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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>THOMAS COOK; et al.,</p> <p style="text-align: center;">Plaintiffs - Appellants,</p> <p style="text-align: center;">v.</p> <p>CHAMPION SHIPPING AS and CHAMPION TANKERS AS,</p> <p style="text-align: center;">Defendants - Appellees.</p>
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No. 10-16750

D.C. No. 2:09-cv-03605-FCD-DAD

MEMORANDUM\*

Appeal from the United States District Court  
for the Eastern District of California  
Frank C. Damrell, Jr., District Judge, Presiding

Submitted October 14, 2011\*\*  
San Francisco, California

Before: THOMAS and MURGUIA, Circuit Judges, and HUFF, District Judge.\*\*\*

\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously concludes this case is suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

\*\*\* The Honorable Marilyn L. Huff, District Judge for the U.S. District Court for the Southern District of California, sitting by designation.

Plaintiff Thomas Cook, an American crew member aboard the wooden sailing vessel Princess Taiping, appeals the district court's dismissal of his diversity and maritime action on the basis of *forum non conveniens*.<sup>1</sup> Plaintiff brought suit against Defendants Champion Shipping AS and Champion Tankers AS in California, seeking damages for injuries allegedly resulting from a collision between Champion's vessel, M/V Champion Express, and Plaintiff's vessel, the Taiping, in international waters off the coast of Taiwan.

The district court first found that Hong Kong was an adequate alternative forum. *Lueck v. Sundstrand Corp.*, 236 F.3d 1137, 1142 (9th Cir. 2001). Next, the district court reasonably and thoroughly assessed all of the relevant private and public interest factors. *Id.* The district court recognized the great deference given to an American citizen's choice of forum, *see Piper Aircraft Co. v. Reyno*, 454 U.S. 235, 255 (1981), but concluded that the balance of public and private factors weighed heavily in favor of dismissal. The district court found that material witnesses and documentary evidence for this dispute are primarily located in Southeast Asia and that Hong Kong is a centrally-located forum. The district court

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<sup>1</sup> Plaintiffs Jason K. Arnold, Jack L. Durham, John M. Hunter, III, Larz A. Stewart, and Elizabeth H. Zeiger have notified the Court that they have reached a settlement with Defendants on all claims and have filed stipulations to dismiss the appeal with prejudice. Accordingly, the Court will dismiss this appeal as to these parties pursuant to Federal Rule of Appellate Procedure 42(b) in a separate order.

also found that Hong Kong offers a forum in which all claims involving all parties can be tried in one action.

Upon review, we conclude that the district court did not clearly abuse its discretion in either determining that Hong Kong is an adequate alternative forum in which to adjudicate Plaintiff's claims, or that the balance of private and public factors favors dismissal. Consequently, we **AFFIRM** the order of the district court dismissing this action.