

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 91-3766

BETTY U. CHIASSON,

Plaintiff-Appellant,

VERSUS

ZAPATA GULF MARINE CORPORATION,

Defendant-Appellee.

Appeals from the United States District Court
for the Eastern District of Louisiana

(September 17, 1993)

ON PETITION FOR REHEARING AND SUGGESTION FOR REHEARING EN BANC

(Opinion 03/31/93, 5 Cir., 1993, 988 F.2d 513)

Before JONES, and BARKSDALE, Circuit Judges, and JUSTICE*, District Judge.

PER CURIAM:

The Petition for Rehearing is **DENIED** and no member of this panel nor Judge in regular active service on the Court having requested that the Court be polled on rehearing en banc, (Federal Rules of Appellate Procedure and Local Rule 35) the Suggestion for Rehearing En Banc is **DENIED**. Petitioner and amici read our opinion too broadly. We simply hold that the surveillance evidence should have been disclosed during discovery because it was not used solely for impeachment as the local rule requires. The impeaching value of the evidence was minimal, whereas the evidence was probative on

* District Judge for the Eastern District of Texas, sitting by designation.

a central substantive issue in the case -- plaintiff's physical condition.