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To: U.S. SAILING Appeals
Committee

From: A. Robert Towbin

Fax: (401) 683-0840

Pages: 31

Phone: (401) 683-0800

Date: October 19, 2007

Re: Sumurun

CC:

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

The original copy of the attached letter of appeal will follow today by Federal Express, together with my check for the filing fee of \$75.00.



ART:wem
Attachments

***Robert Towbin
1010 Fifth Avenue
New York, NY 10028***

October 22, 2007

Via Facsimile and Federal Express

US SAILING Appeals Committee
US SAILING
15 Maritime Drive
Portsmouth, RI 02871-0907

Re: Appeal of Association Appeals Committee Decision
The Robert Tiedemann Classic Yachting Weekend
Organizing Authority - Museum of Yachting
Race Committee Support by the New York Yacht Club
July 7-8, 2007

Dear Sirs:

Please accept this submission as SUMURUN's appeal of the decision of the Narragansett Bay Yachting Association Appeals Committee dated September 26, 2007¹ and received by the undersigned on October 7, 2007 upon return from traveling. We are submitting this appeal within fifteen days of receipt of the appeal pursuant to F2.1.

BACKGROUND

The Robert Tiedemann Classic Yachting Weekend hosted by the Newport Museum of Yachting took place over the weekend of July 7-8, 2007.² As part of the weekend, the Museum of Yachting organized racing events supported by a race committee provided by The New York Yacht Club.

¹Appeals Committee decision attached hereto as Exhibit 1.

²Notice of Race and Sailing Instructions attached hereto as Exhibit 2.

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This appeal arises out of collisions occurring on July 7, 2007 between SUMURUN, a 94' ketch built in 1914 by William Fife & Sons of Fairlie, Scotland, and ALERA and AMORITA, which are both New York 30 sloops of the same vintage with lengths overall of 43', while the vessels were competing in a clockwise circumnavigation of Conanicut Island.

Following the collisions, both ALERA and AMORITA filed protests which went forward despite the fact that SUMURUN had retired immediately following the collisions. The Protest Committee acknowledged that SUMURUN had retired but would not accept the retirement unless SUMURUN would admit to a violation of the rules.³ Reminiscent of the Salem Witch Trials, SUMURUN was confronted with a hopeless dilemma: either admit she had broken a rule (contrary to the prescriptions of Rule 68), or be subjected to a hearing and potential further penalty (contrary to Rule 44.4(b)).

SUMURUN had retired from the race to come to the aid of the crew of the AMORITA, not because of any rules violation, and therefore did not accede to the Protest Committee's request. The Protest Hearing then went forward and resulted in the disqualification of SUMURUN for an alleged violation of Rule 12.

The Protest Committee determined the facts and wrote them down on the protest forms as required by Rule 63.6. They then decided the protest based on the facts found following the hearing. The Protest Committee established the following facts:

"Wind was approx. 12-15 kts, slack tide, 2-3 foot seas. AMORITA to weather of ALERA. SUMURUN approached the windward mark, a bell. ALERA had overstood slightly and had born off to round the mark. SUMURUN hit ALERA's transom and continued along ALERA's starboard side becoming entangled in ALERA's boom and main sheet, causing ALERA to spin to windward hitting AMORITA near AMORITA's stern and causing AMORITA to spin to leeward, whereupon AMORITA was broadsided by SUMURUN."

³When the Protest Committee insisted on an admission of a Rule violation, the only specific Rule that was alleged to have been broken was Rule 18.2(c) by AMORITA. After hearing the evidence, the Protest Committee determined that SUMURUN had not violated Rule 18.2(c) as alleged.

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As a result of the hearing, the Protest Committee ruled that SUMURUN violated Rule 12. SUMURUN subsequently appealed the decisions because the protest hearing should not have taken place, and because the Protest Committee found that ALERA bore off into the path of SUMURUN but failed to apply Rule 16.1 to ALERA's course change. Once the appeal became known, the Protest Committee and the other boats found it necessary to reform the facts to establish that Rule 18 applied in order to exonerate ALERA for changing course into the path of SUMURUN, and to attempt to establish that SUMURUN violated a Rule as to AMORITA.

Regrettably, instead of applying the facts as found by the Protest Committee at the hearing as required by the Rules, the Appeals Committee instead accepted a re-invented version and upheld the disqualification of SUMURUN on different grounds.

We now appeal the decision of the Association Appeals Committee and present the following issues for your consideration.

1. The Appeals Committee's decision that the retirement did not satisfy the requirement of Rule 44.1 was clearly erroneous. We request that the US Sailing Appeals Committee confirm that once the Protest Committee determined that SUMURUN had retired, the protest hearing should have been closed.
2. The Appeals Committee erred by finding facts different from those found by the Protest Committee at the hearing. We request that the US Sailing Appeals Committee confirm the fundamental principle that an appeals committee is bound by the Protest Committee's findings of fact.
3. Based on the facts as found at the Protest Hearing, the Protest Committee should not have disqualified SUMURUN in circumstances where ALERA bore off into the path of SUMURUN. ALERA had an obligation to maintain course and speed and instead changed course to cross the bow of SUMURUN and caused a close quarters situation which prevented SUMURUN from keeping clear. This was a violation of Rule 16.1.
4. AMORITA was the windward boat and required to keep clear of SUMURUN. The protest committee erroneously disqualified SUMURUN

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despite the fact that AMORITA turned directly into the path of SUMURUN in violation of Rule 11.

The Appeals Committee's Decision That The Retirement Did Not Satisfy The Requirements of Rule 44.1 Was Erroneous.

Once SUMURUN retired there was no issue regarding competitive standings to address, and the Protest Hearing should have been closed. In its comments to the Appeals Committee, the Protest Committee acknowledged that SUMURUN retired, but stated it was necessary to proceed with a hearing because SUMURUN would not admit that it broke a Rule.

The Appeals Committee ruled that Rule 44.1 requires acknowledging the taking of a penalty and also that Rule 63.1 requires a Protest Committee to hear all protests delivered to the race office.

The illogic in the Appeals Committee's application of Rule 44.1 to SUMURUN is plain. According to the Appeals Committee, retirement under Rule 44.1 serves as a penalty for breach of a Rule. On this interpretation it was then unnecessary for the Protest Committee to demand that SUMURUN after retiring accept a penalty for a Rule violation.

Rule 44.1 makes it clear that retirement is a penalty – the ultimate penalty – in a competitive race. It was therefore incorrect for the Appeals Committee to hold that the Protest Committee's imposition of a disqualification was not a further penalty under 44.4 or that SUMURUN had not taken a penalty.

Nothing in the Rules requires an explicit admission to a Rules violation as a prerequisite to retiring. In fact, Rule 44.1 mandates retirement where, as here, serious damage occurred. Indeed, Rule 44.1 also makes clear that a boat "may" take a penalty when there is a possibility - not a certainty - of a rule violation. In these circumstances it was entirely improper and unsportsmanlike for the Protest Committee to demand confession of a rule violation as the price for avoiding a hearing that was not necessary or appropriate to begin with.

The Appeals Committee's interpretation of Rule 44.1 is also contrary to the plain wording of this Rule. The Appeals Committee ignored the disjunctive "or" which

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distinguishes injury or serious damage on one hand, from gaining an unfair advantage by breach of a rule on the other. Such an interpretation also undermines the fundamental principle that a vessel involved in a serious accident must stop and render aid regardless of any rule violation, must necessarily retire in such a situation, and therefore cannot finish the race.

The Scoring Rules also confirm that the Protest Committee had no jurisdiction once SUMURUN retired. These Rules make clear that the main objective is the ranking of vessels entered in a race. The retirement in this instance was communicated to the Race Committee which should have scored SUMURUN as DNF. Alternatively, when SUMURUN retired without finishing, a DNF should have been posted. Rule A4.2, as well as the Sailing Instructions, required the Race Committee to score SUMURUN as DNF.

