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Robert Dick, appellee and cross-appellant, v. Koski Professional Group, P.C., third-party plaintiff, appellant and cross-appellee, and Bland & Associates, P.C., third-party defendant, appellee and cross-appellant.

___ N.W.2d ___

Filed January 29, 2021. No. S-19-132.

SUPPLEMENTAL OPINION

Appeal from the District Court for Douglas County: J Russell Derr, Judge. Former opinion modified. Motion for rehearing overruled.

Robert M. Slovek and Dwyer Arce, of Kutak Rock, L.L.P., for appellant.

Aaron A. Clark, Ruth A. Horvatich, and Cody E. Brookhouser-Sisney, of McGrath, North, Mullin & Kratz, P.C., L.L.O., for appellee Robert Dick.

Ryan M. Kunhart and Jeffrey J. Blumel, of Dvorak Law Group, L.L.C., for appellee Bland & Associates, P.C.

Heavican, C.J., Cassel, Stacy, Funke, Papik, and Freudenberg, JJ.

Per Curiam.

This case is before us on a motion for rehearing filed by the appellant, Koski Professional Group, P.C. (KPG),

concerning our opinion in *Dick v. Koski Prof. Group*, 307 Neb. 599, 950 N.W.2d 321 (2020).

We find no substantive merit to KPG's motion and overrule it, but modify the opinion as follows:

(1) In the background section, under the subheading "Peremptory Challenges," we withdraw the last sentence of the sole paragraph and substitute the following: "Other than a marked copy of a jury roster included in a supplemental transcript, the jury selection process is not otherwise reflected in the appellate record."

(2) In the analysis section, under the subheading "Peremptory Challenges (Assignment of Error No. 1)," we withdraw the seventh paragraph and substitute the following:

> We do not decide that question here. While KPG has offered a marked copy of a jury roster in a supplemental transcript, the markings on that roster do not match the roster's legend sufficiently to support KPG's claim that it exhausted all its peremptory challenges. As such, the record is insufficient to support its assignment of error even if we found merit to KPG's legal premise.

The remainder of the opinion shall remain unmodified.

Former opinion modified.

Motion for rehearing overruled.

Miller-Lerman, J., not participating.