

APPEAL	NABC+ SIX
Subject	Misinformation (MI) – Failure to Alert
DIC	Henry Cukoff
Event	Wernher Open Pairs
Session	First Qualifying
Date	July 22, 2008

BD#	28
VUL	N/S
DLR	West

Sam Punch	
♠	Q 4 2
♥	A J 4
♦	K 7 6 3 2
♣	6 2

Marta Peltz		Summer 2008 Las Vegas, NV	Andy Vinock	
♠	K T 9		♠	A J 8 7 3
♥	7 6 3		♥	Q
♦	T 9 4		♦	8 5
♣	A Q J 8		♣	K T 9 7 3

Stephen Peterkin	
♠	6 5
♥	K T 9 8 5 2
♦	A Q J
♣	5 4

West	North	East	South
	2♦	Pass	2♥ ¹
Pass	3♥	Pass	Pass
Pass			

Final Contract	3♥ by South
Opening Lead	♠T
Table Result	Made 5, N/S +200
Director Ruling	3♥ S, making 5, N/S +200
Committee Ruling	3♥ S, making 5, N/S +200

(1)	Not Alerted – agreement is non-forcing..
-----	--

The Facts: The director was called at the end of the auction. South informed E/W of the failure to Alert. The director asked West if she would like to withdraw her final pass with the correct information (i.e. that 2♥ was non-forcing). West said, “No.” East was asked away from the table what he would have done with timely and correct information. He said he would double 3♥ for takeout.

The Ruling: It was judged that East was unlikely to bid or double with correct information. The failure to Alert was not the cause of damage; therefore, in accordance with Laws 40C and 12C2, the table result of 3♥ by South making five, N/S plus 200 was allowed to stand.

The Appeal: All four players attended the hearing.

East claimed he would have doubled 3♥ if Alerted but passed in the hope that the opponents would not get to game. If they did bid game, he was planning to bid 4♠ over 4♥. West said she would have responded 3♠ had East doubled 3♥. The opening lead was the ten of spades, followed by the spade king and another spade.

The Decision: The committee felt that East's actions rather than the MI resulting from the failure to Alert were the cause of the E/W damage. Even if it could be presumed that South would normally bid again after getting a raise to his forcing 2♥ response, there was no obligation on his part to do so since "forcing" would not necessarily have meant "game forcing." Furthermore, East's range of choices was either to double 3♥ (his preferred action if 2♥ had been Alerted) or to bid 4♠ over 4♥-P-P (assuming that South bid again). The committee thought double of 3♥ clearly superior to 4♠ over 4♥ no matter what the meaning of 2♥ was, and it was not persuaded by East's argument in favor of pass in the hope of a N/S error. A player who rejects a clear action in the hope that his opponents will do the wrong thing is not well-placed to complain when the opponents go right. All of E/W's contentions seemed of a self-serving nature. The committee agreed with the director's ruling of allowing the table result of 3♥ by South making five, N/S plus 200 to stand.

The committee strongly felt that East should have known not to bring this appeal. Therefore, it assessed an appeal without merit warning (AWMW) to E/W.

The Committee: Ron Gerard (Chair), Abby Heitner, Mike Kovacich, Danny Sprung and Eddie Wold.