The Appeals Committee's further point that a protest must be heard under Rule 63.1 also cannot be reconciled with its position that admitting a Rule violation would have obviated the need to hear a protest. If this were so, even after a boat takes a penalty, a hearing must take place. On this flawed reasoning, even a competitor who completes a 720 on the chance that they "may" have violated a Rule would be forced to go through the hearing process if they refused to admit that they broke a Rule.⁴

The Appeals Committee Must Base Its Rulings On The Protest Committee's Findings of Facts

The Appeals Committee erroneously departed from the clear facts found at the Protest Hearing and written on the protest forms. Instead, the Appeals Committee found an entirely new version of the facts based on submissions on appeal by the other vessels as well as the Protest Committee. The fundamental purpose of an Appeals Committee is

⁴For example, would Anna Tunnicliffe have admitted to a Rule violation in the pre-start to Race 15 in the most recent Olympic trials that took place in Newport? Probably not, and if she did, it would not have been the truth. On her website, Tunnicliffe describes a pre-start skirmish with Railey where the two competitors collided. After winning the regatta and qualifying for the Olympics, she explained that to play it safe, even though she thought that Railey hailed protest without grounds, she spun defensive circles to stay out of the protest room. If Railey, another competitor, or the Race Committee submitted a protest form to the race officials would Tunnicliffe have been forced to admit to a Rule violation to avoid a hearing and the possibility that the Protest Committee could make a mistake and disqualify her. Clearly not.

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to ensure that the Protest Committee properly applied the Sailing Rules to the facts as found during the Protest Hearing. The Protest Hearing is the fact-finding forum, where the evidence is presented, and where the parties have the opportunity to examine and cross-examine the witnesses. The Appeals Committee is not the forum for fact-finding.

The findings of the Appeals Committee are contrary to the procedures called for in the Rules and to the spirit of sportsmanship and fair play the Rules are intended to serve. Rule 70.1 makes clear that a party to a hearing may appeal a Protest Committee's decision or its procedures, but not the facts found at the protest hearing. Further, Rule 71.3 also makes clear that appellate review is based solely on the "facts found by the Protest Committee."

It was therefore simply wrong for the Appeals Committee to determine that the Protest Committee's facts "indicated" that ALERA and AMORITA had entered the two boat length zone clear ahead of SUMURUN. In fact, the explicit findings of the Protest Committee and all reasonable inferences thereof demonstrate plainly that, at the time of the hearing, the Protest Committee did not find a Rule 18 violation.

If the other boats had established facts supporting the application of Rule 18, during the hearing, then the Protest Committee would have referred to a Rule 18 violation in their findings. They did not. The Appeals Committee's obvious effort to boot strap the only Rule violations the Protest Committee did find, i.e., Rules 12 and 16.1, onto Rule 18.2(c), is also hopelessly inconsistent. The operation of Rules 18.2(d) and 16.1 are mutually exclusive.

It is abundantly clear from the decisions rendered by the Protest Committee that they did not believe the evidence supported application of Rule 18. The Committee made no reference to Rule 18 in its decisions despite the fact that AMORITA alleged a violation under Rule 18.2(c). Nor did the Committee make any reference to the two boat length circle, overlaps, when the boats passed the mark or other required elements necessary to the application of Rule 18. Moreover, if Rule 18 were applicable, then the Appeals Committee itself could not have logically held that both ALERA and AMORITA violated Rule 16.1.

Rule F5 makes clear that an Appeal Committee shall accept the Protest Committee facts as the basis for reviewing the proper application of the Rules. If, and only if, the facts are found inadequate for this purpose may they "require" the Protest Committee to provide further information, or require the re-opening of the hearing and reporting of new

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facts. Here, the Appeals Committee did not find that the facts found at the Protest Hearing were inadequate for the purpose of reviewing the Protest Committee's disqualification of SUMURUN under Rule 12 and SUMURUN's allegation that ALERA violated Rule 16.1. This is because the facts found at the Protest Hearing were adequate for the purpose of reviewing the Protest Committee's application of these Rules.

There is only one explanation for the re-invention of facts on appeal: the realization by the Protest Committee and the other boats that disqualification of SUMURUN was in error. Rather than review the facts found at the protest hearing, the Appeals Committee accepted the new version. Whereas during the Protest Hearing there were no factual findings in support of a Rule 18 violation, on appeal a new version of facts appeared to implicate Rule 18.⁵ Remarkably, the Appeals Committee completely ignored SUMURUN's argument based on the facts found during the hearing, and instead found it convenient to take the extraordinary and unauthorized step of applying a different set of rules to a different set of unproved facts.

The findings and conclusions following the hearing cannot now be altered in order to justify the results reached in the decisions or the appeal. The operative facts on appeal were only those found in the protest decisions. See Rules F.2.1 and F5. The Appeals Committee went beyond its authority when it changed the facts and issued its decision based thereon. The appeal ruling should now be reversed, and the protests dismissed.

⁵It is unknown what facts the Appeals Committee used to create its diagrams. In any event, the diagrams are entirely speculative with regard to the positioning of the boats and the two boat length circle. Based on the facts on the protest forms, AMORITA and ALERA both overstood the mark and were sailing on a broad reach in such a way that SUMURUN had an inside overlap. If the issue had been raised during the Protest Hearing, SUMURUN could have made this argument.

The only new information available on appeal were photographs from AMORITA. The Recommendations for Protest Committees at M7 expressly recognizes the limitations of photographs as evidence and provides specific cautionary guidelines for their use. The guidelines state that the Protest Committee establish the location of the camera in relation to the boats, whether the camera's platform was moving, and if so, in what direction and how fast; whether the camera had an unrestricted view throughout; whether the angle is changing as the boat's approach to the critical point; and notes that fast panning causes radical change. None of these foundation elements were established. In any event, these unauthenticated and unreliable photographs cannot be used to change the facts found at the Protest Hearing.

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Because the Appeals Committee reformulated the facts, it did not properly address issues raised by the facts found in the Protest Hearing. For the information of US Sailing, we set forth below the reasons why the Protest Committee's rulings based on the actual facts found on the protest forms were erroneous and should be reversed.

APPEAL OF PROTEST NO. 1⁶
ALERA v. SUMURUN

RRS Rule 12 On the Same Tack, Not Overlapped
RSS Rule 14 Avoiding Contact
RSS Rule 16 Changing Course

The ALERA described the incident on its protest form as follows:

Yacht ALERA on port tack approaching mark with AMORITA to weather and slightly ahead. SUMURUN on port tack overtaking. SUMURUN struck ALERA on transom. SUMURUN rode over ALERA's transom and struck main boom to leeward, spinning ALERA toward the wind. SUMURUN then struck AMORITA.

On the protest form the committee provided the following findings:

ALERA and SUMURUN approached the windward mark on port tack. Wind approximately 16 knots, slack tide, 2-3 foot sea. ALERA had overstood slightly and had born off to round the mark. SUMURUN hit ALERA's transom and continued along ALERA's starboard side and also hit the mark, becoming entangled in ALERA's boom and main sheet.

The protest committee conclusion states:

⁶Protest between ALERA and SUMURUN attached hereto as Exhibit 3.

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SUMURUN violated rule 12. SUMURUN disqualified.

The Protest Committee's disqualification of SUMURUN for a violation of Rule 12 cannot be reconciled with its finding that just prior to the incident ALERA had born off after overstanding the mark. When ALERA bore off into the path of SUMURUN, ALERA violated Rule 16.1 by placing herself in a position where SUMURUN could not keep clear. The Protest Committee should therefore have held that ALERA failed to give SUMURUN room to keep clear when changing course.

Moreover, ALERA also should have been disqualified under Rule 14 for failing to avoid contact. It is undisputed that both boats sustained damage, therefore, pursuant to Rule 14(b) ALERA should not be exonerated. US Appeal No. 92 stresses that even a right-of-way boat must anticipate that a collision may occur, and violates Rule 14 when it takes no action at all to avoid a collision. ALERA was in the best position to avoid the collision by simply holding her course but ALERA bore off into the path of SUMURUN and then took no action to avoid the collision. She headed directly into the path of SUMURUN where it was obvious SUMURUN was restricted in her ability to maneuver given her size and the close quarters situation.

APPEAL OF PROTEST NO. 2⁷

AMORITA v. SUMURUN

RRS Rule 18.2(c)
RSS Rule 16.1
RSS Rule 12
RSS Rule 11

The AMORITA described the incident at follows:

SUMURUN from clear astern hit ALERA forcing ALERA into AMORITA. The force of the impact from ALERA spun AMORITA 90 degrees at which time SUMURUN struck and sank AMORITA.

⁷Protest between AMORITA and SUMURUN attached hereto as Exhibit 4.

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The protest committee found the following facts:

Wind approximately 12-15 knots, slack tide, 2-3 foot seas. AMORITA to weather of ALERA and SUMURUN approached the windward mark, a bell. ALERA had overstood slightly and had born off to round the mark. SUMURUN hit ALERA's transom and continued along ALERA's starboard side becoming entangled in ALERA's boom and main sheet, causing ALERA to spin to windward hitting AMORITA near AMORITA's stern and causing AMORITA to spin to leeward, whereupon AMORITA was broadsided by SUMURUN. AMORITA sank within 30 seconds.

The protest committee conclusion states:

ALERA did violate rule 16-1. ALERA did not violate rule 14 and is exonerated by rule 64.1(b) because SUMURUN violated rule 12 Contact between ALERA and AMORITA caused AMORITA's change of course into the path of SUMURUN. SUMURUN disqualified and ALERA exonerated.

The Protest Committee and the Appeals Committee both agreed that SUMURUN did not violate a Rule as to AMORITA, but failed to dismiss the AMORITA protest. It is clear from the Appeals Committee decision that they agreed with the Protest Committee that Rule 18 did not apply as between SUMURUN and AMORITA. Because AMORITA did not satisfy its burden with regard to proving a breach of a Rule as to SUMURUN, the AMORITA protest decision should have been dismissed.

Moreover, AMORITA as the windward boat had an obligation to keep clear of SUMURUN but failed to do so in violation of Rule 11. At the time of the collision between AMORITA and SUMURUN, AMORITA was not the right of way boat with respect to SUMURUN. In the close quarters situation that was developing around the

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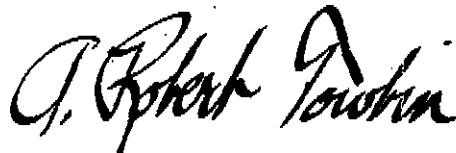
vessels, AMORITA was obligated to appreciate the risk of collision and take early avoiding action to stay clear and avoid contact.

CONCLUSION

The Protest Committee had no authority to consider the protests of ALERA and AMORITA. Thereafter, the Appeals Committee engaged in an exercise of unauthorized fact-finding and changed the facts found during the Protest Hearing. Although the sinking of the AMORITA was a very unfortunate incident, SUMURUN retired from the race and no other action by the Protest Committee was necessary or appropriate.

For the foregoing reasons we respectfully request the protests be dismissed.

Very truly yours,



A. Robert Towbin

ART:wem
Enclosures

EXHIBIT 1



Narragansett Bay Yachting Association

Ronald A. Hopkins
65 Hazard Avenue
East Providence, Rhode Island 02914

September 26, 2007

A. Robert Towbin
1010 Fifth Avenue
New York, NY 10028

Dear Mr. Towbin,

This is the Appeals Committee's decision on your appeal of the Museum of Yachting's, Robert Tiedemann Classic Regatta's, Protest Committee's decision, held July 7, 2007, in Newport, RI.

Summary:

This appeal concerned boats sailing at or near a mark of the course to be left to starboard, designated as RG "NR" Bell near Beavertail Point. Parties include Sumurun, sail number 14, a 94' ketch; Alera, sail number 1; and Amorita sail number 9, both New York 30's.

The Protest Committee, in valid protests by both NY 30's, ruled in each protest that Sumurun USA14, broke rule 12 and scored her DSQ. Sumurun USA14 appealed, stating in her appeal that the protest committee lacked jurisdiction, incorrectly applied the rules, and that Alera USA1 broke rule 16.1 by changing course in front of her.

Discussion:

In reviewing the rules that apply, we shall discuss each point and the rules that apply to each separately.

- The Protest Committee lacked jurisdiction.

Sumurun in her appeal claimed the Protest Committee lacked jurisdiction to conduct the hearing and disqualify her because she had retired. Sumurun further stated that she broke no rule and did not retire in compliance with rule 44.1, but for other reasons.

A fundamental principal in the sport of sailing, as stated in the preamble to Part 1 of the The Racing Rules of Sailing, "is that when competitors break a *rule* they will promptly take a penalty, which may be to retire." Sumurun retired, but not in compliance with rule 44.1, acknowledging "taking a penalty". Rule 44.1 states, "A boat that may have broken a rule of Part 2 while *racing* may take a penalty at the time of the incident. Her penalty shall be a Two-Turns Penalty unless the sailing instructions specify the use of a scoring penalty or some other penalty. However, if she caused injury or serious damage or gained significant advantage in the race or series by her breach her penalty shall be to retire."

Sumurun further stated she could be penalized no further, as she retired. Sumurun by her own statements did not acknowledge breaking a rule, and dropped out of racing for other reasons. She as a result of this form of retirement, should have been scored "DNF" (Did not finish) which in itself is not a "penalty" as described in the Preamble, or in rule 44.1. While we acknowledge for scoring purposes in this regatta, there is no difference in score between a DNF, a RET (Retired after finishing) or a DSQ (disqualification), each has different implications within The Racing Rules of Sailing.

The Protest Committee received 2 protests from the NY30's with regard to this incident, and was required by rule 63.1 which states in part, "The protest committee shall hear all *protests* and requests for redress that have been delivered to the race office unless it allows a *protest* or request for redress to be withdrawn." A protest by definition is "an allegation under rule 61.2 by a boat, a race committee or a protest committee that a boat has broken a rule."

The Protest Committee was required upon receiving a protest, to conduct a hearing (rule 63.1) to find facts (rule 63.6), and if a protest committee decides that a boat that is a party to a protest hearing has broken a rule, it shall disqualify her unless some other penalty applies (rule 64.1(a))

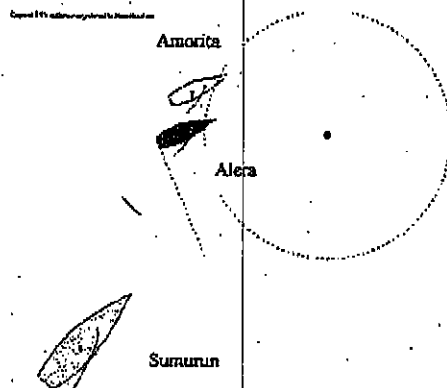
- Rule 44.4 Limits Further Penalty

Sumurun in her appeal cites rule 44.4 as to the protest committee's application of a further penalty, stating that she could not be penalized further, as she retired. However, rule 44.4(b) clearly states that a boat "that takes a penalty shall not be penalized further with respect to the same incident unless she failed to retire when rule 44.1 required her to do so." Sumurun had not "taken a penalty" as described above so the protest committee was correct in its decision to disqualify Sumurun.

