

SUPREME COURT OF LOUISIANA

No. 96-C-0803

MELVIN AND LOU M. FOSTER

Versus

DESTIN TRADING CORPORATION AND BLESSEY MARINE SERVICES, INC.

**ON WRIT OF CERTIORARI TO THE COURT OF APPEAL,
FIFTH CIRCUIT, PARISH OF JEFFERSON, STATE OF LOUISIANA**

ON REHEARING

JOHNSON, Justice dissenting

In our original opinion, Foster v. Destin Trading Corp., 695 So. 2d 509 (La. 1997), the majority determined from the evidence that the pine board was an appurtenance of the vessel, that the pine board deteriorated over time and was not fit to be used as a means of traversing from vessel to vessel, thereby rendering it unseaworthy. I am still of the opinion that an unseaworthy condition existed on the vessel at the time of Foster's injuries which clearly exposed the vessel's owner to liability.