

31ST ANNUAL
DAVID W. ROBERTSON ADMIRALTY AND
MARITIME LAW CONFERENCE

HOUSTON, TEXAS

October 14, 2022

**JUDICIAL TOPIC:
OCSLA: JURISDICTION
AND CHOICE OF LAW**

Kenneth G. Engerrand
President, Brown Sims, P.C.
Houston, Texas

Honorable Edith H. Jones
United States Court of Appeals
for the Fifth Circuit
Houston, Texas

TABLE OF CONTENTS

Tabs

1. *Lewis v. Glendel Drilling Co.*,
898 F.2d 1083 (5th Cir. 1990)
2. *In re Deepwater Horizon*,
745 F.3d 157 (5th Cir. 2014)
3. *Petrobras America, Inc. v. Vicinay Cadenas, S.A.*,
815 F.3d 211 (5th Cir. 2016)
4. *Petrobras America, Inc. v. Vicinay Cadenas, S.A.*,
829 F.3d 770 (5th Cir. 2016)

**1. *Lewis v. Glendel Drilling Co.*,
898 F.2d 1083 (5th Cir. 1990)**

willingness to find the serious burdens on an alien defendant outweighed by minimal interests on the part of the plaintiff or the forum State. "Great care and reserve should be exercised when extending our notions of personal jurisdiction into the international field."

Id. at 115, 107 S.Ct. at 1034-35, 94 L.Ed.2d 92 (quoting *United States v. First Nat'l City Bank*, 379 U.S. 378, 404, 85 S.Ct. 528, 542, 13 L.Ed.2d 365 (1965) (Harlan, J., dissenting)). Given the heavy burden on Corinth to defend in Texas, Corinth's efforts to structure its relations to avoid the jurisdiction of Texas courts,² the minimal interest of Texas in providing a forum for the litigation, and the Supreme Court's direction to exercise caution in subjecting alien defendants to United States courts' jurisdiction, I conclude the district court's exercise of jurisdiction was unreasonable.

Corinth did not have sufficient minimum contacts with Texas to justify an exercise of either specific or general jurisdiction. Even if Corinth did establish minimum contacts, the district court's exercise of jurisdiction was unreasonable under the facts of this case. Because the exercise of jurisdiction was not permissible under the due process clause, the judgment in favor of Gulf Consolidated should be vacated and the cause dismissed.

Beverly Locks LEWIS, Individually and as the Tutrix of Her Minor Children, Nona Aisha Lewis, Erisa Kironda Lewis, Jamal William Lewis, Benita Leshawn Lewis and Jeriel Nicole Lewis, Plaintiff,

v.

GLENDEL DRILLING COMPANY and Pioneer Production Corporation, Defendants.

AVANTI SERVICES, INC., Defendant, Third Party Defendant, Cross-Defendant, Appellant,

v.

GLENDEL DRILLING COMPANY and Highlands Insurance Company, Defendants, Cross-Plaintiffs, Appellees,

Mesa (as Successors to Pioneer Production), Third Party Plaintiff, Cross-Defendant, Appellee.

No. 88-4934.

United States Court of Appeals,
Fifth Circuit.

April 26, 1990.

2. The majority suggests that Corinth's "brisk activity" in shipping goods to Texas made the district court's exercise of jurisdiction reasonable. I think it unlikely, however, that connections with a forum that are insufficient to establish minimum contacts would be significant in determining the reasonableness of an exercise

of jurisdiction. To the extent Corinth's actions are significant in evaluating reasonableness, I would place greater emphasis on the corporation's efforts to center its activities in Greece than on sales to Texas businesses that sought out the foreign corporation to purchase its goods.

Also available as part of the eCourse

[OSCSLA, Jurisdiction and Choice of Law](#)

First appeared as part of the conference materials for the

31st Annual David W. Robertson Admiralty and Maritime Law Conference session

"OSCSLA, Jurisdiction, and Choice of Law"