

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

LESLIE MCCOY

VERSUS

WATCO COMPANIES, LLC AND  
BATON ROUGE SOUTHERN RAILROAD

CIVIL ACTION

NO. 12-754-SDD-SCR

**RULING**

In this appeal, Plaintiff seeks review of the Magistrate Judge's ruling of November 13, 2013.

In reviewing the Magistrate Judge's ruling in question, the Court must decide whether the ruling constitutes clear error.<sup>1</sup> Having considered the Magistrate Judge's ruling on the issue in question, the Court does not find any clear error. The Court recognizes that not all district courts in Louisiana agree on when surveillance video evidence must be produced. Furthermore, the Fifth Circuit's decision in *Chiasson v. Zapata Gulf Marine Corp.*,<sup>2</sup> relied upon by both parties, does not hold that such evidence must be disclosed prior to a plaintiff's deposition, but prior to trial.

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<sup>1</sup> 28 U.S.C. § 636(b)(1)(A).

<sup>2</sup> 988 F.2d 513, 517 (5<sup>th</sup> Cir. 1993).

Considering that each case must be evaluated on a case by case basis, and the Court's wide discretion in governing the discovery process,<sup>3</sup> the Court cannot find that the Magistrate's ruling is clear error.

Accordingly, **IT IS ORDERED** that the ruling of the Magistrate Judge dated November 13, 2013 is hereby **AFFIRMED**.

Baton Rouge, Louisiana, this 2 day of December, 2013.



**SHELLY D. DICK, DISTRICT JUDGE  
MIDDLE DISTRICT OF LOUISIANA**

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<sup>3</sup> See *Wichita Falls Office Assocs. v. Banc One Corp.*, 978 F.2d 915, 918 (5<sup>th</sup> Cir. 1992) (“The trial judge’s decision to curtail discovery is granted great deference...”).