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August 30, 2007

Ronald A. Hopkins
Narragansett Bay Yachting Association
65 Hazard Avenue
East Providence, Rhode Island 0291

Dear Sir:

I am in receipt of the appeal filed by A. Robert Towbin regarding an incident on July 7, 2007 during the Robert Tiedemann Classic Yachting Weekend. I represented the yacht Alera, which filed a protest against the yacht Sumurun for an incident near mark GRNR off Beavertail Point. That protest was upheld.

At the protest hearing, the accounts of the incident as presented by both Alera (represented by me) and Sumurun (represented by Armin Fischer) were in near total agreement. These were that Sumurun was the overtaking yacht and struck Alera in the transom. There was no suggestion that Alera tacked too close (even with the added condition in Section 1.4 of the Sailing Instructions (Keep Clear). ~~There was no suggestion that the incident took place within the two boat length circle.~~ * There was no suggestion that Sumurun was overlapped to leeward. Rather, as presented by both Alera and Sumurun, this was simply a case of an overtaking boat failing to keep clear. Armin Fischer stated that Sumurun planned to pass to weather of Alera but that someone on the bow of Sumurun said that they could not and that Sumurun then bore off, striking Alera first in the transom and next on the boom. When the jury questioned Armin Fischer, he did state that the crewmember who said they could not clear Alera to weather was back by the mast.

I was in the cockpit of Alera and thought Sumurun was planning to pass to windward. I then saw her alter course to leeward, whereupon she struck Alera in the transom.

The damage sustained by Alera, a chunk out of her transom, confirms where contact was made.

Yours very truly,

A. Knight Coolidge

9/10/07

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* should read: There was no suggestion that Alera tacked within the two boat length circle.
AKC