

**INTERNATIONAL COURT OF APPEAL
(I.C.A.)**

of the

**FEDERATION INTERNATIONALE DE L'AUTOMOBILE
(F.I.A.)**

CASE:

**Appeal lodged by the Deutscher Motor Sport Bund (DMSB)
on behalf of its licence-holder and competitor Aqua Nova Racing Team
Kadach (driver Wolf Henzler), against the decision of the
American National Court of Appeal taken on 21 October 2003 for the
2003 Porsche Michelin Supercup Event run at Indianapolis (United States)
from 27 to 28 September 2003**

Hearing of Wednesday 3 December 2003 - 12 noon - in Paris

The FIA INTERNATIONAL COURT of APPEAL, comprising Mr Xavier CONESA (Spain), elected President, Mr Philippe ROBERTI de WINGHE (Belgium), Mr Graham STOKER (Great Britain) and Mr Reginald REDMOND (Ireland) ;

Meeting in Paris on Wednesday, 3 December 2003, at the Headquarters of the Fédération Internationale de l'Automobile, 8 place de la Concorde, 75008 Paris,

Ruling on the appeal lodged by the Deutscher Motor Sport Bund (DMSB), on behalf of its licence-holder and competitor Aqua Nova Racing Team Kadach, driver Wolf Henzler, against the decision taken by the American National Court of Appeal on 21 October 2003 in the 2003 Porsche Michelin Supercup event run at Indianapolis (United States) from 27 to 28 September 2003 whereby the decision of exclusion taken by the Stewards of the Meeting was quashed and the points returned both to the competitor and the driver, with infliction of a simple reprimand on the driver Frank Stippler and notation on the Driving Code;

After hearing:

For the appellant, in the absence of the DMSB, the competitor Aqua Nova Racing Team Kadach, represented by Mr Gottlieb Karbach, Team Manager, and the driver Mr Wolf Henzler, assisted by Mr Thomas Fleischer, Lawyer with the Wiesbaden Bar;

For the respondent, the competitor Infineon Farnbacher, represented by Mr Farnbacher, Team Manager, and the driver Mr Frank Stippler, assisted by Mr Matthias Feltz, Lawyer with the Frankfurt Bar;

For the FIA, Mr Sébastien Bernard, Head of the Legal Department;

After hearing the **knowledgeable parties** in the persons of Mr Owen Hayes, Engineer at Porsche AG, Mr Andreas Pechlaner, Engineer, and Mr Mathias Mahler, Engineer at Porsche AG;

After recognizing that the due hearing of all parties had been respected, the rights of each party having been properly examined both prior to the hearing and during the hearing itself; and that both the parties and expert witnesses were heard in due and proper form, and that they provided full explanations and responses when asked during the hearing with the aid of simultaneous interpretation which was deemed acceptable by all parties concerned;

WHEREAS the competitor Aqua Nova Racing Team Kadach maintains that an untimely breaking manoeuvre by the driver Frank Stippler, competitor Infineon Farnbacher, caused a collision between Frank Stippler and Wolf Henzler, provoking damage to the front of Wolf Henzler's car and its subsequent abandon;

WHEREAS at the hearing the different video tapes of the collision played clearly showed that driver Frank Stippler used his brakes three times, and notably in an abusive way the third time when there was no justification for such action; as a result the front of Wolf Henzler's car was crushed; this driver later abandoned the race;

WHEREAS moreover the charts and tables produced during the hearing confirm the abusive use of brakes noted above;

WHEREAS with no explanation offered by the parties which can seriously contest this position, it is necessary to quash the decision of the National Court of Appeal which imposed a simple reprimand on the driver Frank Stippler, with a notation on the Driving Code - decision which was in addition groundless and contrary to Article 189 of the International Sporting Code;

WHEREAS under such conditions it is necessary to confirm the decision of the Panel of the Stewards of the Meeting taken on 27 September 2003 whereby Car N° 5, competitor Infineon Farnbacher (driver Frank Stippler), was excluded from the event;

ON THESE GROUNDS,

DECLARES the appeal admissible,

QUASHES the decision of the National Court of Appeal taken on 21 October 2003,

CONFIRMS if need be the decision of the Panel of the Stewards of the Meeting taken on 27 September 2003 whereby Car N° 5, competitor Infineon Farnbacher (driver Frank Stippler), was excluded from the event,

LEAVES it to the sporting authority to determine the consequences of the present decision,

LEAVES the costs to be borne by the respondent, Infineon Farnbacher, in accordance with Article 190 of the International Sporting Code.

Paris, 3 December 2003

The PRESIDENT