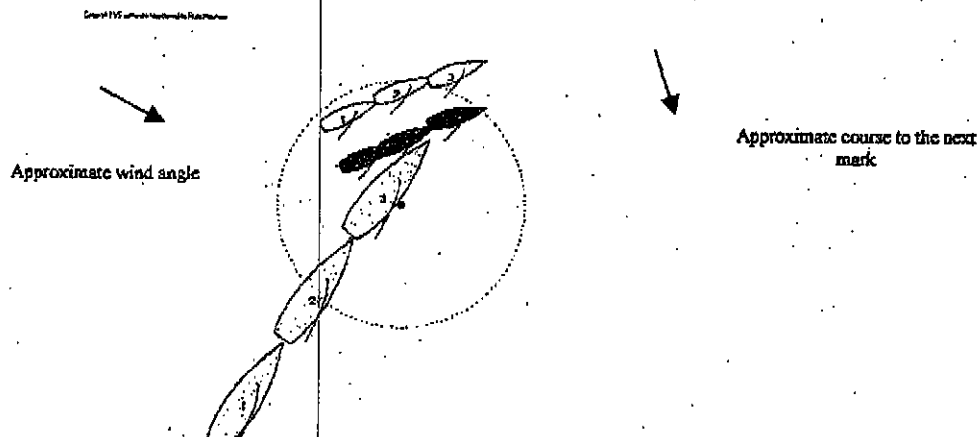
- Alera bore off breaking rule 16.1

[Diagrams produced by the Appeals Committee from Protest Committee facts found]

The Protest Committee's facts found indicate that Alera and Amorita entered the two-boat length zone, clear ahead of Sumurun.

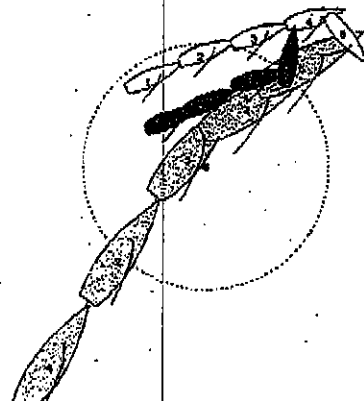


Sumurun, entering faster from clear astern was "keep clear" boat as referred to by rule 18.2 (c). 18.2 (c) states, "If a boat was *clear ahead* at the time she entered the *two-length zone*, the boat *clear astern* shall thereafter *keep clear*." The "thereafter" in this rule means during the entire period she was rounding. Rule 18.2 (d) states "when after the starting signal rule 18 applies between two boats and the right-of-way boat changes course to round or pass a *mark*, rule 16 does not apply between her and the other boat." Rule 18 applied between Sumurun as she was still rounding the mark and Alera, who was clear ahead. Rule 16.1 did not apply.



After Sumurun contacted the stern of Alera, Alera was forced into Amorita, subsequently causing Amorita to twist into the path of Sumurun. Sumurun then made contact with the starboard amidships of Amorita, causing her to sink.

Sumurun USA14, Amorita, Alera, Sumurun, USA14



Decision:

The Protest Committee's decision to disqualify Sumurun, USA14 is **UPHELD**.

The Appeals Committee agrees that Sumurun broke rule 12, but adds rule 14 and 18.2 (c).

The Appeals Committee finds that the situation took place at a mark or around a mark, and not "while approaching" as found by the original protest committee, but found the facts and application of the rules consistent and in agreement with the decision.

Alera's change of course into Amorita was caused by the contact with Sumurun, compelling her to break rule 16.1. Alera is exonerated under rule 64.1 (b) for the contact between her and Amorita.

The change of course by Amorita and her breaking of rule 16.1 was caused by the contact with Alera, Amorita did not break rule 14, and her breach of rule 16.1 is exonerated by rule 64.1 (b)

Very truly yours,

Ronald A. Hopkins, Chair
NBYA Appeals Committee

Cc/ Narragansett Bay Yachting Association
NBYA Appeals Committee
Mr. John Bonds (Chief Judge, Robert Tiedemann Yacht Regatta Protest Committee)
The Museum of Yachting (Organizing Authority, BestLife Classic Yacht Regatta)
Parties to the Appeal
US Sailing, Race Administration Director

All terms stated in *italic* indicate a definition as defined and published in "The Racing Rules of Sailing"

EXHIBIT 2



NOTICE OF RACE
THE MUSEUM OF YACHTING
ROBERT H. TIEDEMANN
CLASSIC YACHTING WEEKEND

NEWPORT, RHODE ISLAND

July 7-8, 2007

1. RULES

- 1.1 The regatta will be governed by *The Racing Rules of Sailing*.
- 1.2 For the purposes of rules 14 and 44.1, any contact between boats shall be considered serious damage. This changes rule 44.1.
- 1.3 The penalty for a boat that has broken a rule, other than a Part 2 rule, shall be at the sole discretion of the protest committee, and may be different than disqualification. This changes rule 64.1(a).

2. ADVERTISING

Advertising will be in accordance with Category A of ISAF Regulation 20, Advertising Code.

3. ELIGIBILITY

The Museum of Yachting will offer racing for Classic, Modern Classic, "Good Old Boats" and One-Design yachts in the following divisions:

- (a) For One-Design (& Formula) Classes -- eligibility shall be in accordance with their individual class rules and requirements.
- (b) For Classic, Modern Classic, and Good Old Boats (handicap) all boats with a current Classic Rating Formula (CRF) rating certificate.

4. ENTRY AND SOCIAL FORMS

Eligible boats must register in advance by sending a completed entry form and waiver plus the appropriate fees to the Museum of Yachting, Fort Adams State Park, P.O. Box 129, Newport, RI 02840. Entries must be postmarked no later than July 2, 2007 to receive early registration discount. Entry fee is refundable (minus a \$15 handling fee) if notice of cancellation is received by the Museum of Yachting prior to July 5, 2007. All participating vessels must carry liability insurance. All forms may be downloaded from <http://www.museumofyachting.org>

5. RACE HEADQUARTERS

The Race Headquarters will be at The Museum of Yachting, as will all the social and awards ceremonies.

6. FEES

The entry fee is \$200/boat in all handicapped divisions- includes two days of racing and two dinner tickets.

7. REGISTRATION

All Skippers shall report to Race Headquarters to register and pick up their Skippers Package on Friday, July 6 between 1700 and 1900.

8. LIABILITY WAIVER

A liability waiver, available on line, shall be submitted for each yacht not later than 1000 on Saturday, July 6, 2007 and shall be signed by the skipper and each crewmember. Yachts without properly signed waivers on file with MoY will not be scored. In the event of a crew substitution, the new crewmember shall submit a signed waiver to Race Headquarters prior to racing.

9. SCHEDULE OF EVENTS:

July 6th Friday	1700	Registration Open
	1800	Welcome party at MoY
July 7th Saturday	<u>1000-1200</u>	<u>All yachts dress/ on-display at Alofsin Piers</u>
	1100	Skippers' Meeting
	1255	Course Signals
	1300	Start (First Class)
	1800	Cocktails (location tbd)
July 8th Sunday	1255	Course signals
	1300	Start (First Class)
	1800	Cocktails
	1900	Dinner & Awards

9.1. A Skippers' Meeting is scheduled for 1100hrs on Saturday, July 7 at Race Headquarters. Scratch sheets and amendments to Sailing Instructions (if any) will be distributed at this time.

9.2. One race per day is planned, the warning signal for the first classes on both days will be 1255hrs.

9.3. One completed race will constitute a series.

9.4. All participating yachts are requested to dress ship and be on display at Alofsin Piers from 1000-1200hrs on Saturday July 7, 2007 in honor of Cpt. Robert H. Tiedemann. Judging for restoration awards will also be done at this time. Boats may stay on the docks free of charge for these two hours while owners/crew may attend the Skippers Meeting at the Museum during this time.

10. MEASUREMENT

Except for the 12-Metre Class, (who must submit their Class Measurement Certificates,) and other yachts sailing in a One-Design class, each yacht shall submit a valid CRF rating certificate to the race committee c/o the Museum of Yachting with their entry form. (A CRF rating form is available on-line at www.museumofyachting.org)

11. SAILING INSTRUCTIONS

Sailing Instructions will be available at Registration on Friday, July 6 at 1700hrs.

12. RACING AREA AND COURSES

The Regatta will be sailed in Lower Narragansett Bay. The Race Committee will designate courses using government marks and special racing marks as specified in the Sailing Instructions.

13. PENALTY SYSTEM

The Scoring Penalty, rule 44.3, will apply. The penalty will be two places.

14. SCORING AND TIME ALLOWANCE

14.1 Results for handicap classes will be based on CRF ratings and course distances determined by the Race Committee.

14.2 One-design classes will be scored level.

14.3 Scratch sheets and class assignments (based on boats registered) will be distributed at the Skippers' Meeting on Saturday, July 7, at 1000hrs.

14.4 A boat's series score will be the total of all her race scores, this alters rule A2.

14.5 NYYC Invitation Series for Vintage and Classic Yachts

The NYYC Invitational Racing Series for Vintage and Classic Yachts consists of three separate regattas: NYYC Annual Regatta, The Robert H. Tiedemann Classic Yachting Weekend and The Museum of Yachting's 28th Annual Classic Yacht Regatta. To qualify for the NYYC Series, yachts must participate in two of the three events. For more information regarding the Series, please contact the NYYC Sailing Office at 401/845-9633.

15. PRIZES

Racing awards will be given out on Sunday, July 8 at the Museum of Yachting.

Classic Yachts (as described below) will be eligible for the following:

Prizes will be awarded to the first, second and third place boats in each class.

Spinnaker Class -- A separate class of Vintage and / or Modern Classic yachts using spinnakers may be established if a minimum number of entries (6) warrant. Awards for first, second and third will be presented for these classes, but those competing in these classes will be ineligible for classic, fleet, or designer awards.

Modern Classics (as described below) will be eligible for the following:

Prizes will be awarded to the first, second (if less than 5) and third place (if 5+ participate) among Modern Classics. Modern classics may start / race within a class of Vintage yachts, but will be competing for separate awards.

(Modern Classics -- for trophy eligibility only, are defined as, wooden yachts built in 1968 or later with a design whose intent is to evoke the look and feel of a vintage yacht, classics that otherwise don't fit the above criteria for a vintage yacht, as well as vintage yachts rebuilt utilizing non-traditional methods, materials, or significant hull design changes. These materials include, but are not limited to, composite / cold molded building techniques, carbon fiber spars / rigging and fiberglass hull reinforcements and coatings.)

Good Old Boats (as described below) will be eligible for the following:

Prizes will be awarded to the first, second (if less than 5) and third place among "Good Old Boats" (if +5 participate), and will not be eligible for overall fleet or designer awards. "Good Old Boats" will have their own starts and will be competing for separate awards. (Good Old Boats are defined as fiberglass, monohull sailboats, designed before 1980, primarily for cruising.)

One Design and Small boat Fleets - Prizes will be awarded to the first, second (if less than 5) and third place boat in each class (if 5+ participate).

16. SAIL AND EQUIPMENT LIMITATIONS

- 16.1 Classic - Only traditionally constructed, woven canvas, nylon, or polyester, (Dacron) sails are permitted. Sails made using laminate or composite construction or materials (such as, but not limited to, Mylar, Kevlar, Vektran, Spectra, Carbon Fiber, etc.), including those sails utilizing advanced shaping technologies (3DL or similar) are not permitted. Maximum headsail LP = 150%. Mizzen staysails are permitted. Spinnakers and Headsails are defined in accordance with 2001-2004 RRS 50.4. Only one jib shall be carried in the fore-triangle at one time: i.e., drop one sail before setting another. This modifies 2001-2004 RRS 50.1. Bona fide double headsail rigs, may carry a staysail hanked on to the inner forestay, however, all headsails must be tacked on the centerline of the boat, any and all headsails set flying are not permitted: i.e., all sails set in the fore-triangle must be hanked on the full length of the stay, (except fixed-stay roller furling sails) and, a whisker pole, no greater than 1.25 of the J measurement, may be used to wing out a jib on the side opposite the main boom as long as no other sail is set in the fore-triangle and it is fixed at the mast while in use.
- 16.2 Modern Classics - Non-spinnaker class is planned, but may be established if a minimum number of entries (6) warrant.
- 16.3 Spinnaker Class -- A separate class of Vintage yachts using spinnakers may be established if a minimum number of entries (6) warrant, however those competing in this class will be ineligible for Vintage fleet or designer awards.
- 16.4 One Design - One-design classes will race under their own class rules and regulations.

17. DOCKAGE AND MOORING

Dockage/rafting is available under direction of the staff at the owners risk and as space is available on a first come first served basis. ***Each yacht must complete a Sail Newport dockage waiver form and turn in to MoY prior to first night's stay on the dock.*** Please bring sufficient dock lines and extra fenders. Participants may make arrangements for commercial moorings or dockage by contacting the following directly: Newport Shipyard (401-846-6000), Goat Island Marina (401-849-5655), Newport Yachting Center (401-846-1600), Casey's Marina (401-848-5945) or Oldport Marine for moorings (401-847-9109).

18. CLASS FLAGS AND MUSEUM OF YACHTING BURGEES

All boats participating in the Regatta shall fly the Museum of Yachting event flag from their backstay, six feet above the deck, just above their required respective class designation flag. If the yacht has no fixed backstay then the event and class flags may be displayed from a starboard shroud.

19. NOTES

Competitors are reminded that Narragansett Bay is a restricted channel and sailing vessels do not have the right-of-way over a vessel under power that may be restricted in her ability to maneuver.

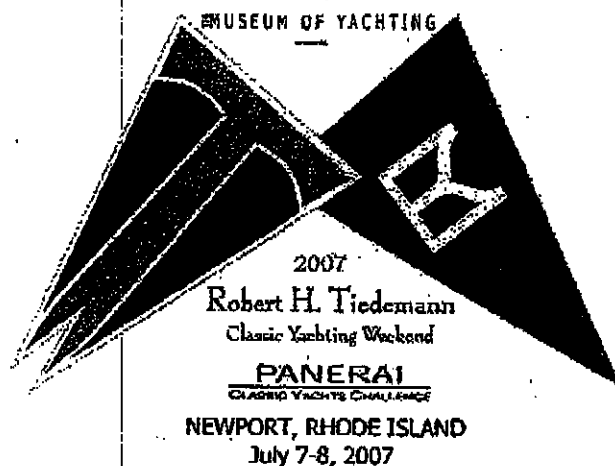
20. MEDIA RELEASE: Competitors and crew members on the competing yachts grant, at no cost, the Museum of Yachting, Panerai, regatta photographers and affiliated companies the absolute right and permission to use their name, voice, image, likeness, biographical material and representations of the boats in any media World-wide (including but not limited to television, video, print and electronic media), for the sole purposes of advertising, promoting, reporting and disseminating information regarding the Robert H. Tiedemann Classic Yachting Weekend presented by Panerai and all participants therein.

For further information please visit our website at www.museumofyachting.org

SallyAnne Santos
The Museum of Yachting
PO Box 129, Newport, RI 02840
401-847-1018, Fax 401-847-8320
e-mail- sallyanne@moy.org

draft: 5/29/07.final

EXHIBIT 3



SAILING INSTRUCTIONS

*The Organizing Authority is the Museum of Yachting
With Race Committee support by The New York Yacht Club*

1. RULES

- 1.1 This Regatta will be governed by the rules as defined in The Racing Rules of Sailing (RRS), Notice of Race, Sailing Instructions, and any amendments as Issued.
- 1.2 Twelve Metre yachts will be governed by their by-laws and regulations as of Sept. 18, 2006. Racing shall be under The International 12 Metre Class Rule conformed to ISAF regulations effective January 1, 2003 and any subsequent amendments.
- 1.3 One-Design Classes will be governed by their individual class rules.
- 1.4 In accordance with the US SAILING prescription to rule 86.3, the following rules will be tested for this regatta.

For the purposes of rules 10, 13, 14, 15 and 16, the definition of *keep clear* is changed to:

Keep Clear. One boat *keeps clear* of another when she is more than one of her hull lengths away from the from the other boat, the other can sail her course with no need to take avoiding action and, when the boats are *overlapped* on the same *tack* and the *leeward* boat can change course in both directions without immediately making contact with the *windward* boat.

2. ADVERTISING

For purposes of RRS 79 and Appendix 1, this regatta is designated Category A for yachts so classified by their class, rating system, national or international authority; and is designated Category C for yachts so classified by their class, rating system, national or international authority.

