

Protest nr: 04

Class	Melges 24
Protestor	USA 868 - Laura Grondin
Protestee	CRO 867 - Ante Cestic
Witnesses	
Type	protest & redress
Incident	Protest delivered on paper. Port vs Starboard incident close to mark 1.
Date/Time of hearing	26 Sep 2025 at 17:15
Location	Jury room
Procedural matters	<p>PROCEDURAL MATTERS OF THE REOPENED HEARING:</p> <ol style="list-style-type: none"> 1. USA 868 was represented by Taylor Canfield, main trimmer of the boat. 2. CRO 867 was represented by Ante Cestic, helm of the boat, at the original hearing. 3. CRO 867 did not come to the reopening of the hearing, the reopening of the hearing proceeded in accordance with RRS 63.1(b). 4. Original decision was given at 19:02 on September 24th. 5. The hearing was reopened on September 26th as decided in hearing No. 7. 6. Marco Giampa, Bojan Gale, Uros Zvan, members of the International Jury, gave evidence on the incident and also provided tracking evidence.

Facts found	<p>ORIGINAL FACTS FOUND:</p> <ol style="list-style-type: none"> 1. Race 1. Wind 20-25 knots, small waves. 2. USA 868 and CRO 867 were sailing on the 2nd upwind leg of the course, USA 868 on starboard and CRO 867 on port, on collision courses. 3. When CRO 867 was 2 boatlengths from USA 868, CRO 867 tried to bear away but failed. 4. Contact occurred between CRO 867's bow and USA 868's hull, just in front of the port shroud base, with damage to the hull. 5. There is a 40x20 hole in the hull, and the deck and hull joint has delaminated. 6. At the time of the incident, USA 868 was in 3rd place, very close with the boats on 4th and 5th place. 7. Both boats retired. 8. USA 868 did not sail in race 2 because of the damage. <p>NEW FACTS FOUND AFTER REOPENING:</p> <ol style="list-style-type: none"> 9. On September 26th, penultimate scheduled racing day of the event, the OA amended NoR 12.1 and SI 17.1 to read "Three (3) races are to be completed to constitute the Championship". Originally, 5 races were needed to be completed. This ammendment was based on a decision by the IMCA24 Executive Committee. 10. During the first 4 of the 5 scheduled racing days of the event, there were only 3 races completed.
Conclusion	<p>ORIGINAL CONCLUSIONS:</p> <ol style="list-style-type: none"> 1. CRO 867 on port tack failed to keep clear of USA on starboard tack and broke RRS 10. 2. CRO 867 did not avoid contact when it was reasonably possible, and broke RRS 14. 3. It was not reasonably possible for USA 868 the right-of-way boat to avoid contact with CRO 867 when it was clear that CRO 867 was not keeping clear. USA 868 did not break RRS 14. 4. Since CRO 867 caused serious damage, her penalty was to retire as required by RRS 44.1(b). 5. The damage on USA 868 was serious. 6. USA 868's score in races 1 and 2 was made significantly worse through no fault of her own by physical damage because of the action of CRO 867 that was breaking RRS 10 and took an appropriate penalty. <p>NEW CONCLUSIONS AFTER REOPENING:</p> <ol style="list-style-type: none"> 7. Based on the observation of the International Jury on the race course, there was a high likelihood that USA 868 would have finished between 3rd and 5th place in race 1.
Rules applicables	RRS 10, 14, 44.(b), 61.4(b), A9(a), A9(c), WS Case 116
Jury Decision:	<p>ORIGINAL DECISION:</p> <p>The protest is upheld. Since CRO 867 took an applicable penalty, she is not further penalized under RRS 60.5(c)(2).</p>

Redress is given to USA 868. USA 868 is to be scored 4 points in race 1 and in race 2 points equal to the average, rounded to the nearest tenth of a point (0.05 to be rounded upward), of her points in all races in the series, except races 1 and 2. However, more than half of USA 868's race scores in the series, after any exclusions, shall be based on her finishing position in races she starts and any granted redress in excess of this amount shall not be applied to her score (WS Case 116). No other boat's score shall change.

DECISION AFTER REOPENING:

The protest is upheld. Since CRO 867 took an applicable penalty, she is not further penalized under RRS 60.5(c)(2).

Redress is given to USA 868.

USA 868 is to be scored in race 1, 4 points, as per RRS A9(c).

USA 868 is to be scored in race 2 points equal to the average, rounded to the nearest tenth of a point (0.05 to be rounded upward), of her points in all races in the series, except race 2, as per RRS A9(a). However, fewer than half of the race scores included in her series score, after any exclusion, shall be based on average points and any granted redress in excess of this amount shall not be applied to her score (WS Case 116).

No other boat's score shall change in races 1 and 2.

Date of decision:	26 Sep 2025 at 17:20
Jury members	Marco Giampa, Bojan Gale, Uros Zvan, Fabio Bassan, Marios Zisimatos

Signature:
