

1 than 50% of Amtrak's capital stock (28 U.S.C. § 1349). In re
2 Rail Collision Near Chase, Maryland (D. Md. 1987) 680 F.Supp.
3 728, 731. No party contests jurisdiction or venue.

4 II. JURY/NON-JURY

5 1. All parties, and each of them, have requested a jury.

6 III. FACTS

7 A. Undisputed Facts

8 1. On May 8, 2007, an Amtrak passenger train struck a
9 Chevrolet Tracker. The six occupants of the Tracker were killed
10 as a result of the collision.

11 2. At the time of the collision, the Chevrolet Tracker was
12 traveling eastbound on Claribel Road. The Amtrak train was
13 traveling geographically north, track west, on tracks owned and
14 maintained by Defendant Burlington Northern Santa Fe Railway
15 Company.

16 3. The occupants of the Tracker were Maricruz Corral,
17 Anthony Corral, Ivan Alexander Corral, Diana Villareal Lopez,
18 Ramona Lopez-Verdugo and Bryan Armenta-Lopez.

19 4. The accident occurred approximately 45 feet west of the
20 intersection of Claribel Road and Terminal Avenue. Terminal
21 Avenue and Claribel Road are roadways that are controlled and
22 maintained by Defendant, County of Stanislaus.

23 B. Disputed Facts

24 1. All other facts and issues are in dispute. Negligence
25 of decedent Maricruz Corral operator of the vehicle. Negligence
26 of Defendants Amtrak, BNSF, and State of California. Whether
27 Stanislaus County maintained a dangerous condition of public
28 property. Causation. Nature and extent of damages.

1 IV. DISPUTED EVIDENTIARY ISSUES

2 A. Plaintiffs.

3 1. Plaintiff contends that any witnesses who failed to
4 provide an expert report as required by Rule 26(a)(2)(B), may not
5 provide any expert testimony. Plaintiff will address this to the
6 Court by way of a motion in limine.

7 2. Any reference to the immigration status of the
8 decedents or heirs should not be mentioned to the jury. There
9 has been no claim for future wage loss of the heirs. This should
10 be handled as a motion in limine.

11 3. No reference to the incarceration status of the mother
12 of Ramona Lopez (decedent) in Mexico. Irrelevant to any issues
13 in the case.

14 B. Defendants.

15 1. Federal preemption as to Plaintiffs' contentions of
16 unreasonable train speed, adequacy of crossing warnings, and
17 engineer training. Whether evidence the train was late is
18 admissible. Whether the testimony of certain of Plaintiffs'
19 experts meets the standards held in *Daubert v. Merrell Dow*
20 *Pharmaceuticals, Inc.* (1993) 509 U.S. 579. Whether the
21 statements of engineer Cone to the California Highway Patrol are
22 admissible.

23 V. SPECIAL FACTUAL INFORMATION

24 A. Date, Place, and General Nature of the Incident.

25 Plaintiffs:

26 1. At the intersection of Claribel Rd. and Terminal Ave.
27 in the County of Stanislaus, on the border between the City of
28 Modesto and the City of Riverbank, there is a four-way stop sign.

1 Approximately 45 feet west of the stop sign of the eastbound lane
2 of Claribel Rd., there is a railroad grade crossing, where a
3 single track of BNSF's Stockton Subdivision crosses Claribel Rd.,
4 heading in a north-south direction.

5 2. On or about May 8, 2007 Maricruz Corral was traveling
6 eastbound on Claribel Rd. She was driving the Chevrolet Tracker
7 owned by Plaintiff Lucio Corral Rodriguez. Ivan Alexander
8 Corral, Lucio Anthony Corral, Diana Villareal-Lopez, Ramona
9 Lopez-Verduga, and Bryan Armenta-Lopez were all passengers in the
10 vehicle. As Maricruz Corral approached the railroad grade
11 crossing on Claribel Rd., just west of Terminal Ave., there were
12 cars backed up behind the stop sign at the intersection of
13 Claribel Rd. and Terminal Ave. Maricruz Corral pulled up behind
14 the stopped cars as is typical of cars traveling on that road.
15 Similarly, the car behind her pulled up directly behind her. As
16 a train, owned by the State of California and operated by Amtrak
17 was approaching, traveling in a northbound direction, Maricruz
18 Corral was unable to move backward and clear the tracks due to
19 the vehicle stopped behind her. Then, the crossing arm came
20 down, further blocking Maricruz Corral's exit from the tracks in
21 a westward direction. Maricruz Corral attempted to clear the
22 tracks in an eastward direction, and the train struck the
23 vehicle.

24 3. At no time prior to the collision with the subject
25 vehicle did the train engineer make any attempt to stop or slow
26 the train, and at the time of the collision the train was still
27 accelerating.

28 4. All of the vehicle's occupants died at the scene.

1 Defendants.

2 1. Vehicle-train collision that occurred on May 8, 2007.
3 The accident occurred at the Claribel Road grade crossing
4 approximately 45 feet west of Terminal Avenue, in an
5 unincorporated area of Stanislaus County.

6 B. Basis for Liability.

7 Plaintiffs.

8 1. Plaintiff has brought claims against the County of
9 Stanislaus, the City of Modesto, the City of Riverbank, the State
10 of California, BNSF Railroad, Amtrak-California, and National
11 Railroad Passenger Corp. for dangerous conditions of land, and
12 negligence.

13 2. Plaintiff's claims fall into two distinct categories.
14 There are those claims based on the condition of the grade
15 crossing and the surrounding area, on the one hand, and those
16 claims based on the ownership, maintenance, condition, and
17 operation of the train, on the other.

