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FREE

Yacht collision lawsuit seeks \$1 million



PHOTO COURTESY OF CAPT. PHIL LEBLANC, SAFE/SEA

The *Amorita* is towed to shore being raised from the bottom of Narragansett Bay by Safe/Sea in July 2007.

Owners seek compensation in wake of MOY regatta collision

BY TOM SHEVLIN

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NEWPORT – The owners of a 103-year-old sailing yacht that sunk during the Museum of Yachting's Robert Tiedemann Classic Regatta last summer are suing the owners of the 94-foot yacht *Sumurun* for more than \$1 million.

The lawsuit, filed against A. Robert Towbin of New York City and Armin Fischer of Camden, Maine, was submitted to U.S. District Court in Portland March 5 by Jed Pearsall and William

Doyle, both of Newport.

The suit stems from a dramatic collision during a July 7 charity race for the Museum of Yachting in which *Sumurun* struck and sank Msres. Pearsall and Doyle's classic sloop *Amorita*.

Named by Sail Magazine in January 1994 as one of the "100 Greatest Yachts in America," *Amorita* met a quick demise in approximately 55 feet of water just south of Beavertail.

Sumurun, designed by William Fife and built

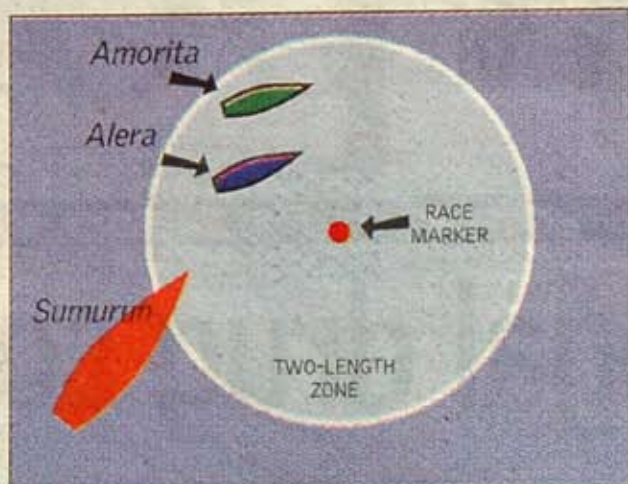
in 1914, was originally commissioned for Lord Sackville of Kent. *Amorita*, originally designed by H.R. Herreshoff in 1904, was one of two New York 30s involved in the July crash. Also involved was the *Alera*, based out of Booth Harbor, Maine.

According to court documents, the crash occurred as the two NY30s were approaching a marker and had entered the two-length zone.

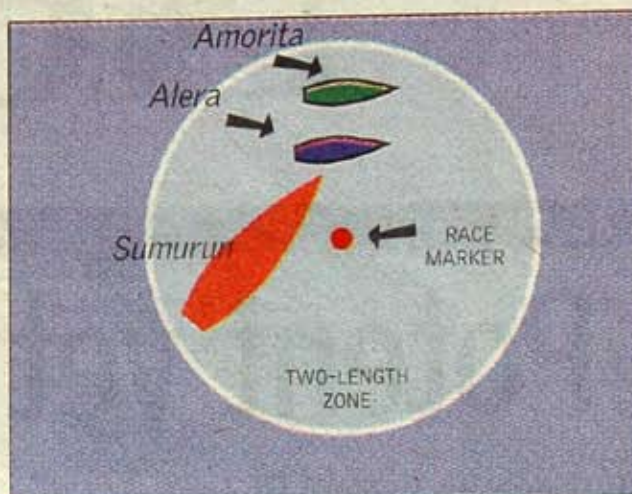
See **SUIT** Page 2

Lawsuit charges *Sumurun* with wanton disregard for safety at sea

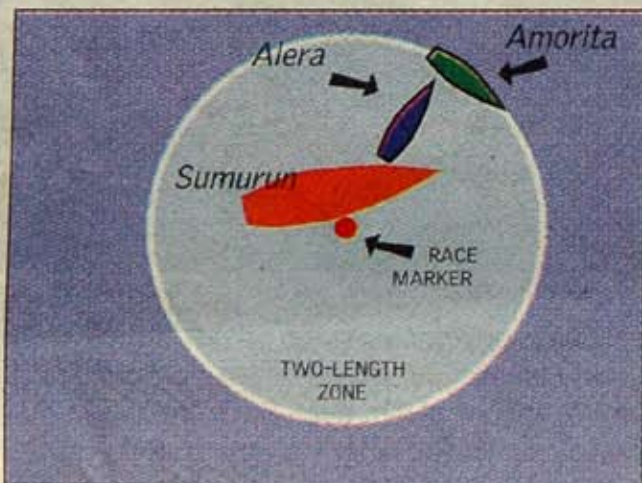
The U.S. Sailing Appeals Committee found that *Sumurun* caused all the collisions during the race and broke at least four rules, including one of them twice. *Amorita* sustained damages, losses and expenses estimated at \$1 million. In order to compensate their loss, the plaintiffs are asking that *Sumurun* be "arrested," condemned and sold.