3. ENTRIES

- 3.1 Eligible yachts may be entered by completing registration with The Museum of Yachting (MoY). This includes the waiver of liability signed by the captain and crew. Additionally, all yachts must carry minimum liability insurance as specified in the liability waiver. Eligibility requirements for yachts are as indicated in the Notice of Race.
- 3.2 The Robert H. Tiedemann Regatta will offer handicap racing for Vintage, Modern Classic and Good Old Boats with a current CRF Rating Certificate and for One Design boats in the following divisions; 12 Metre, S-Boats, Shields, 110's, JOD's, H-12 1/2's, Fish Class, Cat boats, etc.

SAILING INSTRUCTIONS – Robert H. Tiedemann Classic Yachting Weekend

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4. NOTICES TO COMPETITORS

Notices to competitors, including race results, amendments and protest hearing schedules, will be posted on the Official Notice Board located at the Museum of Yachting. Results, these may also be posted on the website at www.museumofyachting.org

5. CHANGES IN SAILING INSTRUCTIONS

Any change to the sailing instructions will be posted before 1000 on the day it will take effect.

6. SIGNALS MADE ASHORE

- 6.1 Signals made ashore will be displayed from the flag pole at the Museum of Yachting.
- 6.2 Flag "AP" with two sounds (one sound when lowered) means "The race is postponed. The warning signal will be made not less than 60 minutes after "AP" is lowered." This modifies RRS Race Signals.
- 6.3 Rendezvous locations and any other regatta announcements will be made at 1100 at the Skippers' Meeting. After these have been made, the race committee boats will monitor and communicate on VHF Channel 79.
- 6.4 Rendezvous location will be in the area between Rose Island and Ft. Adams

7. SCHEDULE OF RACES

<u>Day</u>	<u>Date</u>	<u>Time</u>	<u>Activity</u>
Saturday	7 July	1100	Skippers' Meeting at the Museum of Yachting.
		1255	Warning Signal
		1300	Start First Class
Sunday	8 July	1255	Warning Signal
		1300	Start First Class

8. CLASSES AND CLASS FLAGS

- 8.1 Yachts will be divided into classes. Each yacht shall race in the class to which it is assigned on the scratch sheets. These sheets shall also assign a colored flag designation for each class. Class assignments will be distributed at registration and posted on the Official Notice Board.
- 8.2 All boats participating in the Regatta shall fly the MoY/Robert H. Tiedemann/Panerai event flag from the backstay, six feet above the deck, just above their respective class flag. While racing these flags are to be displayed from the backstay or other prominent position to permit observation by the Race Committee. If the yacht has no fixed backstay then the flags may be displayed from a starboard shroud.

9. CHECK-IN AND RETIREMENT

Prior to the first warning signal, all yachts shall check-in with the Race Committee Signal Boat by passing astern on starboard tack, displaying and announcing their sail number. The Race Committee will acknowledge by responding with the number heard. Yachts retiring shall inform the Race Committee on VHF channel 79 or by calling the Museum of Yachting (401) 847-1018.

10. COURSES

- 10.1 The course will be posted for each class before or at the warning signal for that class from the committee boat, and will be announced VHF channel 79. Racing marks will be 8' orange Panerai inflatable cylinder shapes.

10.2 There may be different courses for each class.

- 10.3 The courses will be selected utilizing government buoys and special race marks as listed on the 2005 South Bay Race Chart or designated as an "Around the Island Course" as listed in 10.5.

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Special Mark Description: The Race Committee may elect to position a special mark to achieve a particular course configuration. If used, the Race Committee shall fly code flag "W" (whiskey), and the distance and bearing to the special mark from the committee boat will be displayed.

- 10.3 Turning marks for each course, except for the Around the Island Courses, will be posted with black letters or numbers on a white board from the committee boat in order of rounding, with the subscript for each mark designating the required side. "P" means leave to Port, "S" means leave to starboard.
- 10.4 Passage under the Newport and Jamestown Bridges shall be beneath the center span of each bridge for all classes
- 10.4 When racing in Narragansett Bay competitors should note that a security zone exists from the Naval War College to the breakwater North of Piers 1 and 2 and is marked by a series of white buoys. Yachts shall not sail inside the line defined by these buoys.

10.5 AROUND THE ISLAND COURSES -- Distance 18.35 miles

Course "C" Around Conanicut Island

G "11" Fl G 2.5sec Bell, The Dumlplings	to starboard
"9" Gong, Ft. Wetherill	to starboard
"7" Gong, Kettlebottom Rock	to starboard
RG "NR" Bell, Beavertail Point	to starboard
Dutch Island	to starboard
GC "S", north end of Conanicut Island	to starboard
R "2", off Conanicut Point	to starboard
RN 12A, Rose Island	to port
R "12" Fl R 4 sec Bell, Rose Island	to port

Course "CR" Around Conanicut Island

R "12" Fl R 4 sec Bell, Rose Island	to starboard
RN 12A, Rose Island	to starboard
R "2", off Conanicut Point	to port
GC "S", north end of Conanicut Island	to port
Dutch Island	to port
RG "NR" Bell, Beavertail Point	to port
"7" Gong, Kettlebottom Rock	to port
"9" Gong, Ft. Wetherill	to port
G "11" Fl G 2.5sec Bell, The Dumlplings,	to port

- 10.6 The Race Committee may shorten course "C" or "CR" in the vicinity of the Jamestown Bridge by setting an inflatable race mark in the area. Boats will finish the race by sailing between the orange mark and the Committee boat, that will display Flag "S". This alters RRS - Race Signals "S".

11. THE START

- 11.1 Races will be started in accordance with RRS 26, with classes starting at 10-minute intervals in the order listed in the scratch sheets.

Example Sequence

1255	Warning for First Class to start
1259	Preparatory First Class to start
1300	Start, First Class
1305	Warning for Second Class to start
1309	Preparatory Second Class to start
1310	Start, Second Class

and so forth until all classes have started.

- 11.2 The starting line will be between a staff displaying an orange flag on the Race Committee Signal Boat at the starboard end and the starting mark at the port end. The Race Committee Signal Boat may deploy a "Keep-Off" buoy astern. This buoy shall be considered an integral part of the Race Committee Signal Boat for the purpose of RRS 31.
- 11.3 Yachts whose warning signal has not been made shall keep clear of the starting area.
- 11.4 Any yacht starting later than 5 minutes after her starting signal is requested to inform the race committee on VHF channel 79.
- 11.5 If flag "D" is flying from the Committee Boat, that signifies a "Down Wind Start"

SAILING INSTRUCTIONS - Robert H. Tiedemann Classic Yachting Weekend

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12. THE FINISH

- 12.1 Between the staff flying the orange flag on the Committee Boat and the nearby inflatable mark, north of Fort Adams
- 12.2 Yachts that do not have sail numbers shall display their number placard to the finish line committee boat as they approach the finish line.

13. INDIVIDUAL RECALLS

In addition to the requirements of RRS 29.1 the Race Committee will endeavor to hail each premature starter on VHF channel 79. This amends RRS 29.2. Failure on the part of the Race Committee to hail each premature starter shall not relieve a yacht of her obligation to start correctly.

14. ALTERNATIVE PENALTIES

Rule 44.3 scoring penalty will apply.

15. TIME LIMIT

The time limit for all boats will be 1800 plus the time a yacht's class starts after the first class to start. Boats not finishing by their time limit will be scored "TLE". Boats retiring should inform the Race Committee on VHF channel 79 or the Museum of Yachting at (401) 847-1018.