18 3. Plaintiff has brought all claims as against each
19 Defendant, but more specifically, the State of California owns
20 the subject train, and Amtrak California and/or National Railroad
21 Passenger Corp. is responsible for its operation. BNSF Railroad
22 owns and/or has control of the subject railroad tracks and the
23 subject crossing. The County of Stanislaus owns the subject
24 intersection.

25 4. Defendants City of Riverbank and City of Modesto have
26 been dismissed from this action.

27 5. National Railroad Passenger Corporation cross-claimed
28 against Plaintiff for negligent ownership and maintenance of the

1 subject vehicle; against decedent Maricruz Corral for negligent
2 operation of the subject vehicle; and against all other
3 Defendants for indemnity and contribution.

4 Defendants.

5 1. It is undisputed that Amtrak operated the train
6 involved in this incident. Plaintiffs allege that Defendant
7 Amtrak improperly operated the train, including that the train
8 was operated at a speed in excess of the maximum allowable speed
9 for this track classification; that Amtrak failed to stop the
10 train in order to avoid the subject accident; and that the
11 locomotive engineer was improperly trained.

12 2. The sole basis for liability as against BNSF is as the
13 owner of the tracks. At the time of the accident, BNSF did not
14 operate the train involved in the accident.

15 3. The sole basis for liability as against the State of
16 California is as the owner of the train.

17 4. Plaintiffs allege the County controlled and maintained
18 property that was in a dangerous condition pursuant to Government
19 Code § 835. Plaintiffs contend that the signage and pavement
20 markings at and near the crossing were inadequate and that the
21 distance from the tracks to the stop sign at Terminal Avenue, to
22 the east of the tracks, was insufficient, i.e., the distance
23 should have been greater or the stop sign at Terminal Avenue
24 should have been removed to reduce or eliminate the possibility
25 of vehicles stopping on the tracks.

26 C. Defenses.

27 Defendants.

28 1. Comparative fault: All Defendants contend that

1 Maricruz Corral caused this accident by being in violation of
2 California Vehicle Code § 22526(c) which provides:

3 A driver of a vehicle shall not enter a railroad or
4 rail transit crossing, notwithstanding any official
5 traffic control device or signal indication to proceed,
6 unless there is sufficient space on the other side of
7 the railroad or rail transit crossing to accommodate
8 the vehicle driven or there is sufficient under-
9 carriage clearance to cross the intersection without
10 obstructing the through passage of a railway vehicle,
11 including, but not limited to, a train, trolley or city
12 transit.

13 2. Defendants contend that they are entitled to a
14 negligence per se instruction based upon Ms. Corral's violation
15 of Vehicle Code § 22526(c).

16 3. In addition, Defendants contend that Maricruz Corral
17 was in violation of California Vehicle Code § 22451 which
18 provides in pertinent part:

19 (a) The driver of any vehicle or pedestrian approaching
20 a railroad or rail transit grade crossing shall stop
21 not less than 15 feet from the nearest rail and shall
22 not proceed until he or she can do so safely, whenever
23 the following conditions exist:

24 (1) A clearly visible electric or mechanical
25 signal device or a flagman gives warning of the
26 approach or passage of a train or car.

27 (2) An approaching train or car is plainly visible
28 or is emitting an audible signal and, by reason of its

1 speed or nearness, is an immediate hazard.

2 (b) No driver or pedestrian shall proceed through,
3 around, or under any railroad or rail transit crossing
4 gate while the gate is closed.

5 For the Court's reference, the Traffic Collision report
6 prepared by the California Highway Patrol cites
7 Maricruz Corral as the cause of the collision "by
8 proceeding across a railroad grade crossing when
9 unsafe, a violation of CVC § 22451(a)."

10 Plaintiffs.

11 1. The evidence that has been developed in this case makes
12 clear that there is no basis at all for a negligence per se
13 instruction as to any negligence on the part of Maricruz Corral,
14 and Plaintiffs dispute that Ms. Corral was at all negligent.

15 VI. RELIEF SOUGHT

16 A. Plaintiffs.

17 1. Plaintiff Lucio Corral's damages are based on the
18 survivor statute and for wrongful death as a result of the death
19 of his wife and two children. Plaintiff contends that the lost
20 earnings of Maricruz Corral are \$875,856 adjusted to present
21 value and reduced for her own consumption. Maricruz's lost
22 household services have the present value of \$1,363,611.

23 2. Plaintiff is seeking non-economic damages for:

24 a. the loss of love, companionship, comfort, care,
25 assistance, protection, affection, society, and moral support
26 from Maricruz Corral, Ivan Alexander Corral and Lucio Anthony
27 Corral, and each of them;

28 b. The loss of the enjoyment of sexual relations with

1 Maricruz Corral; and

2 c. The loss of Maricruz Corral's training and
3 guidance.

4 3. Plaintiff is seeking punitive damages from Defendants
5 Amtrak-California, National Railroad Passenger Corp., and BNSF
6 Railroad.

7 4. Ramona Lopez died in the accident. The heirs that
8 claim through Ramona are three adult children living in Mexico.
9 Daughter, Brenda Lopez, who was the adopted daughter of decedent.
10 Robert Lopez Valenzuela (18) who was the adopted son of decedent
11 were also assisted. They are all claiming loss of love, society,
12 comfort, and advice, basic wrongful death damages.

