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testimony on the issue of causation, which testimony was required to overcome summary judgment. We therefore affirm the decision of the district court.

AFFIRMED.

GERRARD and MILLER-LERMAN, JJ., not participating.

STATE OF NEBRASKA, APPELLEE, V. STEVEN PARKER, APPELLANT.
767 N.W.2d 68

Filed January 2, 2009. No. S-06-1442.

SUPPLEMENTAL OPINION

Appeal from the District Court for Sarpy County: DAVID K. ARTERBURN, Judge. Supplemental opinion: Former opinion modified. Motion for rehearing overruled.

Robert B. Creager, of Anderson, Creager & Wittstruck, P.C., for appellant.

Jon Bruning, Attorney General, and James D. Smith for appellee.

HEAVICAN, C.J., WRIGHT, CONNOLLY, GERRARD, STEPHAN, MCCORMACK, and MILLER-LERMAN, JJ.

PER CURIAM.

This matter is before the court on the motion for rehearing filed by the State of Nebraska, appellee, regarding our opinion reported at *State v. Parker, ante* p. 661, 757 N.W.2d 7 (2008). We overrule the motion, but modify the opinion as follows:

1. That portion of the opinion designated "HEARSAY OBJECTION," *id.* at 675-77, 757 N.W.2d at 19-20, is withdrawn, and the following language is substituted in its place: "Because of this disposition, we do not reach Parker's remaining assignments of error."

2. The concurring opinion, *id.* at 677-78, 757 N.W.2d at 21, is withdrawn.

The remainder of the opinion shall remain unmodified.

FORMER OPINION MODIFIED.
MOTION FOR REHEARING OVERRULED.