Number: 2
Hearing Schedule: 2023-12-08 15:40

PARTIES AND WITNESSES

Request No.: 01: Optimist - Blu - ITA ITA 9668 - Giulio Mattanini

Optimist - ITA ITA 9925 - Mattia Di Martino

Optimist - A blu - CRO CRO 1277 - Tonka Kostelic

Request No.: 03: Optimist - Blu - ITA ITA 9668 - Giulio Mattanini

Optimist - Blu - ITA ITA 9925 - Mattia Di Martino

Request No.: 02: Optimist - Blue - ITA ITA 9925 - Mattia Di Martino

Blue - Cro 1277

Witnesses: AUT 2035

VALIDITY

Objection to Jury: No

Within Time Limit: Within Time Limit

Incident Identified: Yes

Proper Hail: Protest hailed

Red Flag Displayed: Not required

Decision: Request Valid

PROCEDURAL MATTERS

Hearing No. 1 was heard together with Hearing No. 2 and 3 in accordance with RRS 63.2 since all hearings arose from the same incident.

Gea Barbić (coach of CRO 1277) attended the hearing as an observer.

Lorenzo Migliori (coach of ITA 9668) provided video evidence.

FACTS FOUND

1. Race no. 2, at the gate
2. Wind about 6 knots
3. All four boats were on starboard, on the run and coming towards mark 3, which is to be left to starboard
4. At 5 lengths from the mark, all boats were overlapped
5. ITA 9668 was the windward boat
6. CRO 1277 was to leeward of ITA 9668
7. ITA 9925 was to leeward of ITA 9668 and CRO 1277
8. AUT 2035 was to leeward of all other boats
9. ITA 9925 entered the zone of mark 3 first, all boats were overlapped
10. All boats gybed and headed for the mark
11. AUT 2035 was overlapped with ITA 9925, and both were clear ahead of CRO 1277 and ITA 9668, who were overlapped
12. AUT 2035 sailed wide around the mark, ITA 9925 gybed and started to round the mark closely.
13. CRO 1277 was inside overlapped with ITA 9925, had to gybe and hit the mark and ITA 9925
14. ITA 9668 gybed before the mark behind CRO 1277, then tacked and gybed, rounding the mark after all other boats
15. ITA 9668 and CRO 1277 took a one turn penalty
16. There was no damage or injury

Diagram: Diagram not endorsed

CONCLUSIONS AND RULES THAT APPLY

Rules: 14, 18.2(b), 18.2(c)(1), 43.1(a)

1. ITA 9925, outside overlapped at the zone, failed to give CRO 1277 mark-room, and broke RRS 18.2(b).
2. CRO 1277, outside overlapped at the zone, failed to give ITA 9668 mark-room, and broke RRS 18.2(b). However, she was compelled to do so as a consequence of ITA 9925 breaking RRS 18.2(b), so she is exonerated under RRS 43.1(a) for this breach.
3. It was not reasonably possible for CRO 1277, the boat sailing within the mark-room to which she was entitled to avoid contact with ITA 9925 when it was clear that 9925 was not giving mark-room. CRO 1277 did not break RRS 14.
4. Since CRO 1277 was compelled to break RRS 31 as a consequence of ITA 9925 breaking RRS 18.2(b), she is exonerated under RRS 43.1(a) for this breach.

DECISION

ITA 9925 is DSQ in race 2.

Date & Time: 2023-12-08 17:00 CET

PROTEST COMMITTEE

Committee Type International Jury

Chaired By: Michal Zak (CZE)

Committee Members: Franco Battistin (CRO), Miroslav Bjelajac (CRO), Slobodan Golubovski (SRB), Graham Louth (GBR)

Printed: 12 Dec 12:11