

IN THE SUPREME COURT OF THE STATE OF MONTANA

2000 MT 101N-A

No. 99-476

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AMADO GERRY LOPEZ,

Plaintiff and Appellant,

v. O R D E R

MUSSELSHELL COUNTY; MUSSELSHELL COUNTY  
SHERIFF, G. PAUL SMITH, individually and in his official  
capacity; MUSSELSHELL COUNTY ATTORNEY JOHN  
BOHLMAN, individually and in his official capacity; and)  
MUSSELSHELL COUNTY SHERIFF'S DEPUTIES ORVILLE  
"BUZZ" JONES; "DUTCH" VAN SYCKEL; WANDA  
SPAULDING; and WOODROW "WOODY" WEITZEIL,  
individually and in their official capacities,  
Defendants and Respondents.

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On April 20, 2000, the Court issued its Opinion in the above-entitled matter. On May 5, 2000, Appellant Amado Gerry Lopez, filed herein a Petition for Rehearing and Memorandum in Support. Respondents' opposition to Appellant's Petition for Rehearing was filed May 8, 2000. The Court having considered the Petition and Response,

IT IS ORDERED that the statutory reference in ¶ 58 is hereby changed to reflect the correct statute. Specifically, ¶ 58 of this Court's April 20, 2000, Opinion should read as follows:

¶58 Lopez contends that the defendants defended against the claims of six plaintiffs in this case and that the case was intertwined with a related action by Trochmann. We need not address Lopez's contention, however, because the record is clear that his objections to costs were not timely filed under § 25-10-502, MCA. Accordingly, Lopez waived his right to object to the defendants' claimed costs.

IT IS FUTHER ORDERED that in all other respects, this Court's Opinion of April 20, 2000, shall remain the same and the Petition for Rehearing is denied. Let remittitur issue forthwith.

The Clerk of Court is directed to mail a true and correct copy of this order to all counsel of record.

DATED this 23rd day of May 2000.

/S/ KARLA M. GRAY

/S/ JIM REGNIER

/S/ JAMES C. NELSON

/S/ W. WILLIAM LEAPHART