

COURT OF APPEAL, FIRST CIRCUIT
STATE OF LOUISIANA

RE: Docket Number 2008-CA-1046

Thomas J. Hutcherson and Kathleen F. Hutcherson

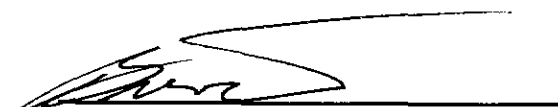
-- Versus --

Harvey Smith Construction, Inc. and ABC Insurance
Company

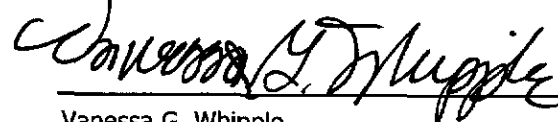
19th Judicial District Court
Case #: 526185
East Baton Rouge Parish

On Application for Rehearing filed 02/27/2009

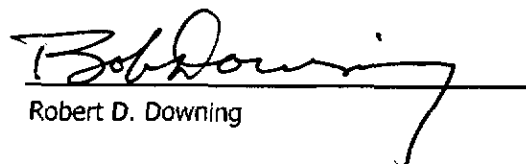
Rehearing Granted for the limited purpose of making corrections to the opinion. In all other respects,
the application for rehearing is denied. See Per Curiam attached.



Bunell J. Carter




Vanessa G. Whipple



Robert D. Downing

Filed MAR 31 2009


Christine L. Crow, Clerk

STATE OF LOUISIANA

FIRST CIRCUIT

COURT OF APPEAL

NO. 2008 CA 1046

MAR 31 2009

THOMAS J. AND KATHLEEN F. HUTHERSON

VERSUS

HARVEY SMITH CONSTRUCTION, INC.
AND ABC INSURANCE COMPANY

PER CURIAM.

The application for rehearing is granted for the limited purpose of making the following corrections to our original opinion.

We amend pages one, two, and eight of our original opinion to change the name of “Harvey Smith Construction, Inc.” to “HSC, Inc.”

We further amend page two of our original opinion by inserting a footnote after “\$225,000.00.” as follows: “The Hutcherson’s petition named Harvey Smith Construction, Inc. as an original defendant; however, the petition was later amended to reflect the name of HSC, Inc. as the proper defendant, and the Huthersons voluntarily dismissed their claims against Harvey Smith Construction, Inc.”

In all other respects, the application for rehearing is denied.