

DECISION

Request No.: 01

Protest

Event: 2020 J/105 COVID Series Race Number: 1

Hearing Date: 2020-08-27

PARTIES AND WITNESSES

Request No.: 01: J/105 - 32 - Melilani - Richard Butts

J/105 - 357 - Yellowfin - Dick Maclay

Witnesses: Jay Moore (mainsheet trimmer on Melilani)

VALIDITY

Objection to Jury: No

Within Time Limit: Within Time Limit see date and time of attached "Notification of Intention to Protest Received by Committee within Limit"

Incident Identified: Yes

Proper Hail: No proper hail

Red Flag Displayed: No

DECISION: Request Valid

The incident caused damage to Melilani and her crew immediately engaged in disentangling the boats and assessing the damage and seaworthiness of the boat. She immediately discontinued racing and emailed the protest to the Race Committee on Saturday, 8/22 at 16:53 (before TLE). Prior to sending that form to the PC, Mr. Butts emailed Kurt Olsen, who is listed in the J/105 roster on the fleet website as the owner of #357 and notified him of his intention to protest. On Sunday, 8/23, Mr. Olsen replied with the contact info for the current owner (Mr. Maclay) and Mr. Butts also received the same information from the PRO. Mr. Butts emailed Mr. Maclay on Sunday 8/23.

PROCEDURAL MATTERS

1. The hearing was conducted via Zoom.
2. The hearing was schedule for 21:00 and restarted at 21:10 upon the arrival of Mr. Maclay (with his apologies).
3. Don Wieneke attended the hearing in order to control the Zoom technology but was not a member of the PC. He did not question the parties or participate in the deliberation with the PC. This was discussed with the parties before the hearing began and in the email that communicated the schedule in advance.
4. The Code of Conduct for Remote Hearings (attached) was shared before the hearing and read aloud and both parties agreed to abide by its intent.
5. Each member of the protest committee declared that they were not aware of any conflicts of interest.
6. Immediately following the incident, it was obvious to the crew of Melilani that there was serious damage as a result of the incident. The owner of Melilani attempted to notify the owner of Yellowfin within the protest time limit in compliance with RRS 61.1(a)(4) and thus Melilani satisfied her requirement to Inform the Protestee.

FACTS FOUND

1. Both boats were J/105s
2. 16-19 knots of wind and mild chop in flood tide racing on the Berkeley Circle.
3. On the second windward leg of the course, Melilani was close-hauled on starboard tack for at least 2 minutes.
4. Yellowfin was close-hauled on port tack on a course toward the path of Melilani for several minutes.
5. As Yellowfin approached the path of Melilani, at a distance of 1-2 boatlengths, Melilani hailed "starboard"
6. The crew of Yellowfin was unaware of the presence of Melilani on starboard until they had already begun to cross ahead of her.
7. In an attempt to avoid collision, Yellowfin bore down to try to maneuver her transom away from the oncoming bow.
8. Melalani took no action to avoid Yellowfin until Yellowfin was directly ahead of her. Melilani then turned to leeward and eased her mainsail in an attempt to go astern of Yellowfin. Had she not borne off, Melilani would have collided with Yellowfin amidship.
9. The bow of Melilani collided with the starboard, leeward side of Yellowfin approximately 4 feet from Yellowfin's transom. Melilani's bowsprit hooked the stern pulpit of Yellowfin and caused the two hulls to come together.
10. Damage to Melilani from the collision includes: deep gauge in the gelcoat into the fiberglass on the port side of the bow and scratches on both sides of the bow and fiberglass damage to the bowsprit.
11. Damage to Yellowfin from the collision includes: the stern pulpit was mangled and the tension on the lifelines caused damage to the bow pulpit as well.
12. Melilani retired immediately after the incident due to the extent of the damage.

13. Yellowfin retired immediately after the incident due to the extent of the damage.

Diagram: Diagram not endorsed

CONCLUSIONS AND RULES THAT APPLY

1. The protest is valid under rule 61.1(a)(4).
2. Yellowfin on port failed to keep clear of Melilani on starboard as required by RRS 10.
3. It was clear that Yellowfin was not keeping clear well before she was directly ahead of Melilani and began to alter course.
4. Melilani did not avoid contact although it was reasonably possible to do so, and did not take avoiding action when it was clear that Yellowfin was not keeping clear, and thus broke RRS 14.
5. Yellowfin did not avoid contact when it was reasonably possible, and broke RRS 14.

DECISION

Yellowfin broke RRS 10 and RRS 14 and retired. No further penalty.
Melilani broke RRS 14 and retired. No further penalty.

Date & Time: 2020-08-27 21:36 PDT

PROTEST COMMITTEE

Chaired By: Rob Overton (USA)

Committee Members: John Siegel (USA), Danielle Lawson (USA)

Printed: 2020-08-28 18:05