13 5. Claims have been made by the elderly parents of
14 decedent Ramona Lopez. Parents Rosario Verdugo and Robert Lopez
15 Sr., have claimed "dependency" rights, with regards to money sent
16 to Mexico for them. Both claims have been hotly disputed by the
17 Defendants. They claim their daughter supported them with
18 necessities of life.

19 6. Bryan Armenta Lopez (5) the son of Ramona Lopez, was
20 also killed while in the vehicle. His father, Atilano Armenta,
21 who lives in Mexico, also has opened a claim for the loss of his
22 son. The boy lived in Mexico during the first 3 to 4 years of
23 his life and moved to California to live with his mother, Ramona,
24 and brother, Roberto Lopez.

25 7. Aida Lopez is the mother of decedent Diana Villareal
26 Lopez and sister of Ramona Lopez. There has arisen an issue as
27 to whether Jessie Villareal, who had thought he had acquired
28 adoption rights, will be able to make a claim for his daughter's

1 wrongful death. From a practical standpoint, it does not make
2 any difference, since Aida is Jessie's wife and had a close
3 family relationship.

4 8. Julian Armenta Valenzuela was the husband of Ramona
5 Lopez at the time of her death. They had not lived together in
6 nine (9) years and it appears there was limited contact between
7 them during that time. The reasons they stayed married involved
8 the right to retain property and allow the children to reside on
9 the property without payment of governmental taxes. Defendants
10 have disputed his right to make any claim based upon a document
11 from Mexico that indicates that a divorce had occurred. Counsel
12 has attempted to prove that the numbers on that document pertain
13 to another divorce; but his claim is still effected based on
14 their relationship over the 9 years before the death.

15 9. Decedent, Ramona Lopez Verdugo, was a wonderful person
16 who worked two jobs and adopted two (2) children and had two of
17 her own. She worked as a cook in a restaurant by day in Modesto,
18 and cleaned offices at night. The quality of her parentage was
19 seen by the defense in the depositions of her children. Brenda,
20 a communication college grad in Mexico, Aracely, a mother of two,
21 and Roberto, working and supporting his family. Bryan Armenta
22 Lopez had a close relationship with his father, Atilano Armenta
23 Lopez. This relationship was made more difficult by the fact
24 that Ramona had to go to the United States to earn enough money
25 to support her family; and that Atilano had a separate family.

26 10. Diana Villareal Lopez, the daughter of Aida Lopez, was
27 just beginning her life but the testimony from her mother and
28 father was moving; as to the closeness of the relationship and

1 appreciation this young woman had received from her parents.

2 Defendants.

3 1. All Defendants seek a dismissal of the complaint with
4 prejudice, and an award of costs. In addition, Defendants
5 Amtrak, BNSF, and the State of California seek an order granting
6 Defendants' request for indemnity and contribution from Cross-
7 Defendant Lucio Corral Rodriguez.

8 VII. DISPUTED ISSUES OF LAW

9 A. Plaintiffs

10 1. Plaintiffs will be filing a trial brief at the time of
11 trial outlining all of the various legal issues. For purposes
12 here, Plaintiffs are providing just the basic law on which their
13 claims are based. The basis for Plaintiff's claims sound in
14 negligence and dangerous condition of land. To prove these at
15 trial Plaintiff will have to show:

16 a. That Amtrak and/or the State of California were
17 negligent and that that negligence was a substantial factor in
18 causing Plaintiffs' harm.

19 b. That BNSF was negligent in the use or maintenance
20 of the subject crossing; and that that negligence was a
21 substantial factor in causing Plaintiffs' injuries.

22 c. That the subject intersection and crossing
23 constituted a dangerous condition at the time of the incident;
24 that the County of Stanislaus created this dangerous condition;
25 that the dangerous condition created a reasonably foreseeable
26 risk of the kind of incident that occurred; and that the
27 dangerous condition was a substantial factor in causing
28 Plaintiffs' harm.

1 Defendant County of Stanislaus:

2 1. The claim against the County of Stanislaus is based
3 upon California Government Code § 835, which provides for
4 liability in an action against a public entity for an injury
5 caused by a dangerous condition of public property. The
6 Plaintiff must prove:

7 a. The public property was in a dangerous condition
8 at the time of the accident;

9 b. Injury to the Plaintiff was caused by the
10 dangerous condition;

11 c. The kind of injury was reasonably foreseeable as a
12 consequence of the dangerous condition; and

13 d. Either the dangerous condition was created by the
14 negligent or wrongful act of an employee or the entity had actual
15 and constructive notice of the condition in sufficient time
16 before the accident to take reasonable measures to protect
17 against the injuries.

18 2. The County of Stanislaus is responsible for maintaining
19 and controlling Claribel Road and Terminal Avenue. The only
20 exception is the area within the BNSF rails and extending two
21 feet east and west of those rails. This property is BNSF's
22 responsibility.

23 3. Government Code § 831(a) defines a dangerous condition
24 as "a condition of property that creates a substantial risk of
25 injury when such property or adjacent property is used with due
26 care in a manner in which it is reasonably foreseeable that it
27 will be used." The "used with due care" requirement refers to
28 use by the public in general. In determining whether a dangerous

1 condition exists, it must be assumed, hypothetically, that all
2 persons are using the property with due care. See, e.g., *Murrell*
3 *v. State Ex Rel Department of Public Works* (1975) 47 Cal.App.3d
4 264, 267.

5 4. Government Code § 830.5 provides that "the happening of
6 the accident which resulted in the injury is not in and of itself
7 evidence that public property was in a dangerous condition." In
8 regard to notice, the Plaintiff must establish that the condition
9 had existed for such a period of time and was of such an obvious
10 nature that the public entity, in the exercise of due care,
11 should have discovered the condition and its dangerous
12 character." *Anderson v. City of Thousand Oaks* (1976) 65 Cal.3d
13 82, 92.

