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Nebraska Supreme Court
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Mary Cohan and Terry Cohan, individually and as wife and husband, appellants and cross-appellees, v. Medical Imaging Consultants, P.C., et al., appellees and cross-appellants.

902 N.W.2d 98

Filed August 25, 2017. No. S-16-145.

SUPPLEMENTAL OPINION

Appeal from the District Court for Douglas County: James T. Gleason, Judge. Supplemental opinion: Former opinion modified. Motions for rehearing overruled.

Richard J. Rensch and Sean P. Rensch, of Rensch & Rensch Law, P.C., L.L.O., for appellants.

David D. Ernst and Kellie Chesire Olson, of Pansing, Hogan, Ernst & Bachman, L.L.P., for appellees Medical Imaging Consultants, P.C., and Robert M. Faulk, M.D.

William R. Settles and Kate Geyer Johnson, of Lamson, Dugan & Murray, L.L.P., for appellees Bellevue Obstetrics and Gynecology Associates, P.C., et al.

Heavican, C.J., Wright, Miller-Lerman, Cassel, Stacy, and Kelch, JJ.

Per Curiam.

We consider the appellees' motions for rehearing concerning our opinion in *Cohan v. Medical Imaging Consultants*.[1] We overrule the motions, but we modify the original opinion as follows:

In the section of the opinion designated "3. Cross-Appeals by Appellees," we add a sentence at the end of the first paragraph,[2] such that the paragraph reads as follows:

> Appellees' cross-appeals assign as error the admission of Dr. Naughton's testimony. Appellees moved to strike Dr. Naughton's testimony because they claimed that only Mary's prognosis at the time of trial was relevant and that Nebraska did not recognize a theory of recovery based upon loss of chance. The district court, in overruling the motions to strike, found that Dr. Naughton's opinion was relevant for the limited purpose of establishing that early discovery of cancer leads to a better prognosis. We understand the district court to have used "prognosis" to refer to the risk of recurrence and the probability of an improved outcome.

The remainder of the opinion shall remain unmodified.

Former opinion modified.
Motions for rehearing overruled.

Funke, J., not participating.

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[1] *Cohan v. Medical Imaging Consultants, ante* p. 111, 900 N.W.2d 732 (2017).

[2] *Id.* at 129-130, 900 N.W.2d at 744.