

DECISION

Request Number: 10

Reopening by PC

Event: J/Fest Race Number: 5

Hearing Date: 2018-04-09

PARTIES AND WITNESSES

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

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

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. After closing the hearing for Protests 08 and 09, the Protest Committee reviewed Case 92, Case 93 and US Appeal 108.
2. The Protest Committee failed to consider Rule 16 in its previous decision on Protests 08 and 09.
3. The Protest Committee was comprised of the judges that heard the original hearing per RRS 66.

Diagram: Diagram not endorsed

CONCLUSIONS AND RULES THAT APPLY

1. The protest committee made a significant error in not considering RRS 16.1 in the decisions for protests 08 and 09 and reopened the hearing per RRS 66.
2. In continuously changing her course, Ne*Ne the right-of-way boat, failed to give Arbitrage, room to keep clear, in a seamanlike way as required by RRS 16.1. (Case 92, Case 93, US Appeal 108)
3. Arbitrage was compelled to break RRS 11 by the actions of Ne*Ne and is exonerated under RRS 64.1.

DECISION

Arbitrage should receive her original score and Ne*Ne is DSQ.

Date & Time: 2018-04-08 20:52 PDT

PROTEST COMMITTEE

Chaired By: Dick Watts (USA)

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

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