

- 283 -

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



**Nebraska Supreme Court**

I attest to the accuracy and integrity  
of this certified document.

-- Nebraska Reporter of Decisions

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*.<sup>1</sup> We overrule the motions, but we modify the opinion as follows:

---

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

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

In the “Declaratory Judgment Was Premature” subsection, we strike the third sentence of the first paragraph, including footnote 14.<sup>2</sup> Also in the same subsection, after the fourth sentence of the second paragraph,<sup>3</sup> 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.’”<sup>4</sup>

The remainder of the opinion shall remain unmodified.

FORMER OPINION MODIFIED.

MOTIONS FOR REHEARING OVERRULED.

---

<sup>2</sup> *Id.* at 398, 918 N.W.2d at 596.

<sup>3</sup> *Id.* at 399, 918 N.W.2d at 596.

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