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U.S. SPECIALTY INS. CO. v. D S AVIONICS
Cite as 302 Neb. 283



Nebraska Supreme Court

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U.S. SPECIALTY INSURANCE COMPANY,
A CORPORATION, APPELLEE, v.
D S AVIONICS UNLIMITED
LLC, APPELLANT.
923 N.W.2d 367

Filed February 15, 2019. No. S-17-1101.

SUPPLEMENTAL OPINION

Appeal from the District Court for Douglas County: SHELLY R. STRATMAN, Judge. Supplemental opinion: Former opinion modified. Motions for rehearing overruled.

Thomas M. Locher, of Locher, Pavelka, Dostal, Braddy & Hammes, L.L.C., for appellant.

Robert E. O'Connor, Jr., for appellee.

HEAVICAN, C.J., MILLER-LERMAN, CASSEL, STACY, FUNKE, and
PAPIK, JJ., and JOHNSON, District Judge.

PER CURIAM.

This case is before us on motions for rehearing filed by the appellant, D S Avionics Unlimited LLC, and the appellee, U.S. Specialty Insurance Company, concerning our opinion in *U.S. Specialty Ins. Co. v. D S Avionics*.¹ We overrule the motions, but we modify the opinion as follows:

¹ *U.S. Specialty Ins. Co. v. D S Avionics*, 301 Neb. 388, 918 N.W.2d 589 (2018).

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In the “Declaratory Judgment Was Premature” subsection, we strike the third sentence of the first paragraph, including footnote 14.² Also in the same subsection, after the fourth sentence of the second paragraph,³ we insert the following sentence: ““This rule embraces not only cases where the identical issues between the same parties are *sub judice*, but also possibly cases in which the issues only are identical but not the parties.’”⁴

The remainder of the opinion shall remain unmodified.

FORMER OPINION MODIFIED.

MOTIONS FOR REHEARING OVERRULED.

² *Id.* at 398, 918 N.W.2d at 596.

³ *Id.* at 399, 918 N.W.2d at 596.

⁴ *Strawn v. County of Sarpy*, 146 Neb. 783, 788, 21 N.W.2d 597, 600 (1946).