

Hearing Decision



2022 INTERNATIONAL MOTH CLASS WORLD CHAMPIONSHIP

Case Number	With Case	Race Number	Hearing Status
1	Case 2	5	Closed

Type of Hearing

Protest - an allegation that one or more boats broke a rule
Request for redress

Valid	Date of Race	Received Time
yes	02/12	17:18:42

PARTIES

Class/Fleet	Fleet	Boat or Committee or Person	Represented By/Not Present
Moth	Single	ITA 5	Francesco Bruni
Moth	Single	GER 4645	Maximilian Mäge

Witnesses

Name	Boat - Committee - Role
Kyle Stoneham	GBR 4951
Franziska Mäge	GER 4795

Case Summary:

Boat on Boat; Start of Race 5

Procedural Matters:

Testimony statement of witness, GBR 4951 Kyle Stoneham, submitted prior to hearing, witness unable to be present during hearing. This testimony was presented to the parties.
Case 2 heard with Case 1

Facts Found:

Wind Speed 14 Knots.
Sea state 0.5 meters waves.
Current 1 knot against wind.
20 seconds prior to start of Race 5, ITA 5 was sailing on starboard tack, overlapped to leeward 5 boats lengths from GER 4645 on starboard tack.
The boats were on a converging course at 20 knots of speed.
2 seconds prior to start GER 4645 capsized onto ITA 5, who then capsized as well.
ITA 5 was struck in head by mast of GER 4645 and the wand of ITA 5 was bent out of normal design position.
GER 4645 sail and prodger was damaged by the rudder foil of ITA 5.
Neither boat took a penalty turn.
ITA 5 started the race 5 and after a moment she retired.
GER 4645 retired from the race 5 and went to the harbor.

Conclusion & Rules:

GER 4645 to windward failed to keep clear of ITA 5 to leeward, and broke RRS 11.
It was not reasonably possible for ITA 5 the right-of-way boat to avoid contact with GER 4645 when it was clear that GER 4645 was not keeping clear.
ITA 5 did not break RRS 14.
GER 4645 did not avoid contact when it was reasonably possible, and broke RRS 14.
Since GER 4645 caused injury and damage by her breach, her penalty was to retire as required by RRS 44.1(b).
Because she retired from the race she took the appropriate penalty.
ITA 5's score in race 5 was made significantly worse through no fault of her own by injury and damage because of the action of GER 4645 that was breaking RRS 11 and took an appropriate penalty.
ITA 5 is entitled to redress according with RRS 62.1(b).
GER 4645's score in race 5 was made significantly worse through his own fault.
GER 4645 is not entitled to redress according with RRS 62.

Decision:

Protest upheld. GER 4645 took an applicable penalty and shall not be further penalized under the provision of RRS 64.2(a).
Redress not given to GER 4645.
Redress is given to ITA 5 according with RRS A9(b).

Short Decision:

Redress not given to GER 4645.
Redress is given to ITA 5 according with RRS A9(b).

Decision Date

07/12

Decision Time

19:31:46

Panel Chair

John Mooney

Panel Members

Andrés Anca, Clifford Black, Juan Ruggero, Christoph Zeiser