

Date of Hearing:	5 August 2019
Date of Incident:	5 August 2019
Race Numbers:	3 and 4
Protestor (sail rep)	ANT Tiger Tyson BRA Bruno Lobo
Protestee/ Other Parties	USA Will Cyr
Witnesses	For USA – URU/ Nicolas Landauer
Validity:	Protest or request valid, hearing continued
Procedural Matters:	<ol style="list-style-type: none"> 1. Case 03 is both protest and request for redress in race 3, BRA protesting USA. 2. Case 04 is a request for redress for races 3 and 4, by ANT vs both USA and BRA. 3. With the agreement of the parties, the jury decided to hear the protests together as they related to the same incident. It initially heard the protest of BRA vs USA – with all three parties present. Given the decision on that protest (that BRA had broken a rule of part 2), the jury then heard ANT’s request for redress, to which only BRA and ANT were parties; USA was not present. 4. The jury did not initially ask BRA and USA if they wished to present video evidence. After the opening statements, BRA asked to have BRA rules advisor, Ricardo Lobato, as witness to present video. Ricardo was not the videographer, he just provided the laptop for the video, he handled the playback of the video for the parties and the jury, but did not provide give any evidence. After viewing the video, USA was given opportunity to add to his opening statement and ask further questions of BRA.
Facts Found:	<ol style="list-style-type: none"> 1. Shortly before the start of race 3, USA and URU were approaching the line with URU slightly ahead and to leeward of USA. 2. Their kites were at 11 o’clock in the vertical plane. 3. BRA and ANT were approaching from clear astern and to windward of USA, with ANT astern of BRA by 3-4 board lengths. 4. As BRA converged with USA, she became overlapped with her board approximately 3 meters to windward of USA. 5. USA’s kite raised slightly, and there was immediate contact between USA and BRA’s kite. 6. When BRA’s kite contacted USA, BRA’s kite collapsed and she slowed. 7. ANT tried to avoid BRA’s collapsing kite by raising her own kite as quickly as possible, but she could not avoid entangling with BRA’s kite. 8. Both BRA and ANT retired from race 3. 9. ANT was unable to untangle and repair her kite in time to race in race 4.

Conclusions and Rules	<ol style="list-style-type: none">1. BRA failed to keep clear of USA and broke rule 11.2. BRA is not entitled to redress.3. Since ANT was unable to avoid a tangle with BRA, her position in races 3 and 4 were made significantly worse through no fault of her own, by a boat breaking a rule of part 2.
Decision:	<ol style="list-style-type: none">1. BRA is to be scored RCT in race 3 (see rule F5.64/new rule 64.1(d)).2. Redress is given to ANT. ANT is to be scored in races 3 and 4 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 sailed before the last scheduled day of the qualifying series except races 3 and 4.
Jury Panel:	Chris Atkins (GBR, Chair), Sandy Grosvenor (USA, Scribe), Pat Bailey (ISV), Gonzalo Risco (PER), Claudio Salvatore (CHI)
Chairman's Signature:	
Date and Time Decision Advised:	5 August 2019 @2050