14 Defendants Amtrak, BNSF, and State of California.

15 1. Issues of excessive train speed; adequacy of warnings
16 at the crossing; and the adequacy of the training of the
17 engineer, conductor, and assistant conductor are all subject to
18 Federal Preemption. Defendants will file motions in limine to
19 exclude any testimony that the train was "speeding," that the
20 crossing warnings were inadequate, and that the train's crew was
21 inadequately trained.

22 VIII. ABANDONED ISSUES

23 1. Plaintiff Lucio Corral's claims against the City of
24 Modesto and the City of Riverbank have been dismissed. The claim
25 of Jesse Villareal as to the minor, Diana Villareal, has been
26 abandoned.

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IX. WITNESSES

A. Plaintiffs

1. William M. Dike (witness to the train collision)
530 Water St., 5th Floor
Oakland, CA 94607
(800) 683-4114
2. Billy Bob Inagaus (witness to the train collision)
3900 Monte View Dr.
Modesto, CA 95355
(209) 523-1490
3. Alvin Tyler (witness to train collision)
12909 Welch St.
Waterford, CA 95386
(209) 988-9245
4. Shawn Noel Barlow
300 Wylie Court
Turlock, CA 95380
(209) 277-4206
5. Officer M. P. Gisler
(officer who investigated train collision)
6. Officer C. White, Photographer
(officer who investigated train collision)
7. Officer A. Keller, Photographer
(officer who investigated train collision)
8. M. Sprinkman
CHP Motor Carrier Specialist; Photographer
(performed mechanical inspection)
9. CHP Captain L. Duncan
(assisted with scene management)
10. CHP Officer P. Hendricks
(obtained scene measurements for the Factual Diagram)
11. CHP Officer A. Arenas
(obtained scene measurements for the Factual Diagram)
12. D. Nichols, CHP Motor Carrier Specialist
(performed the mechanical inspection)
13. CHP Officer R. Kennell
(assisted with interviews and scene management)
14. CHP Officer B. Moore
(assisted with interviews and scene management)

- 1 15. Brenda Beatris Fugueroa Lopez
2 Mexico
(daughter of decedent Ramona Verdugo Lopez)
- 3 16. Roberto Lopez Valenzuela
4 4810 E. Orchard Grass Drive
5 Tucson, AZ 85706
(son of decedent Ramona Verdugo Lopez)
- 6 17. Aracely Armenta Lopez, Mexico
(daughter of decedent Ramona Verdugo Lopez)
- 7 18. Roberto Lopez, Mexico
(father of decedent Ramona Verdugo Lopez)
- 8 19. Rosario Verdugo, Mexico.
9 (mother of decedent Ramona Verdugo Lopez)
- 10 20. Atilano Armenta Lopez, Mexico.
11 (father of decedent Brian Armenta Lopez)
- 12 21. Jesus Villareal
13 4810 E. Orchard Grass Drive
14 Tucson, AZ 85706
(father of decedent Diana Villareal Lopez)
- 15 22. Aida Lopez
16 4810 E. Orchard Grass Drive
17 Tucson, AZ 85706
(mother of decedent Diana Villareal Lopez)
- 18 23. Captain Frank Andrews, Stanislaus Fire District
19 (responded to the scene of the accident)
- 20 24. Engineer Michael Avila, Stanislaus Fire Department
21 (responded to the scene of the accident)
- 22 25. Firefighter Casey Hass, Stanislaus Fire District
23 (responded to the scene of the accident)
- 24 26. Paramedic Jeff Smallwood
25 Oak Valley Ambulance
26 (responded to the scene of the accident)
- 27 27. EMT Matt Severson
28 Oak Valley Ambulance
(responded to the scene of the accident)
- 28 28. Paramedic Jeremy Estey
Oak Valley Ambulance
(responded to the scene of the accident)
- 29 29. EMT John Estey
Oak Valley Ambulance
(responded to the scene of the accident)

- 1 30. Sergeant Steve Owens
2 Stanislaus County Sheriff's Office
3 Riverbank Police
4 (responded to the scene of the accident)
- 5 31. Deputy Hector Longoria
6 Stanislaus County Sheriff's Office
7 Riverbank Police
8 (responded to the scene of the accident)
- 9 32. Deputy Pat McColloch
10 Stanislaus County Sheriff's Office
11 Riverbank Police
12 (responded to the scene of the accident)
- 13 33. Deputy Brian Grim
14 Stanislaus County Sheriff's Office
15 Riverbank Police
16 (responded to the scene of the accident)
- 17 34. Deputy Ian Dimberg
18 Stanislaus County Sheriff's Office
19 Riverbank Police
20 (responded to the scene of the accident.)
- 21 35. Deputy J. Mendoza
22 Stanislaus County Sheriff's Office
23 Riverbank Police
24 (responded to the scene of the accident)
- 25 36. Deputy C. Williams
26 Stanislaus County Sheriff's Office
27 Riverbank Police
28 (responded to the scene of the accident)
37. Felipe Ayala
Staff Investigator, CPUC
38. Ken Johnson
Superintendent of Operations, BNSF
39. Lena Kent
Corporate Relations, BNSF
40. Bree Arnett, P.E.
Senior Utilities Engineer
Section 130 Program Coordinator
Rail Crossing Engineering Section, CPUC
41. Robert Arkebauer
Chief Inspector
Federal Railroad Administration
(assigned to respond to the incident)

