

Without a final answer from NOSA on the status of the R33 catamaran by early Wednesday, April 11th, the XS Racing fleet will be forced to withdraw from the Newport to Ensenada Race. We make this statement based on the time restraint reality you have put upon us. Our potential 20 boat fleet has already been whittled down to 10 boats or less since you have made it impossible for our skippers to make firm plans. Half of our fleet were coming from out of state...HA, TX, FLA, MI, MA, WA - even Spain and Norway. We had world champion sailors and a Vendee Globe skipper cancel due to the lack of commitment from NOSA and these high profile sailors' options to commit to other races such as the Antigua Race Week. Also, XS Racing, the organization, needs time to appropriately plan for the race - order trophies, T-shirts and other gear in time for the event. We are and have been on hold since the hearing. Come Wednesday morning, we will only have 15 days left to organize the XS fleet for the race.

Honestly, I can't help but wonder what is happening here are simply stall tactics in this appeal process to eliminate our fleet. It seems that if you were sincere and concerned about the correct course of action, an immediate appeal would have been filed or you would have given us the green light. But, as you stated in your email, you have 15 days to appeal, which you appear to be taking full advantage of. Even if our protest is upheld, XS racers and the XS Racing organization will only have days to prepare for the race. You win and the sport of sailing loses. The majority of NOSA members has been incredibly supportive and has encouraged us to create XS Racing and get sailors out on the water. However, you and a minority of NOSA members, through the course of your actions, are another example why the sport of sailing is dying. Instead of doing everything in your power to muster up participation, you are using delay tactics to eliminate serious racers from sailing - world champions among them.

In our view, the best way to handle this situation is to grant my request I made after the hearing to have NOSA hear our grievances against ORCA and their arbitrary and bias rulings against the R33 cat. You said it is not NOSA's job to regulate ORCA. After talking to two attorneys, your statement appears to be incorrect. Yes it is NOSA's responsibility... as NOSA put ORCA and PHRF in charge as sub-organizers to decide who can and who cannot participate in this NOSA event. The Ensenada Race is a NOSA event, not a PHRF or ORCA event. IF ORCA and PHRF disallowed an entry based on race or religion, would NOSA be responsible? I believe it's obvious that they would be held responsible in a lawsuit if the parties in question sued the race organizer for not allowing them to race based on race, religion or any other blatant prejudice. This is your race...NOSA IS responsible for the action or non-action of these sub-organizations that NOSA has put into place...especially if these sub - organizations break the rules. ORCA is breaking rule 1.2.2 RRS 76.1 by not allowing R33 catamarans to race. We are of the opinion that you and ORCA are currently slandering the R33 Cat by stating that the boat is unsafe. The R33 has a perfect 6-year safety record. We have had no injuries, loss of life or total losses, unlike some of our counterparts who ORCA allows to race. It's unfortunate that you and others have distorted the facts and by doing so effectively slandered the reputation of an award winning design. Neil – 818-692-4595 847-309-8460- rich

You have confused stability with safety. Stability is always a function of crew skill. Even between two identical boats, one boat may broach or capsize while the other sails upright. Why? Crew skill. While you seem to be very concerned with safety, it's important that you take the time to know the facts. How can the R33 be "unsafe" when our counterparts have had total losses, injury and loss of life while we have had none of the above?

With that being said, I again request an immediate hearing that a non NOSA and non ORCA board member jury hear our protest against ORCA, a sub organizer of NOSA, the Organizing Authority of the Ensenada Race, under rule 1.2.2RRS 76.1 as soon as possible. This is completely separate from the first protest. This is a second protest to allow a R33 to sail in the ORCA class if NOSA decides to appeal the first protest, leaving no alternative fleet for a R33 to race in the Ensenada race as there will be no XS Racing class.

And for the record - a little history on our journey with NOSA. I approached NOSA mid 2006 to get an early start to petition them for a one design R33 start in the Ensenada race 2007. It was pointed out by a NOSA board member that NOSA rules stated, that with a 10 boat fleet, we could petition NOSA for a one design start. I was referred to Jerry Montgomery. Jerry told me NOSA would not be in favor of a one design fleet, as past one design fleets created problems. He said an "organized fleet" start would be more favorable to NOSA; thus, the creation of XS Racing. We started a new sailing organization, created by-laws and a website that generated over two hundred XS Racing members worldwide at the expense of over \$10,000 cash and many long man hours. After meetings with NOSA and meeting all the requirements, we were invited to race as an XS Racing fleet in the 2007 Ensenada race. We were accepted as a fleet with, to our understanding, the contingency to meet PHRF or ORCA equipment requirements. We agreed. There was no mention that PHRF or ORCA could decide who was legal to sail in our fleet. That would not make any sense...one organization dictating their views and rules over another, a concept which was denied in the current protest. So after \$10,000 dollars spent, many man hours, meeting all the requirements of NOSA and a protest that was upheld to allow us to race, we still find ourselves fighting for the right to sail. What more can we do than all we've done? Remember, if it was not for the sailors out on the race course there would be no Ensenada race and there would be no NOSA.

So please forward this to the NOSA board. I will forward this to the PC members. Given the urgency of the situation there is no reason why you can't come to a final decision with a majority of the NOSA board by Wednesday morning. As it stands, we are already going to be pressed for time to be ready. However, we are not going to spend more time or money on broken promises, trophies and gear unless NOSA renders their final decision without having a cloud of uncertainty hanging over the heads of XS Sailors.

Regards,

Randy Reynolds