

# VOLVO OCEAN RACE 2008-9 INTERNATIONAL JURY

Case VOR03

Request for clarification from Ericsson Racing Team  
In respect to Jury Decision 2<sup>nd</sup> October 2008

JURY NOTICE JN07

20<sup>th</sup> November 2008

To: Ericsson Racing Team, Other Teams, Volvo Event Management, Chief Measurer.  
From: International Jury

1. On 18th November 2008, the Jury Chairman received three questions from Ericsson Racing Team.

### Questions in relation to the Decision of the Jury in Case VOR03.

After having witnessed some serious misunderstandings by the public and followers on the application of the decision of the Jury dated 2<sup>nd</sup> of October in regards to E3, the team respectfully request the Jury to answer these questions in order to terminate any possible future speculation:

#### Question 1.

Paragraph 31 of the decision of the Jury reads in part:

“31. ....Whilst benefiting from this permission, ERT shall be penalized by the deduction of one point at the conclusion of any day in which there has been one or more In Port races; by one point at each Scoring Waypoint; and by two points at the conclusion of each Leg. ....”

*Taking the finishing order of the fleet, with Ericsson 3 arriving third, could you please confirm that the scoring reproduced below (as taken from the Official Website) is correct?*

Scoreboard <span style="float: right;">Help</span>								
	Delta Lloyd	Ericsson3	Ericsson4	Green Dragon	PUMA	Team Russia	Telefonica Blue	Telefon Black
Overall Position	7	6	1	3	2	8	4	5
Total Points	4.0	5.0	14.0	11.0	13.0	4.0	10.0	7.0
IP Alicante	1.0	0.5*	2.5	2.0	3.0	0.5	4.0	3.5
Waypoint Fernando	1.0	0.5*	3.5	4.0	3.0	0.5	2.0	2.5
Leg 1	2.0	4.0**	8.0	5.0	7.0	3.0	4.0	1.0
Leg 2	-	-	-	-	-	-	-	-

Jury's answer to Question 1: The scores are correctly illustrated in the chart.

### Question 2.

Paragraph 32 of the decision of the Jury reads:

“32. In the event that E3 becomes compliant and be issued with a certificate at any time during the Race, then this decision will not apply to subsequent races or Waypoint scores.”  
*Taking the fact that E3 has indeed been issued with a certificate, could you please confirm that E3 will not be further penalised as per the Jury decision in Leg 2 and subsequent races or waypoint scores?*

**Jury’s answer to Question 2:** The Rule Management Group has confirmed to the Jury that E3 was fitted with a replacement keel in Cape Town and a certificate was issued on the 8<sup>th</sup> November. The RMG reports that the plan form and section shapes fairly represent those of the keel fin that was replaced, and therefore the application of a 3 point penalty does not apply.<sup>1</sup> In accordance with Jury Decision VOR03, E3 will carry forward only the 4 penalty points accumulated up to Cape Town.

### Question 3.

Notice of Race 6.2. reads:

“6.2 TIES: When there is a tie on total points between two or more *Boats*, the tie will be broken in favour of the *Boat* with the most first places counting *Legs* and *In Port Races*, and, if the tie remains, the most second places, and so on. If after completing the procedure described above a tie still exists, it will be broken in favour of the *Boat* that has the highest place on the last *Leg*.

Any ties still remaining shall be broken in favour of the *Boat* that has the highest place on the next-to-last race (*Leg* or *In Port race*) and so on until all ties are broken. On an *In Port Race* day when there has been two races completed and there is a tie between *Boats* after the two races, the tie will be broken in favour of the *Boat* with the highest placing between the tied boats in the second race on that day, and shall be reapplied if ties remain.”

*Taking the fact that E3 arrived to Cape Town in third place, could you please confirm that E3 will be able to use third place in this leg in order to break an eventual tie as per NOR 6.2, and that the remaining boats will stay in their finishing places for that purpose, eg. Dragons Forth, Telefónica Blue fifth, ...etc?*

**Jury’s answer to Question 3:** E3 was the third boat to cross the finishing line at Cape Town. However, after the application of the penalty points, her finishing place was fourth, and the finishing place of Green Dragon (which crossed the finishing line 4<sup>th</sup>) was 3<sup>rd</sup>. It is these finishing places which may be used to break a tie.



Bryan Willis  
Jury chairman

Jury: David Tillett, John Doerr, Mats Bjorklund, Shane Borrell, Bryan Willis.

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<sup>1</sup> Notice of Race 5.4(c)(iv): ‘*Racing Appendages* may be replaced. If the replacements have the same plan form and section as the *Racing Appendages* they replace this shall not be considered a modification.’ 5.4(c)(v): ‘Each modification to a *Racing Appendage* shall result in a deduction of 3 points from the *boat’s* overall score.’