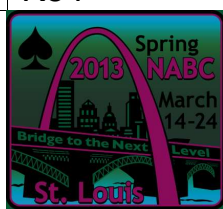


<b>APPEAL</b>	<b>NABC+ TEN</b>
Subject	Misinformation
DIC	Steve Bates
Event	Jacoby Open Swiss
Session	2 <sup>nd</sup> Final
Date	March 24, 2013

BD#	<b>18</b>
VUL	<b>N/S</b>
DLR	<b>E</b>

<b>Sam Lev</b>	
♠	52
♥	K94
♦	109543
♣	K84

<b>Michael McNamera</b>	
♠	AJ109764
♥	J6
♦	--
♣	QJ73



<b>William Ehlers</b>	
♠	KQ83
♥	10732
♦	AKJ7
♣	9

<b>Piotr Gawrys</b>	
♠	--
♥	AQ85
♦	Q862
♣	A10652

West	North	East	South
		1♦ <sup>(1)</sup>	2♣
2♥ <sup>(2)</sup>	3♣	4♣	P
4♠	P	5♦	X
5♠	P	P	P

Final Contract	<b>5♠ by West</b>
Opening Lead	<b>♦10</b>
Table Result	<b>Making 6, E/W +480</b>
Director Ruling	<b>5♠ by West, Making 6, E/W +480</b>
Committee Ruling	<b>5♠ by West, Down 1, N/S +50</b>

- |     |   |
|-----|---|
| (1) | <b>Precision, 10-15, could be short</b> |
| (2) | <b>Not Alerted; Transfer to Spades</b>  |

**The Facts:** West gave the correct information about their agreements prior to the opening lead. East stated that he finally “woke up”. After the 5♠ bid, it appears that West did not take advantage of the UI – if partner cannot cuebid hearts, he is not interested in pursuing slam. South said he would not have doubled 5♦ if he’d known that their suit was spades. A club or heart lead will set 5♠.

**The Ruling:** Several players were polled about the double of 5♦. The players polled described it as “bizarre”, “horrific”, “insane” and similar terms. With such descriptions, the directors judged that the damage that N/S suffered had been divorced from the infraction due to a “serious error, unrelated to the infraction”, per Law 12C1b. Accordingly, the table result was ruled to stand.

**The Appeal:** North/South appealed the ruling and East, West and South attended the hearing. South explained that his double of 5♦ was preparatory to doubling any red suit contract E/W

would ultimately bid. It was not intended as lead directing. Had East informed him at the time of the 5♦ bid that he now realized that West's 2♥ bid showed Spades, then South would not have doubled.

East stated that he figured out the true meaning of West's 2♥ bid when his partner bid 4♠, but was under the impression that he could not Alert in the middle of the auction once he failed to do so at the time of the bid. The Screening Director informed him and the AC that this is incorrect under Law 75B and the ACBL Alert Procedures.

**The Decision:** The Appeals Committee decision was a two-part one. First, the E/W pair, because of the misinformation, was not entitled to benefit and make their contract with an overtrick. The normal lead of a club, probable with proper and timely disclosure of the pair's agreements, would have resulted in down one, and that result was therefore assigned.

The second part was whether the double of 5♦ was so disastrously egregious that the damage N/S received was self-inflicted. The AC felt that although the double was bad, it fell short of the requirements stipulated in Law 12C1b, which would have prevented the pair from receiving redress. The result was changed to 5♠ by West, down 1, N/S +50 for both sides.

**The Committee:** Gail Greenberg (Chair), Chris Moll, Michael Huston, David Grainger and Ed Lazarus