28 ///

- 1 42. Jason Evans
Signal Inspector
2 Federal Railroad Administration
(assigned to respond to the incident)
- 3
- 4 43. Deputy Coroner Stephen Wright
- 5 44. Deputy Coroner Kristi Herr
- 6 45. Deputy Coroner Katie Soto
- 7 46. Deputy Coroner Craig Crischott
- 8 47. Deputy Coroner Ruben Nuno
- 9 48. Central Valley Toxicology Bill Posey
- 10 49. CVT Analyst Alan D. Barbour
- 11 50. DOJ DNA Laboratory John Tonkyn
- 12 51. Dr. Parvis Pakdaman
- 13 52. Evelina Montoya
- 14 53. Treny Corral Rodriguez
- 15 54. Alfredo Ramirez
- 16 55. John Moore
- 17 56. Oscar Torrez
- 18 57. Dan Marino
- 19 58. Thomas Andrews
- 20 59. Shaun Barlow
- 21 60. William Bronte
- 22 61. William Cardoza
- 23 62. John Coffey
- 24 63. William Dike
- 25 64. Anthony Esparza
- 26 65. Daren Gilbert
- 27 66. Matthew Gisler
- 28 67. Bill Ingalls

- 1 68. Jennifer Langenheim
- 2 69. Aracely Lopez
- 3 70. Atilano Lopez
- 4 71. Brenda Lopez
- 5 72. Matt Machado
- 6 73. Catherine Morehead
- 7 74. Wayne Morris
- 8 75. Lucio Rodriguez
- 9 76. Donald Saunders
- 10 77. John Stilley
- 11 78. Alvin Tyler
- 12 79. Julian Valenzuela
- 13 80. Roberto Valenzuela
- 14 81. Aida Verdugo
- 15 82. Jesus Villareal
- 16 83. Anthony Vincent
- 17 84. Roberto Zarzuela
- 18 85. Humberto Falardo
- 19 86. Jeff Simpson
- 20 87. Luerean Van de Streek
- 21 88. Claims Agent Jennifer Langenheim
- 22 89. John W. Williams
- 23 90. Train Operator John Milton Cone
- 24 91. Railroad Officer Ladie Vitek
- 25 92. Jese Villareal
- 26 93. Aida Lopez Verdugo
- 27 94. Roberto Lopez, Sr.

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1 Plaintiffs' Expert Witnesses:

- 2 95. Robert L. Anderson, P.E.
3 96. Richard Beall
4 97. Charles L. Culver
5 98. James E. Flynn, P.E.
6 99. Ellie Francis, Ph.D., O.D.
7 100. Fred Hanscom, P.E.
8 101. Brian P. Heikkila
9 102. Harry Krueper, Jr., P.E.
10 103. Harvey A. Levine
11 104. David Lipscomb, Ph.D.
12 105. James R. Loumiet
13 106. Patrick F. Mason, Ph.D.
14 107. Foster J. Peterson
15 108. Robert B. Post, Ph.D.
16 109. Edward M. Stevens, P.E.
17 110. Dean B. Tuft, Ph.D.
18 111. Thomas D. Walsh

19 B. Defendants, National Railroad Passenger Corporation, BNSF
20 Railway Company and State of California, Department of
21 Transportation's Trial Witness List:

- 22 1. Bill Ingalls
23 2. Alvin Tyler
24 3. Shaun Barlow
25 4. CHP Officer Matthew Gisler
26 5. CHP Captain L. Duncan
27 6. CHP Officer P. Hendricks
28 7. CHP Officer A. Arenas

- 1 8. CHP Officer R. Kennell
- 2 9. CHP Officer A. Keller
- 3 10. CHP Officer B. Moore
- 4 11. CHP Officer C. White
- 5 12. Catherine Morehead
- 6 13. William Dike
- 7 14. John Coffey
- 8 15. Thomas Andrews
- 9 16. Anthony Esparza
- 10 17. Anthony Vincent
- 11 18. Brian Heikkila (expert witness)
- 12 19. Foster Peterson (expert witness)
- 13 20. Robert Post, Ph.D. (expert witness)
- 14 21. James Flynn (expert witness)
- 15 22. Thomas Walsh (expert witness)
- 16 23. Dean Tuft (expert witness for County of Stanislaus)
- 17 24. Matt Machado
- 18 25. Custodians of Record - Stanislaus County
- 19 26. Amtrak Person Most Qualified regarding vehicle
20 congestion on railroad tracks at the subject
crossing
- 21 27. Amtrak Person Most Qualified regarding vehicle
22 congestion on railroad tracks in the Central
Valley
- 23 28. BNSF Person Most Qualified regarding vehicle
24 congestion on railroad tracks at the subject
crossing
- 25 29. BNSF Person Most qualified regarding vehicle
26 congestion on railroad tracks in the Central
Valley
- 27 30. Person Most Qualified from Defendants BNSF
28 & Amtrak concerning grade crossing safety and
grade crossing safety programs

- 1 31. Daren Gilbert
- 2 32. John Stilley
- 3 33. Greg Santos
- 4 34. Dennis Skeels
- 5 35. Steven Cates
- 6 36. Steven Neubauer

