

<b>Subject of Appeal:</b>	Played Card	<b>Case:</b>	R8
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<b>Event</b>	2 <sup>nd</sup> Saturday Flight A Pairs	<b>Event DIC</b>	Candace Kushner
<b>Date</b>	08/15/2015	<b>Session</b>	First

### Auction

West	North	East	South
N/A			

### Explanation of Special Calls and Points of Contention


### Hand Record

<b>Board</b>	<b>21</b>	N	24,270 MPS		
<b>Dealer</b>	<b>N</b>	♠ J4	♥ 102		
<b>Vul</b>	<b>N/S</b>	♦ AK632	♣ 10875		
W	2540 MPS			E	1820 MPS s
♠ AK5	♥ QJ943			♠ 732	
♦ 85	♣ QJ2			♥ 876	
				♦ J74	
		S	4950 MPS		♣ 9643
		♠ Q10986	♥ AK5		
		♦ Q109	♣ AK		

<b>Final Contract</b>	<b>Result of Play</b>	<b>Score</b>	<b>Opening Lead</b>
3NT by S	Down 1	E/W +100	N/A

### Facts Determined at the Table

The director was summoned with four cards remaining in the play. Declarer was on lead and held the ♥5 and the ♦Q109. Dummy had the ♦AK63. According to the defenders, the declarer led the ♥5 and then tried to replace it with the ♦9. Declarer stated that he actually played the two cards simultaneously and that he intended to play the diamond. The table director received no statement from the dummy. When the table director arrived at the table, the only card on the table was the ♥5.

### Director Ruling

Pursuant to Law 45C2, the declarer must play a card from his hand if it is touching or nearly touching the table; or maintained in such position as to indicate that it has been played. Although it was clear that it was not declarer's intent to play the heart, in the absence of any evidence that the diamond and heart were played simultaneously, the heart was the played card. Therefore, the result of 3NT by South, Down 1, E/W +100, stood.

<b>Director's Ruling</b>	<b>3NT by S, Down 1, E/W +100</b>
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### The Appeal

The North/South players appealed the director's ruling, and both pairs were consulted by the Reviewer. Since there was no statement from the dummy in the table director's fact statement, the Reviewer asked the dummy whether he had a statement regarding the four-card ending. He did, but his statement was consistent with the defenders: that the declarer played the ♥5 and quickly tried to replace it with the diamond. The Reviewer then followed up with the declarer,

who said he agreed with the dummy that the cards were not played simultaneously, but that he accidentally played the heart first and quickly tried to replace it with the diamond.

The Reviewer asked each player to demonstrate what happened. While the demonstrations were not identical, they were substantially similar. In each demonstration, the heart was played and quickly replaced by the diamond. There was not one demonstration in which the cards were played simultaneously. Declarer asked if his intent matters. The Reviewer cited the relevant rule, read it to him and indicated that there was no statement regarding intent in Law 45C2.

### **Panel Findings**

At the time the notice of appeal was provided, the only issue appeared to be whether the diamond and heart were played simultaneously. Based on the evidence the table director had at the time, he determined that the heart was the sole card played and that there was no simultaneous play of the heart and the diamond. By the time the Reviewer had collected the facts, there was general agreement among all four players (based on their statements and their demonstrations) that only the heart was played and the diamond was not played simultaneously with the heart. Therefore, the table director correctly ascertained the facts and applied Law 45C2A correctly. As a result, the panel upheld the table director's ruling.

The panel considered whether the appeal had merit. The declarer abandoned his original statement regarding simultaneous play and ultimately agreed with the facts as described by the defenders. Based on the declarer's last question to the reviewer regarding intent, the Reviewer inferred that the intent argument was his only basis for the appeal. Based on the table director's write-up, that issue was raised by the declarer to the table director, and the table director's write-up suggests that the intent argument was responded to completely and accurately. Therefore, there was nothing remaining to the appeal that had merit. Thus, an Appeal without Merit Warning was issued to South.

<b>Panel Decision</b>	<b>3NT by S, Down 1, E/W +100</b>
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### **Panel Members**

<b>Reviewer</b>	Scott Humphrey
<b>Member</b>	Matt Smith
<b>Member</b>	Gary Zeiger