

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 92-9593
Summary Calendar

ROWAN COMPANIES, INC.,

Plaintiff-Appellant,

VERSUS

HAROLD D. CHANDLER,

Defendant-Appellee.

Appeal from the United States District Court
for the Eastern District of Louisiana
(CA-92-3333-H)

June 3, 1993

Before JOLLY, DUHÉ, and BARKSDALE, Circuit Judges.

PER CURIAM:*

Rowan Companies, Inc., appeals the dismissal of its declaratory judgment action. We **AFFIRM**.

I.

Based on the claim by Harold Chandler that he became totally disabled because of allergic reactions to chemicals he was exposed to while employed by Rowan as a seaman aboard the ROWAN ALASKA from 1985 until 1992, Rowan began to pay him maintenance and cure under

* Local Rule 47.5.1 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that rule, the court has determined that this opinion should not be published.

the General Maritime Law. In October 1992, it sought a declaratory judgment that it had no further obligation to do so. That November, Chandler moved to dismiss the action. Several weeks later, he filed a complaint under the Jones Act and General Maritime Law in Texas state court. The motion to dismiss Rowan's declaratory judgment action was granted in December 1992.

II.

A district court has discretion to either entertain a declaratory judgment action, or decline to do so. We review only for abuse of that discretion, *e.g.*, ***Torch, Inc. v. LeBlanc***, 947 F.2d 193, 195 (5th Cir. 1991), and find none here.

In exercising its discretion, the district court should not dismiss a declaratory judgment action on the basis of "whim or personal disinclination", ***Mission Ins. Co. v. Puritan Fashions Corp.***, 706 F.2d 599, 601 (5th Cir. 1983) (quoting ***Hollis v. Itawamba County Loans***, 657 F.2d 746, 750 (5th Cir. 1981)), but should consider a variety of factors. Here, the district court considered:

(1) whether there was another pending proceeding in which the parties could fully litigate the matters in controversy;

(2) whether the declaratory complaint was filed as a means of forum shopping in anticipation of another suit;

(3) the possible inequities of allowing Rowan to gain precedence in time and forum; and

(4) the inconvenience of the declaratory suit
for the parties and witnesses.

These factors are among those to be considered by a district court in deciding whether to entertain a declaratory judgment action; any one can justify dismissal. See *Rowan Companies, Inc. v. Griffin*, 876 F.2d 26 (5th Cir. 1989).

In its assertions of error, Rowan emphasizes the last of these factors, contending that Texas state court is a far less convenient forum than the Louisiana federal court where its declaratory judgment action was filed. The district court agreed, but gave greater weight to Chandler's right to have his entire case tried before a jury in his selected forum. Such balancing demonstrates the district court's careful consideration of the relevant factors, and is well within its broad discretion.

III.

Accordingly, the judgment is

AFFIRMED.