7 Defendants reserve their right to amend or supplement the
8 witness list.

9 Witnesses to be called by County of Stanislaus:

- 10 1. Matt Machado
11 1010 Tenth Street
12 Modesto, CA 95354
- 13 2. Andrew Malizia
14 1010 Tenth Street
15 Modesto, CA 95354
- 16 3. Laurie Barton
17 1010 Tenth Street
18 Modesto, CA 95354
- 19 4. Shaun Barlow
20 301 Katy Court
21 Waterford, CA 95386
- 22 5. Bill Ingalls
23 3900 Monte View Drive
24 Modesto, CA 95355
- 25 6. Alvin Tyler
26 12401 Bonnie Brae
27 Waterford, CA 95386
- 28 7. Katrina Olsen
1486 Tollhouse Road, Suite 107
Clovis, CA 93611
8. CHP Officer Matthew P. Gisler
4030 Kiernan Avenue
Modesto, CA 95356
(209) 545-7440
9. CHP Captain L. Duncan
4030 Kiernan Avenue
Modesto, CA 95356
(209) 545-7440

- 1 10. CHP Officer P. Hendricks
2 4030 Kiernan Avenue
3 Modesto, CA 95356
4 (209) 545-7440
- 5 11. CHP Officer A. Arenas
6 4030 Kiernan Avenue
7 Modesto, CA 95356
8 (209) 545-7440
- 9 12. CHP Officer R. Kennell
10 4030 Kiernan Avenue
11 Modesto, CA 95356
12 (209) 545-7440
- 13 13. CHP Officer A. Keller
14 4030 Kiernan Avenue
15 Modesto, CA 95346
16 (209) 545-7440
- 17 14. CHP Officer B. Moore
18 4030 Kiernan Avenue
19 Modesto, CA 95356
20 (209) 545-7440
- 21 15. CHP Officer C. White
22 4030 Kiernan Avenue
23 Modesto, CA 95356
24 (209) 545-7440
- 25 16. Dean B. Tuft, Ph.D.
- 26 17. Robert B. Post, Ph.D.
- 27 18. Tom Walsh
- 28 19. Steve Erickson
Address unknown
(209) 526-9057
20. Ray Edwards
1650 Magnolia Avenue
Clovis, CA 93611
(559) 324-8050
21. Richard Beall
22. Charles Culver
23. James Flynn
- 27 ///
- 28 ///

- 1 24. Custodian of Records/PMK
2 (traffic counts, train v. vehicle collisions)
3 for the Public Works Department of Merced County
4 715 Martin Luther King Jr. Way
5 Merced, CA 95341
- 6 25. Custodian of Records/PMK
7 (traffic counts, train v. vehicle collisions)
8 for the Public Works Department of Fresno County
9 2220 Tulare Street, Sixth Floor
10 Fresno, CA 93721
- 11 26. Custodian of Records/PMK
12 (traffic counts, train v. vehicle collisions)
13 for the Public Works Department
14 (Resource Management Agency)
15 Tulare County
16 5961 S. Mooney Blvd.
17 Visalia, CA 93277
- 18 27. Custodian of Records/PMK
19 (traffic counts, train v. vehicle collisions)
20 for the Public Works Department of Kings County
21 1400 West Lacey Blvd.
22 Hanford, CA 93230
- 23 28. Custodian of Records/PMK
24 (traffic counts, train v. vehicle collisions)
25 for the Public Works Department
26 (Development Services Agency) of Kern County
27 2700 M Street
28 Bakersfield, CA 93301
29. Ron Cherrier
1010 Tenth Street
Modesto, CA 95354
30. Thomas Andrews
31. John Coffey
32. Anthony Esparza
33. John Stilley
34. Wayne Morris
35. Catherine Morehead
36. Anthony Vincent
- 27 ///
- 28 ///

- 1 37. Custodian of Records/PMK and
2 Greg Santos for Defendant National
3 Railroad Passenger Corporation regarding
4 passenger vehicle congestion on railroad
5 tracks and train v. vehicle collisions in
6 the Central Valley
- 7 38. Custodian of Records/PMK
8 for Defendant Burlington Northern
9 Santa Fe Railway Company for passenger
10 vehicle congestion on railroad tracks
11 and train v. vehicle collisions in
12 the Central Valley
- 13 39. Custodian of Records/PMK
14 for Union Pacific Railroad for passenger
15 vehicle congestion on railroad tracks and
16 train v. vehicle collisions in the Central Valley
- 17 40. Federal Railroad Administration custodian
18 of Records/PMK for passenger vehicle
19 congestion on railroad tracks and train v.
20 vehicle collisions in the Central Valley.
- 21 41. California PUC Custodian of Records/PMK
22 for passenger vehicle congestion on railroad
23 tracks and train v. vehicle collisions in the
24 Central Valley
- 25 42. Custodian of Records, Federal Railroad
26 Administration Regional Office, 801 I Street,
27 Suite 466, Sacramento, CA 95814, (916) 498-6540.
- 28 43. Custodian of Records/PMK re: traffic counts
and train v. automobile collisions; Fresno
Council of Governments, 2035 Tulare Street,
Suite 201, Fresno, California.
44. Custodian of Records/PMK re: traffic counts
and train v. automobile collisions; Kings
County Association of Governments, 339 West D
Street, Suite B, Lemoore, California 93245.
45. Custodian of Records/PMK re: traffic counts
and train v. automobile collisions; Kern
Council of Governments, 1401 19th Street,
Suite 300, Bakersfield, California 93301.
46. Custodian of Records/PMK re: traffic counts
and train v. automobile collisions; Merced
County Association of Governments, 369 West
18th Street, Merced, California 95340
47. Custodian of Records/PMK re: traffic counts
and train v. automobile collisions; Tulare

1 County Association of Governments, 2300 West
2 Burrell Street, Visalia, California 93291.

3 48. Custodian of Records/PMK re: traffic counts
4 and train v. automobile collisions for the
5 cities of Turlock, Modesto, Ceres, Hughson,
6 Livingston, Atwater, Merced, Madera, Fowler,
7 Fresno, Hanford, Selma, Chowchilla, Kingsburg,
8 Tulare. Contact information for these cities
9 is public knowledge.