16. PROTESTS

- 16.1 A yacht's intention to protest shall be signified to the Race Committee on the VHF channel at the finish of the race and be acknowledged by the Race Committee. This modifies RRS 61.1(a).
- 16.2 Protest forms will be available at the Museum of Yachting. Written protests shall be submitted to the Jury Secretary at the Museum Office as soon as possible, but not later than one hour after the Race Committee Signal Boat docks. The protest time limit will be posted on the Official Notice Board.
- 16.3 Protest notices will be posted as soon as possible. Protest hearings will start as soon as possible after the notices are posted. The Jury will attempt to hear protests in the order of receipt. Representatives of yachts who are parties to a hearing shall remain on call in the vicinity of the Museum.
- 16.4 When a yacht has been involved in an incident that may be subject to protest, it is her responsibility to check the protest notices at the end of the protest filing time to see if she is cited in a protest. Failure of any yacht to appear when called for a hearing will be considered by the Jury as grounds for proceeding under RRS 63.3 (b).
- 16.5 RRS 63.5 is modified by adding, "A protest involving contact may be heard by the Jury even though the requirements of RRS 61.1 (a) and 61.3 have not been fulfilled."
- 16.6 Protests filed under rules other than the Rules of Part 2 may result in penalties decided at the sole discretion of the Jury. This modifies RRS 64.1 (a).
- 16.7 PROTEST ARBITRATION: This modifies RRS 63.1, 63.6, and 66.
- 16.7.1 An arbitration meeting may be held prior to the protest hearing for all protests involving violations of Part 2 of *The Racing Rules of Sailing*.
- 16.7.2 After a protest form is delivered, one designated representative of each party will appear before an arbitrator. No witnesses are permitted.
- 16.7.3 After hearing the testimony of each representative, the arbitrator shall reach one of the following conclusions.
- There was no breach of a rule. If the representatives agree, the protest is withdrawn and cannot be reopened. If either representative disagrees, the matter goes to the protest committee for a Hearing.
 - There was a breach of a rule by one or more of the boats involved. The representative(s) of the offending boat(s) have the option of accepting a 40% alternative penalty (calculated as in RRS 44.3(c)) or submitting the matter to the protest committee for a Hearing. If the penalty is accepted, the matter cannot be reopened or made the subject of a redress request.
 - The matter should go to the protest committee for a Hearing.

SAILING INSTRUCTIONS – Robert H. Tiedemann Classic Yachting Weekend

July 7-8, 2007

16.7.4 When the matter is referred to the protest committee, the arbitrator shall not be a member of the protest committee hearing the protest, but may be an observer for the Hearing.

17. SCORING

- 17.1 For handicapped classes, results will be based upon time allowances, based on the 2007 Classic Rating Formula (CRF) ratings and course distances determined by the Race Committee. Scratch sheets and class assignments will be distributed at the skipper's meeting.
- 17.2 One Design classes will be scored using Appendix A with low-point scoring, and no throw-outs. One race constitutes a series. This modifies RRS A2.
- 17.3 Yachts failing to finish within the time limit will be scored TLE (Time Limit Expired), by the Race Committee without a hearing. These yachts will score points equal to the number of yachts that have sailed the course and finished within the time limit plus 1 point. This changes RRS A4.1, A4.2, A5 and A11.18.2. One Design classes will be scored level.

18. RADIO COMMUNICATION

Except in an emergency, a yacht shall neither make nor receive radio/telephone nor any other communications not available to all yachts while racing. Yachts shall monitor VHF channel 79 all times for RC announcements.

19. GOVERNMENT BUOYS

Government buoys, when not specified as part of the course, have no required side, except for safe navigation.

20. PRIZES

Racing awards will be given at the Museum of Yachting on Sunday at the Awards Dinner.

Spinnaker Class A separate class of Vintage yachts using spinnakers may be established if a minimum number of entries warrant (6). Awards for first, second and third will be presented for this class; however, those competing in this class will be ineligible for Vintage, fleet or designer awards.

Modern Classics will be eligible for the following:

Prizes will be awarded to the first, second (if more than 3 entries) and third place (if more than 5 entries) among Modern Classics. Modern Classics may start / race within a class of Vintage yachts, but will be competing for separate awards.

Good Old Boats will be eligible for the following:

Prizes will be awarded to the first, second (if more than 3 entries) and third place (if more than 5 entries) among Modern Classics. Good Old Boats may start / race within a class of Vintage yachts, but will be competing for separate awards.

One Design Fleets Prizes will be awarded to the first, second (if more than 3 entries in the class) and third place (if more than 5 entries in the class) boat in each class based on cumulative results.

SAILING INSTRUCTIONS – Robert H. Tiedemann Classic Yachting Weekend

July 7-8, 2007

21. SAIL & EQUIPMENT LIMITATIONS (Does not apply to One-Design, Good Old Boats or Modern Classics)

- 21.1 Vintage - Only traditionally constructed, woven canvas, nylon, or polyester, (Dacron) sails are permitted. Sails made using laminate or composite construction or materials (such as, but not limited to, Mylar, Kevlar, Spectra, Vektron, Carbon Fiber, etc.), including those sails utilizing advanced shaping technologies (3DL or similar) are not permitted. Maximum headsail LP = 150%. Mizzen staysails are permitted. Spinnakers and Headsails are defined in accordance with 2001-2004 RRS 50.4. Only one jib shall be carried in the fore-triangle at one time: i.e., drop one sail before setting another. This modifies 2001-2004 RRS 50.1. Bona fide double headsail rigs, may carry a staysail hanked on to the inner forestay, however, all headsails must be tacked on the centerline of the boat, any and all headsails set flying are not permitted: i.e., all sails set in the fore-triangle must be hanked on the full length of the stay, (except fixed-stay roller furling sails) and, a whisker pole, no greater than 1.25 of the J measurement, may be used to wing out a jib on the side opposite the main boom as long as no other sail is set in the fore-triangle and it is fixed at the mast while in use.
- 21.2 Spinnaker Class - A separate class of yachts using spinnakers may be established if a minimum number of entries warrant (6), however those competing in this class will be ineligible for Vintage, fleet or designer awards.
- 21.3 Modern Classics, Good Old Boats - There are no sail or equipment limitations, other than competing in a spinnaker or non-spinnaker class.
- 21.4 One Design Yachts - Equipment limitations as governed by individual class rules.

22. NOTES

- 22.1 Competitors are reminded that Narragansett Bay is a restricted channel and sailing vessels do not have the right-of-way over a vessel under power, which may be restricted in her ability to maneuver.
- 22.1 All times herein are Eastern Daylight time.
- 22.3 In the event that life saving equipment is lost overboard, it should be retrieved. If recovery is impossible, loss of any equipment that floats shall be reported immediately to the Race Committee and the nearest U. S. Coast Guard station, on VHF 16.
- 22.4 Newport tides are listed as follows:
- | | | | | | |
|------------------|-------|------|---------|-------|-----|
| Saturday, July 7 | 1357h | High | 4.1feet | 1952h | Low |
| Sunday, July 8 | 1454h | High | 4.1feet | 2125h | Low |

RACE COMMITTEE

Richard Thursby, PRO
 Bob Arms
 MJ Cox
 Henry Howard
 Barbara Jackson
 Dan Jackson
 A.R.G. Wallace

