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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).

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.

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[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).