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# Suit seeks \$1M in collision of classics

Owners of the New York 30 *Amorita* accuse NYYC colleague of 'outrageous and extreme' race tactics

By Douglas A. Campbell  
SENIOR WRITER

The meter is ticking at a boatyard in Noank, Conn., and the bill is expected to top \$800,000 before the project is completed.

The task of deciding who pays that bill now resides 345 miles to the north, in U.S. District Court in Bangor, Maine, where the owners of *Amorita* — the 1905 Nathanael G. Herreshoff-designed New York 30 run over and sunk last summer by *Sumurun*, a 94-foot 1914 William Fife-designed ketch — have filed suit.

Three levels of the sailing establishment already have ruled that *Sumurun*, owned and skippered by A. Robert Towbin, was responsible for the July 7 collision at the mouth of Narragansett Bay (R.I.) during last year's Robert H. Tiedemann Classic Yacht Regatta. The final ruling came from US Sailing, the governing body of the sport in the United States, which on Jan. 9 denied an appeal by Towbin, essentially upholding the rulings of the race protest committee and the Narragansett Bay Yachting Association.

In addition to the estimated repair bill for *Amorita*, her owners, Jed Pearsall and William Doyle, list other expenses that bring their total claimed loss to \$995,454.74. Rounding up, the yacht owners have asked the court to find Towbin and others liable for \$1 million in damages and for "consequential" and "punitive" damages.

The wording of the suit leaves little doubt as to why Pearsall and Doyle feel there are grounds for punitive dam-



**Sumurun ran over and sank Amorita at last summer's Robert H. Tiedemann Classic Yacht Regatta off Newport, R.I.**

ages. "Owner Robert Towbin acted in an arrogant, malicious, outrageous and extreme manner," the suit claims, after describing the events that led to the collision. Pearsall and Doyle won't comment on the suit, according to their attorney. Neither Towbin nor his attorney returned calls for comment.

The accident occurred on a breezy, sunny summer afternoon as a fleet of antique yachts raced around Conanicut Island. *Amorita* and another New York 30, *Alera*, were approaching a green and red buoy, NR, a turning mark in the race. In an earlier interview, Pearsall and Doyle said the race rules, drafted to protect the fragile antique sailboats from damage, required skip-

pers to avoid collisions at all costs. "The regatta was set up not to be cut-throat racing, [a] gotta-be-first-no-matter-what race. It was not really an aggressive race," Doyle said.

All parties seem to agree on the sequence of events as the two Herreshoff boats approached the buoy. *Amorita* was to windward and slightly ahead of *Alera*. The schooner *Fortune*, which had started the race in the same class, was in the general area but off to the rear. *Sumurun*, with Towbin at the helm and his professional captain, Armin Fischer, on board, had started the race in a different class 15 minutes after the smaller New York 30s. But it was approaching fast from behind.

In a matter of five seconds — the estimate of Pearsall and Doyle — *Sumurun*'s bow hit the transom of *Alera*, spinning her to port. Immediately, *Alera*'s bow snagged the mainsail of *Amorita*, which then spun out of control to starboard, crossing *Sumurun*'s path. In an instant, *Sumurun*'s curved bow rode up over *Amorita*, cleaving her nearly in two. As their yacht sank, Pearsall, Doyle and one of their crewmen found themselves in the water. Their bowman, unknown to the owners, had managed to hang on to *Sumurun*'s bow and was hauled to safety by her crew.

In the suit, Pearsall and Doyle, both New York Yacht Club members, claim Towbin, a fellow club member, was at the helm of his yacht and was "fast overhauling" *Amorita* and *Alera*. The suit claims Towbin "was advised that there was not enough room." Nonetheless, the suit alleges, Towbin "reversed the helm and attempted to round a racing mark off Beavertail Point in Newport, R.I., inside the smaller boats."

The suit alleges that during the mark rounding, *Sumurun* "was navigated in a careless and grossly negligent manner, with wanton disregard for safety at sea." Asserting that neither *Amorita* nor *Alera* bear any responsibility for the collision, the suit claims the "collision and resulting damages were caused or contributed to by Mr. Towbin's aggressive, malicious and outrageous sailing tactics."

Among the infractions committed by *Sumurun*, the suit claims, were negligence in attempting to overtake the smaller yachts and "proceeding at an immoderate rate of speed under the circumstances."

"Those in charge of the vessel *Sumurun* were careless, grossly negligent, and inattentive to their duties under the circumstances while overtaking vessels ahead," the suit continues, *Sumurun* tried to round the mark inside the smaller boats "even though she did not have the right or the room to do so."

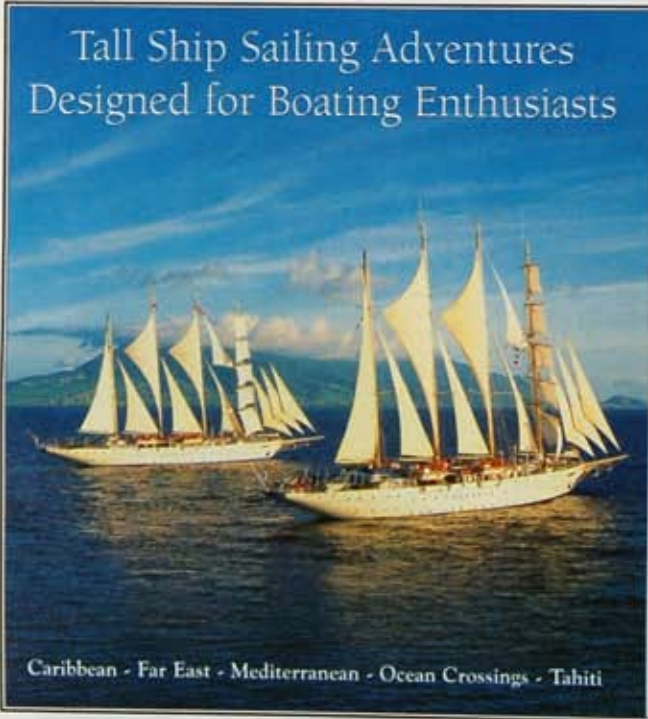
"It became clear to the operators of *Sumurun* that a collision would occur when *Sumurun* negligently changed her course in the direction of the smaller vessels ahead in an attempt to round the mark," but Towbin "failed to navigate so as to avoid striking the vessel *Amorita*."

*Sumurun*'s crew "failed to give any signal indicating her intended course ... [and] failed to hail the smaller boats ahead," the suit continues. "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 owners and without even placing a line on *Amorita* to mark her location, *Sumurun* cut *Amorita* away, sinking her to


See *Amorita*, Page 18

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