Scoring: Ellen Sykes
 CRF Ratings: Chris Wick

Signal Boat: TRUCE
 Mark Boats: ALPHA & FOXTROT

EXHIBIT 4

07/09/2007 08:00 FAX 212 891 1760
007-07-100508

P2/5



PROTEST FORM

also for requests for redress and reopening

www.usasailing.org

Fill in and check as appropriate

Date & time received

7/7/07 1658

Received by

Alyssa

Number

1

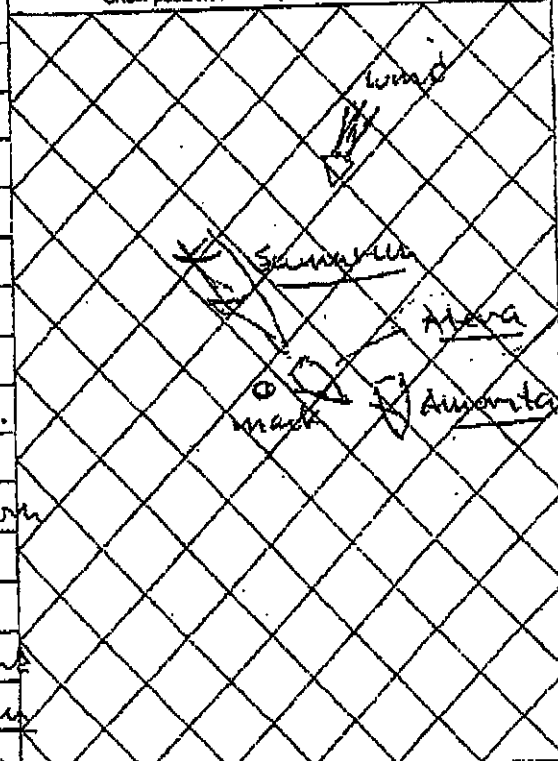
1. EVENT Freedom Organizing authority Museum & Yachtbldg 7/7/07 Race no. 1
2. TYPE OF HEARING
☒ Protest by boat against boat
☐ Protest by race committee against boat
☐ Protest by protest committee against boat
☐ Request for redress by boat or race committee
☐ Consideration of redress by protest committee
☐ Request by boat or race committee to reopen hearing
☐ Consideration of reopening by protest committee
3. BOAT PROTESTING, OR REQUESTING REDRESS OR REOPENING
 Class white Sail no. 1 Boat's name Alera
 Represented by Knight Goulet & Co (207) 525-5204 E-mail cool.sail@unitecast.com
64 (207) 407-1000
4. BOAT(S) PROTESTED OR BEING CONSIDERED FOR REDRESS
 Class Gold Sail no. 14 Boat's name Summer Summer
5. INCIDENT
 Time and place of incident 6 PM south of Barnstable
 Rules alleged to have been broken 12 Witnesses _____
6. INFORMING PROTESTEE How did you inform the protestee of your intention to protest?
☐ By hailing When? _____ Words used _____
☒ By displaying a red flag When? after clearing damage
☒ By informing her in some other way Give details by radio to Race Committee

7. DESCRIPTION OF INCIDENT

(use another sheet if necessary)

Yacht Alera on
port tack approaching
mark with Amorita
to weather and
slightly ahead.
Summer on port
tack overtaking
Summer struck
Alera on transom.
Summer rode
over Alera's transom
and struck main
boom to leeward,
spinning Alera toward
the wind. Summer
then struck Amorita.

Diagram: one square = one hull length
 Show position of boats, wind and current direction, marks.



us
 seen out
 mark

WT 100/THIRTY MIN X-ING PAY 401 MAX 4001 NEWPORT SHIPYARD
207-67-100500 44414 448225

207-67-100500
P 3/5

THIS SIDE FOR PROTEST COMMITTEE USE		Number _____
Fill in and check as appropriate		Heard together with numbers _____
<input type="checkbox"/> Withdrawal requested; signature _____	<input type="checkbox"/> Withdrawal permitted	
Protest time limit _____	<input checked="" type="checkbox"/> Protest, or request for redress or reopening, is within time limit <input type="checkbox"/> Time limit extended	
Protestor, or party requesting redress or reopening, represented by _____		
Other party, or boat being considered for redress, represented by _____		
Names of witnesses _____		
Interpreters _____	Remarks _____	
Objection about interested party _____	<input type="checkbox"/>	
Written protest or request identifies incident _____	<input checked="" type="checkbox"/>	
'Protest' hailed at first reasonable opportunity _____	<input type="checkbox"/>	
No hail needed; protestee informed at first reasonable opportunity _____	<input checked="" type="checkbox"/>	
Red flag conspicuously displayed at first reasonable opportunity _____	<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/> Protest or request valid; hearing will continue <input type="checkbox"/> Protest or request invalid; hearing is closed		

FACTS FOUND ALERA AND SUMURUN APPROXIMATE THE WINDWARD MARK ON PORT TACK.
WIND APPROX 12 KTS SLACK TIDE 2-3 FOOT SEA. ALERA HAD EXHAUSTED
SLIGHTLY AND HAD BORN OFF TO ROUND THE MARK, SU. H.T. ALERA'S TRAILING
AND CONTINUED ALONG ALERA'S STARBOARD SIDE AND ALSO HIT THE
MARK, BECOMING ENTANGLED IN ALERA'S BOOM AND MAIN SHEET.

☐ Diagram of boat _____ is endorsed by committee. ☐ Committee's diagram is attached

CONCLUSIONS AND RULES THAT APPLY
SUMURUN VIOLATED RULE 12

DECISION	
Protest: <input type="checkbox"/> dismissed Boat(s) <u>SUMURUN</u> is (are) <input checked="" type="checkbox"/> disqualified	<input type="checkbox"/> penalized as follows _____
Redress: <input type="checkbox"/> not given <input type="checkbox"/> given as follows _____	
Request to reopen a hearing: <input type="checkbox"/> denied <input type="checkbox"/> granted	Written decision requested _____
PROTEST COMMITTEE	
Members <u>JOHN BOMER ALERA GEORGE NOZZ FIELD</u>	When _____
Chairman's signature _____	By whom _____
Date & time <u>7/8/07 1045</u>	Date provided _____

10/22/2007 15:31 FAX 2128911760
 10/22/2007 15:31 FAX 2128911760

10/22/2007 15:31 FAX 2128911760
 10/22/2007 15:31 FAX 2128911760

PROTEST FORM

also for requests for redress and reopening

Date & fee received 07/22/07 10:17
 Received by _____ Number 0

Fill in and check the appropriate

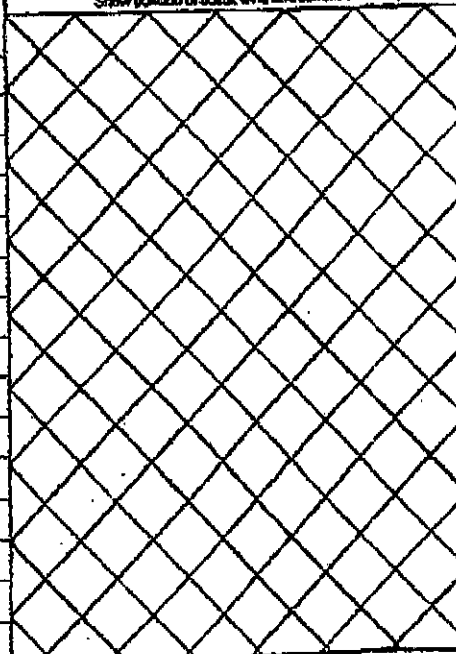
1. EVENT Boat Edenmark Organizing authority MOY Date 7/2/07 Race no. 1
2. TYPE OF HEARING
 - ☒ Protest by boat against boat
 - ☐ Protest by race committee against boat
 - ☐ Protest by protest committee against boat
 - ☐ Request for redress by boat or race committee
 - ☐ Consideration of redress by protest committee
 - ☐ Request by boat or race committee to reopen hearing
 - ☐ Consideration of reopening by protest committee
3. BOAT PROTESTING, OR REQUESTING REDRESS OR REOPENING
 Class 2 Sail no. 9 Boat's name ACHAIA Tel. 901-877-2109
 Represented by Jul Becken Address 64 WASHINGTON ST NEWARK NJ 07102
4. BOAT(S) PROTESTED OR BEING CONSIDERED FOR REDRESS
 Class 1 Sail no. _____ Boat's name ACHAIA
5. INCIDENT
 Time and place of incident ACHAIA Rule(s) alleged to have been broken 18-2 C
 Witness(es) _____
6. INFORMING PROTESTEE How did you inform the protestee of your intention to protest? A/C
 - ☐ By hailing When? _____ Word(s) used _____
 - ☐ By displaying a red flag When? _____
 - ☐ By informing her in some other way Give details _____

7. DESCRIPTION OF INCIDENT

Surpassed, from clear
asked, hit Achaia
Boeing A here into
ACHAIA.

The boat at the impact
from Achaia spun
ACHAIA 90° at
which Achaia struck
and sank ACHAIA.

Diagram: one square = one full length
 Show position of boat, wind and current direction, marks



**Narragansett Bay Yachting Association Appeals Committee
Sumurun Appeal Letter Addresses**

Via Federal Express:

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Via Mail:

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