

SUPREME COURT OF LOUISIANA

No. 98-C-1601 c/w 98-C-1609

FRED PETERSON

v.

**GIBRALTAR SAVINGS AND LOAN, INC.,
THE GALLERIA INVESTMENT CORPORATION, D/B/A
GALLERIA ONE AND/OR THE GALLERIA, ET AL.**

ON REHEARING

**CALOGERO, C. J., CONCURS IN PART AND DISSENTS IN PART FROM
THE COURT'S DISPOSITION OF THE PLAINTIFF'S APPLICATION FOR
REHEARING**

I concur in the Court's remanding the matter to the district court to conduct a hearing in which the Gibraltar defendants and their attorneys are ordered to show cause why they should not be held in contempt of court and/or sanctioned for alleged discovery violations. However, I dissent from the per curiam opinion in so far as it does not follow the recommendation, proposed in my dissent on original hearing, not only to remand the case to the district court to conduct a limited hearing to determine the roles of the Gibraltar defendants and their attorneys in the alleged concealment of the excess insurance policy, but also to "delay this Court's disposition of defendant's attack on the Court of Appeal judgment, and ruling on the motion to strike the writ application filed in this Court until after the full extent of the alleged misrepresentation, ill-practice, fraud and lack of candor is determined."

Peterson v. Gibraltar Savings & Loan, 98-1601, 98-1609 (La. 5/18/99), ___ So. 2d ___ (Calogero, C.J., dissenting).