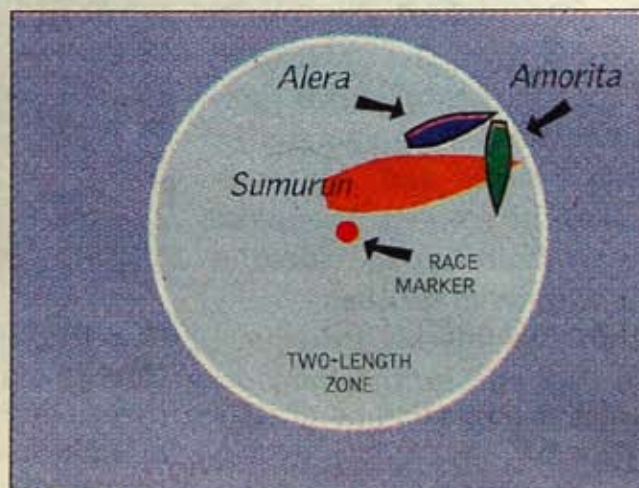
1 The collision occurred as the *Amorita* and the *Alera* were approaching a turning mark and had entered the two-length zone. Racing rules stipulate that once a vessel has entered the two-length zone surrounding a turn marker, it's given the right of way from trailing crews (the *Sumurun*).



2 The lawsuit alleges that *Sumurun* was gaining on the smaller boats as they approached the turning mark.



3 Despite warning that there was not enough room to pass, the plaintiffs allege the *Sumurun* attempted to round the mark inside the path of the smaller boats.



4 As a result, *Sumurun* collided with both *Amorita* and *Alera*, according to the suit. Broadsided, *Amorita* sunk within 30 seconds, according to court documents.

SUIT: Classic yacht collision leads to sinking and \$1million lawsuit

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Racing rules stipulate that once a vessel has entered the two-length zone surrounding a turn marker, it's given the right of way from trailing crews.

In the lawsuit, Mr. Pearsall and Mr. Doyle allege that *Sumurun*, helmed at the time by Mr. Towbin, was gaining on the smaller boats. Despite warning that there was not enough room to pass, the plaintiffs allege that Mr. Towbin reversed the helm and attempted to round the mark inside the path of the smaller boats. As a result, *Sumurun* collided with both *Amorita* and *Alera*, according to the suit. Broad-sided, *Amorita* sunk within 30 seconds, according to court documents.

"During the rounding of the mark off Beavertail Point, *Sumurun* was navigated in a careless and grossly negligent manner,

with wanton disregard for safety at sea," the lawsuit stated.

It goes on, "After the collision, *Amorita* was held afloat, below the surface of the water, by her rigging, which was fouled on the stem of *Sumurun*. *Sumurun* did not render aid to the crew or to the vessel, rather, without permission from *Amorita*'s owner and without even placing a line on *Amorita* to mark her location, *Sumurun* cut *Amorita* away, sinking her to the bottom of Narragansett Bay."

The next day, the owners of *Amorita* and *Alera* filed protests against *Sumurun* with the race's protest committee. Two days later, on July 10, 2007, after several days of preparations, salvage divers successfully raised *Amorita* and redelivered her to her owners.

Ultimately, the Narragansett Bay Yachting Association disqualified *Sumurun*, finding the crew had violated a racing rule which led to sinking of the *Amorita* and

exonerated the crew of the *Alera* from any wrongdoing.

Following two appeals by Mr. Towbin, the U.S. Sailing Appeals Committee found that *Sumurun* caused all the collisions and broke at least four rules, including one of them twice.

According to the appeals committee, "*Sumurun* was properly found at fault for the subject collision through private resolution of disputes in an agreed-upon forum akin to arbitration which met the requirements for due process and *Sumurun* is therefore responsible for the collision."

In all, *Amorita* sustained damages, losses and expenses estimated at \$1 million. In order to compensate their loss, the plaintiffs are asking that *Sumurun* be "arrested," condemned and sold. In addition, Mr. Pearsall and Mr. Doyle are also seeking unspecified "consequential" and punitive damages.