

**STATE OF LOUISIANA
COURT OF APPEAL, THIRD CIRCUIT**

CA 14-1223

HEATHER MILEY CLOUD

VERSUS

**TOM SCHEDLER IN HIS OFFICIAL
CAPACITY AS SECRETARY OF STATE
FOR THE STATE OF LOUISIANA, AND
BERT KEITH CAMPBELL**

ON THIS COURT'S OWN MOTION FOR CORRECTION OF OPINION

**APPEAL FROM THE
THIRTEENTH JUDICIAL DISTRICT COURT
PARISH OF EVANGELINE, NO. 75137-A
HONORABLE JOEL GERARD DAVIS, DISTRICT JUDGE**

ELIZABETH A. PICKETT

JUDGE

Court composed of Marc T. Amy, Elizabeth A. Pickett, John E. Conery, Judges.

AMENDED AND CORRECTED.

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PICKETT, Judge.

This court issued an opinion in this matter on November 21, 2014, and at the conclusion of the opinion, assessed costs for this matter against the appellees, the Secretary of State for the State of Louisiana and Bert Keith Campbell. However, the Secretary of State has objected to being assessed costs. Pursuant to La.R.S. 18:1402(D), costs cannot be assessed against the Secretary of State in these election proceedings. While La.R.S. 18:1409(I) prohibits an application for new trial or rehearing in suits of this nature, this statute does permit this court, on its own motion, to amend its opinion to correct a legal error. Since the assessment of costs against the Secretary of State is specifically prohibited by statute, this portion of our opinion issued on November 21, 2014, was erroneous, and we hereby amend the opinion by reversing and setting aside the assessment of costs against the Secretary of State.

AMENDED AND CORRECTED.