

STATE OF LOUISIANA
COURT OF APPEAL, THIRD CIRCUIT
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NOT DESIGNATED FOR PUBLICATION

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Judgment on rehearing rendered and
mailed to all parties or counsel of
record on April 3, 2024

REHEARING ACTION: April 3, 2024

Docket Number: 23 00323-CA

**LESLIE RENEE BOAGNI ELSBURY
VERSUS
ERNEST RAY ELSBURY, IV**

Appealed from Lafayette Parish Case No. 20172013

BEFORE JUDGES:

**Hon. D. Kent Savoie
Hon. Candyce G. Perret
Hon. Ledricka J. Thierry**

As counsel of record in the captioned case, you are hereby notified that the application
for rehearing filed by **Ernest Ray Elsbury, IV** has this day been

GRANTED. (See majority opinion on rehearing also rendered this date)

cc: Leslie Renee Boagni Elsbury, In Proper Person

NOT DESIGNATED FOR PUBLICATION

ON REHEARING

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

23-323

LESLIE RENEE BOAGNI ELSBURY

VERSUS

ERNEST RAY ELSBURY, IV

**APPEAL FROM THE
FIFTEENTH JUDICIAL DISTRICT COURT
PARISH OF LAFAYETTE, NO. 20172013
HONORABLE LAURIE A. HULIN, DISTRICT JUDGE**

**CANDYCE G. PERRET
JUDGE**

Court composed of D. Kent Savoie, Candyce G. Perret, and Ledricka J. Thierry,
Judges.

REHEARING GRANTED.

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Ernest Ray Elsbury, IV**

PERRET, Judge.

In our original opinion, we found no merit to Mr. Elsbury’s answer to the appeal seeking \$11,559.79 for his attorney fees incurred between the date the petition for divorce was filed and the date of the judgment of divorce. Specifically, we found that “[a]lthough Mr. Elsbury submitted Exhibit E-20, which includes his attorney fees through December 10, 2017, and testified at trial that the attorney fees amounted to \$23,119.59, he failed to place any claim for reimbursement at issue for the trial court to consider.”

In the rehearing application, Mr. Elsbury argues that there was a stipulation and exhibit introduced as to the amount of his fees along with his own trial testimony to the amount, without any objection whatsoever. He further argues that Ms. Boagni did not respond to his claim for fees on appeal. Because we find the December 28, 2022 trial court judgment is silent regarding Mr. Elsbury’s request for reimbursement of attorney fees through his divorce with Ms. Boagni in the amount of \$11,559.79, and because we find that the trial judge is in the best position to make this determination, we hereby grant his request for rehearing for the limited purpose of remanding this matter to the trial court for it to consider his reimbursement claim for the attorney fees that were incurred between the date the petition for divorce was filed and the date of the judgment of divorce. Our original judgment is otherwise affirmed.

REHEARING GRANTED.

This opinion is NOT DESIGNATED FOR PUBLICATION.
Uniform Rules—Courts of Appeal, Rule 2–16.3.