10 Defendant, County of Stanislaus, incorporates by reference
11 the Plaintiffs' list of witnesses and co-defendants' list of
12 witnesses.

13 Plaintiff Corral Rodriguez has disclosed John Milton Cone as
14 a potential witness. Mr. Cone was the engineer of the train
15 involved in the incident. Mr. Cone died some time ago. Mr. Cone
16 was not deposed prior to his death.

17 Defendants Amtrak, BNSF, and State of California request
18 that the Court impose time limitations on the length of
19 examination for all witnesses.

20 Defendants Amtrak and BNSF will call witnesses to rebut some
21 of the opinions proffered by Plaintiffs' experts at their
22 depositions concerning the "state of mind" of each corporation,
23 the "attitude" of the corporations, and the "knowledge" or lack
24 thereof, of any alleged dangerous condition at the subject
25 crossing.

26 Plaintiffs object to an arbitrary time limitation being
27 placed on the time for the examination of witnesses.

28 Plaintiffs object to any "more knowledgeable" or "more
qualified" witnesses testifying at trial. Plaintiff has sought
the Persons Most Qualified on various issues, Plaintiff objects
to any party known changing its position at trial with different

1 or more knowledgeable witnesses.

2 Counsel are each ordered to submit a list of witnesses to
3 the court along with a copy for use by the Courtroom Deputy
4 Clerk, on the same date and at the same time as the list of
5 exhibits are to be submitted as ordered below.

6 CAUTION

7 Counsel are cautioned that expert witnesses, including
8 percipient experts, must be designated as such. No witness, not
9 identified as a witness in this order, including "rebuttal"
10 witnesses, will be sworn or permitted to testify at trial.

11 X. EXHIBITS, SCHEDULES AND SUMMARIES

12 The following is a list of documents or other exhibits that
13 the parties expect to offer at trial.

14 CAUTION

15 Only exhibits so listed will be permitted to be offered into
16 evidence at trial, except as may be otherwise provided in this
17 order. No exhibit not designated in this pretrial order shall be
18 marked for identification or admitted into evidence at trial.

19 1. The Joint Exhibit List is attached hereto as Exhibit A.
20 The fact that the Exhibit List is "Joint" does not mean that all
21 parties agree to the admissibility of all of the items listed,
22 nor does every party intend on using all exhibits. The purpose
23 of the Joint Exhibit List is solely for identification purposes.

24 XI. DISCOVERY DOCUMENTS

25 Only specifically designated discovery requests and
26 responses will be admitted into evidence. Any deposition
27 testimony shall be designated by page and line and such
28 designations filed with the Court on or before November 5, 2010.

1 The opposing party shall counter-designate by line and page from
2 the same deposition and shall file written objections to any
3 question and answer designated by the opposing party and filed
4 with the court on or before November 19, 2010.

5 Written discovery shall be identified by number of the
6 request. The proponent shall lodge the original discovery
7 request and verified response with the courtroom deputy one day
8 prior to trial. The discovery request and response may either be
9 read into evidence, or typed separately, marked as an exhibit, as
10 part of the exhibit marking process, and offered into evidence.

11 The parties intend on using the following deposition
12 transcripts at trial:

- 13 1. Anderson, Robert 07-15-10
- 14 2. Andrews, Thomas 03-03-10
- 15 3. Andrews, Thomas 04-01-10 Vol. 2
- 16 4. Barlow, Shaun 11-18-09
- 17 5. Bronte, William 04-01-09
- 18 6. Cardoza, William 03-31-10
- 19 7. Coffey, John 05-08-09
- 20 8. Dike, William 03-25-10
- 21 9. Esparza, Anthony 05-06-10
- 22 10. Flynn, Hames 07-19-10
- 23 11. Gilbert, Daren 04-15-10
- 24 12. Gisler, Matthew 03-23-10
- 25 13. Hanscomb, Fred 08-24-10
- 26 14. Heikkila, Brian 07-30-10
- 27 15. Ingalls, Bill 11-18-09
- 28 16. Krueper, Harry 07-28-10

- 1 17. Langenheim, Jennifer 04-28-10
- 2 18. Levine, Harvey 08-16-10
- 3 19. Lipscomb, David 08-20-10
- 4 20. Lopez, Aracely 03-11-10
- 5 21. Lopez, Atilano 03-12-10
- 6 22. Lopez, Brenda 03-11-10
- 7 23. Machado, Matt 09-10-09 Vol. 2
- 8 24. Machado, Matt 04-06-09
- 9 25. Mason, Patrick 07-20-10
- 10 26. Morehead, Catherine 03-26-10
- 11 27. Morris, Wayne 04-27-10
- 12 28. Peterson, Foster 07-29-10
- 13 29. Post, Robert 06-21-10
- 14 30. Rodriguez, Lucio 04-01-10
- 15 31. Saunders, Donald 08-13-09
- 16 32. Stilley, John 05-05-10
- 17 33. Tuft, Dean 07-14-10
- 18 34. Tyler, Alvin 11-18-09
- 19 35. Valenzuela, Julian 03-11-10
- 20 36. Valenzuela, Roberto 03-11-10
- 21 37. Verdugo, Aiva 03-18-10
- 22 38. Villareal, Jesus 03-18-10
- 23 39. Vincent, Anthony 03-29-10
- 24 40. Zarzuela, Roberto 03-12-10

