

|                           |                |              |    |
|---------------------------|----------------|--------------|----|
| <b>Subject of Appeal:</b> | Misinformation | <b>Case:</b> | N5 |
|---------------------------|----------------|--------------|----|

|              |                    |                  |                   |
|--------------|--------------------|------------------|-------------------|
| <b>Event</b> | Wernher Open Pairs | <b>Event DIC</b> | Ken Van Cleve     |
| <b>Date</b>  | 08/06/2013         | <b>Session</b>   | Second Qualifying |

### Auction

| West | North | East | South            |
|------|-------|------|------------------|
|      |       |      | 1♣ <sup>1</sup>  |
| 1♦   | 1♠    | 1NT  | Dbf <sup>2</sup> |
| Pass | Pass  | 2♦   | 2♥               |
| 3♦   | Pass  | Pass | Pass             |
|      |       |      |                  |
|      |       |      |                  |
|      |       |      |                  |

### Explanation of Special Calls and Points of Contention

|                               |
|-------------------------------|
| 1: Out of Turn, Accepted      |
| 2: Intended as Support Double |
|                               |
|                               |
|                               |
|                               |

### Hand Record

|               |              |  |                  |   |                |
|---------------|--------------|--|------------------|---|----------------|
| <b>Board</b>  | 22           | N  | Jill Hunter      |   |                |
| <b>Dealer</b> | E            | ♠  | 10862            |   |                |
|               |              | ♥  | 1043             |   |                |
| <b>Vul</b>    | E/W          | ♦  | 106              |   |                |
|               |              | ♣  | AJ106            |   |                |
| W             | Bruce Ohmann |  |                  | E | Robert Dennard |
| ♠             | AQ53         |  |                  | ♠ | J7             |
| ♥             | 86           |  |                  | ♥ | AJ92           |
| ♦             | KQJ83        |  |                  | ♦ | 742            |
| ♣             | 92           |  |                  | ♣ | KQ85           |
|               |              | S  | Matthew Fienberg |   |                |
|               |              | ♠  | K94              |   |                |
|               |              | ♥  | KQ75             |   |                |
|               |              | ♦  | A95              |   |                |
|               |              | ♣  | 743              |   |                |

|                       |                       |              |                     |
|-----------------------|-----------------------|--------------|---------------------|
| <b>Final Contract</b> | <b>Result of Play</b> | <b>Score</b> | <b>Opening Lead</b> |
| 3♦ by W               | Made 4                | E/W +130     | ♠ 8                 |

### Facts Determined at the Table

The director was summoned by East/West before the opening lead was made. There had been no Alerts during the auction, but before North could make the opening lead, South stated that there has been a failure to Alert the Double. The director explained that this was the improper time for a defender to make such a declaration, cautioned North to avoid use of the Unauthorized Information, and told E/W to summon him back after play of the hand if they felt damaged.

East summoned the director back after completion of play. South had intended the double as a support double showing three card spade support. North had considered that the double might be support, but was worried that the 1NT call had been conventional and did not want to "wake up the opponents" by Alerting the double. East stated that if he had been informed that the double was for support, he would have passed 1NTX rather than bid 2♦.

### Additional Factors Determined Away from the Table

The director provided a dozen players with the East hand and the auction up to East's second call. Half would have passed 1NTX while the other half would pull either to 2♦ or some other call.

### Director Ruling

It was unclear whether N/S had the agreement that a Support Double applied in this sequence, so it was also unclear if Misinformation had been provided. What was clear was whether South had meant the double as penalty (no alert) or South had meant it as support and North converted it to penalty, East had decided to pull when faced with a penalty double situation, which meant any damage was self-inflicted rather than caused by any infraction. Per Law 40D, the table result of 3♦ by West, making 4, E/W +130 stands.

|                          |                           |
|--------------------------|---------------------------|
| <b>Director's Ruling</b> | 3♦ by W, Made 4, E/W +130 |
|--------------------------|---------------------------|

## The Appeal

East appealed the ruling, and was the only player to attend the committee. He stated that their partnership made sound 1♦ overcalls, and that West could have had at most a king less in strength. He restated that he would have passed 1NTX if he had been informed that South had intended it as Support and North had passed to convert it to penalty.

### Committee Findings

As North/South had not attended the hearing, the committee had to assume that there was misinformation due the failure to Alert. East was entitled to know that the double was support and that North had passed for penalty.

However, for there to be any rectification, the misinformation must have been the cause of the damage. East had pulled the contract when it appeared that South was doubling for penalty, so it was only his statement that said he would do differently if North was applying the penalty. E/W were vulnerable, and as East did not hold a true spade stopper, they could be looking at going down one for -200 while potentially having a making diamond part score. The director poll showed that the decision to pull was 50-50, so East's assertion after the fact had to be taken with a grain of salt.

The committee therefore ruled that the misinformation did not cause East to run from 1NTX, that the damage was self-inflicted, and that the no score adjustment was appropriate.

|                           |                                  |
|---------------------------|----------------------------------|
| <b>Committee Decision</b> | <b>3♦ by W, Made 4, E/W +130</b> |
|---------------------------|----------------------------------|

### Committee Members

|               |                |
|---------------|----------------|
| <b>Chair</b>  | Richard Popper |
| <b>Member</b> | Ed Lazarus     |
| <b>Member</b> | James Thurtell |
| <b>Member</b> | Eugene Kales   |
| <b>Member</b> | David Caprera  |