

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 93-3542

ODECO, INC.,

Plaintiff-Appellant,

versus

CORNELIUS BRIDGETT,

Defendant-Appellee.

Appeal from the United States District Court
for the Eastern District of Louisiana
(CA-93-742-E-1)

(May 3, 1994)

Before KING, DAVIS, and DeMOSS, Circuit Judges

PER CURIAM:*

It is within the district court's broad discretion whether to decide a declaratory-judgment action. **Torch, Inc. v. LeBlanc**, 947 F.2d 193, 194 (5th Cir. 1991). This Court reviews the dismissal of a declaratory-judgment action for an abuse of discretion. **Rowan Cos. v. Griffin**, 876 F.2d 26, 29 (5th Cir. 1989).

The district court may consider a variety of factors which

* Local Rule 47.5 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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

would justify denying declaratory-judgment relief including whether there is a pending state-court proceeding in which the issues might be fully litigated. **Id.** The presence of any one of the factors enumerated in **Rowan** is sufficient to justify dismissal.

Fundamentally, the district court should determine whether the state action provides an adequate vehicle for adjudicating the claims of the parties and whether the federal action serves some purpose beyond mere duplication of effort. The district court should consider denying declaratory relief to avoid gratuitous interference with the orderly and comprehensive disposition of a state court litigation if the claims of all parties can satisfactorily be adjudicated in the state court proceeding.

Matter of Magnolia Marine Transp. Co., 964 F.2d 1571, 1581 (5th Cir. 1992) (internal punctuation and citations omitted); **see Rowan**, 876 F.2d at 29 n.3 (pendency of state-court action is "important factor").

The district court concluded that the pending state-court proceeding provided the strongest ground for dismissal. The district court determined that although Bridgett had not yet filed a punitive damages claim in state court, hearing the case would result in piecemeal litigation.

Bridgett's state-court action contains negligence and unseaworthiness claims, each based upon a single set of facts. The issue of punitive damages raised in the declaratory-judgment action can be resolved by the state court. The state-court proceeding provides an adequate vehicle for adjudication of the Bridgett's claims against Odeco and maintenance of the declaratory-judgment action would serve no useful purpose beyond mere duplication of effort. The district court did not abuse its discretion by

dismissing the declaratory-judgment action.

Bridgett requests that this Court impose sanctions against Odeco for bringing a frivolous appeal. This Court may impose sanctions, including attorney's fees and single or double costs, if an appeal is frivolous. 28 U.S.C. §§ 1912, 1927; Fed. R. App. P. 38; **Topalian v. Ehrman**, 954 F.2d 1125, 1140 (5th Cir.) **cert. denied**, 113 S.Ct. 82 (1992). An appeal is frivolous if the result is obvious or the arguments are meritless. **Coghlan v. Starkey**, 852 F.2d 806, 811 (5th Cir. 1988).

Odeco's appeal is not meritless and the result is not obvious. No sanctions will be imposed against Odeco for this appeal.

AFFIRMED.