



Spain 2026
SAILING
GRAND SLAM
27TH MARCH TO 4TH APRIL
MALLORCA / SPAIN 2026



Protest nr: 90

Class	49er FX
Protestor	GER 55 - Marla Bergmann
Protestee	ESP 73 - Alicia Fras Sámson
Witnesses	
Type	reopening
Incident	Bungee/rope broke and GER55 couldn't finish the race. ESP73 needed to Retire from R11.
Date/Time of hearing	4 Apr 2025 at 17:00
Location	Room 1
Procedural matters	1. In accordance with Rule 63.7(c), Chris Lindsay (IJ-IRL) and Ken Gamito (IJ-POR) were included as members of the original panel, and Giorgio Davanzo (IJ-ITA) is a new member of the panel. 2. The panel is a three-person panel in accordance with rule N1.4(b).
Facts found	1. In the original hearing of case 64, GER confirmed that she intended only to request redress and did not wish to protest. 2. During the hearing of that case, the Jury found that there was serious damage caused by ESP. 3. GER now considers that having concluded in case 64 that the incident at issue included serious damage, the Jury should have changed the type of hearing to a protest, or filed their own protest against ESP.
Conclusion	1. Rule 63.2(c) provides the Jury with the discretion to change the type of the hearing. However, this action is not mandatory. Therefore, that the Jury did not do so is not a significant error, nor significant new evidence to justify reopening. 2. Rule 64(c)(1) does not require the jury to initiate a protest in the event of serious damage. Since in this case GER herself elected not to protest, the Jury does not consider it appropriate for it to do so.
Rules applicables	63.2(c), 64(c)(1)
Jury Decision:	Hearing no. 64 will not be reopened.
Date of decision:	4 Apr 2025 at 17:15
Jury members	Ken Gamito (IJ-POR), Giorgio Davanzo (IJ-ITA), Chris Lindsay (IJ-IRL)

Signature:



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