25 Plaintiffs intend to use any and all written discovery
26 propounded by Plaintiffs and responded to by Defendants.

27 Stanislaus County intends to use the following responses to
28 written discovery:

- 1 1. Lucio Rodriguez, individually, Response to Defendant
2 County of Stanislaus' First Set of Special Interrogatories.
- 3 2. Plaintiff Atilano Armenta Lopez's Responses to
4 Defendant County of Stanislaus' Special Interrogatories.
- 5 3. Plaintiff Brenda Figueroa Lopez's Responses to
6 Defendant County of Stanislaus' Special Interrogatories.
- 7 4. Plaintiff Jesus Villareal's Responses to Defendant
8 County of Stanislaus' Special Interrogatories.
- 9 5. Aida Lopez Verdugo's Responses to Defendant County of
10 Stanislaus' Special Interrogatories.
- 11 6. Plaintiff Roberto Lopez Valenzuela's Responses to
12 Defendant County of Stanislaus' Special Interrogatories.
- 13 7. Plaintiff Robert Lopez's Responses to Defendant County
14 of Stanislaus' Special Interrogatories.
- 15 8. Plaintiff Rosario Verdugo's Responses to Defendant
16 County of Stanislaus' Special Interrogatories.
- 17 9. Plaintiff Rosario Verdugo's Supplemental Responses to
18 Defendant County of Stanislaus' Special Interrogatories.
- 19 10. Plaintiff Araceli Armenta Lopez's Responses to
20 Defendant County of Stanislaus' Special Interrogatories.
- 21 11. Plaintiff Julian Armenta Valenzuela's Responses to
22 Defendant County of Stanislaus' Special Interrogatories.
- 23 12. Plaintiff Lucio Corral Rodriguez, as Successor in
24 Interest to the decedent Lucio Anthony Coral, Response to
25 Defendant County of Stanislaus' First Set of Document Demands.
- 26 13. Plaintiff Atilano Armenta Lopez's Responses to
27 defendant County of Stanislaus' Request for Production of
28 Documents, Set One.

1 14. Plaintiff Atilano Armenta Lopez's Supplemental
2 Responses to Defendant County of Stanislaus' Request for
3 Production of Documents, Set One.

4 15. Plaintiff Brenda Figueroa Lopez's Responses to
5 Defendant County of Stanislaus' Request for Production of
6 Documents, Set One.

7 16. Plaintiff Brenda Figueroa Lopez's Supplemental
8 Responses to Defendant County of Stanislaus' Request for
9 Production of Documents, Set One.

10 17. Plaintiff Jesus Villareal's Responses to Defendant
11 County of Stanislaus' Request for Production of Documents, Set
12 One.

13 18. Plaintiff Jesus Villareal's Supplemental Responses to
14 Defendant County of Stanislaus' Request for Production of
15 Documents, Set One.

16 19. Plaintiff Aida Lopez Verdugo's Responses to Defendant
17 County of Stanislaus' Request for Production of Documents, Set
18 One.

19 20. Plaintiff Aida Lopez Verdugo's Supplemental Responses
20 to Defendant County of Stanislaus' Request for Production of
21 Documents, Set One.

22 21. Plaintiff Roberto Lopez Valenzuela's Responses to
23 Defendant County of Stanislaus' Request for Production of
24 Documents, Set One.

25 22. Plaintiff Roberto Lopez Valenzuela's Supplemental
26 Responses to Defendant County of Stanislaus' Request for
27 Production of Documents, Set One.

28 23. Plaintiff Roberto Lopez's Responses to Defendant County

1 of Stanislaus' Request for Production of Documents, Set One.

2 24. Plaintiff Rosario Verdugos' Responses to Defendant
3 County of Stanislaus' Request for Production of Documents, Set
4 One.

5 25. Plaintiff Rosario Verdugo's Supplemental Responses to
6 Defendant County of Stanislaus' Request for Production of
7 Documents, Set One.

8 26. Plaintiff Araceli Armenta Lopez's Responses to
9 Defendant County of Stanislaus' Request for Production of
10 Documents, Set One.

11 27. Plaintiff Araceli Armenta Lopez's Supplemental
12 Responses to Defendant County of Stanislaus' Request for
13 Production of Documents, Set One.

14 28. Plaintiff Julian Armenta Valenzuela's Responses to
15 Defendant County of Stanislaus' Request for Production of
16 Documents, Set One.

17 Defendants Amtrak, BNSF, and State of California intend to
18 use all documents identified in their Rule 26 disclosures.
19 Defendants Amtrak, BNSF, and State of California also intend to
20 use all written discovery propounded to Plaintiffs, and
21 Plaintiffs' responses to the written discovery propounded by
22 these Defendants.

23 XII. STIPULATIONS

24 1. None at this time.

25 XIII. AMENDMENTS - DISMISSALS

26 1. This case, 1:08-cv-0856 OWW GSA is being consolidated
27 for all purposes, including trial, with case number 1:08-cv-1496.
28 Case number 1:08-cv-1496 OWW GSA is hereby ORDERED

1 ADMINISTRATIVELY CLOSED and shall be renumbered 1:08-cv-0856 OWW
2 GSA. The parties stipulate that the correct "Amtrak" Defendant
3 is the National Railroad Passenger Corporation, the operating
4 entity for what is known as Amtrak Corporation. Accordingly, the
5 Defendant shall be properly designated by its true legal name.
6 All remaining Doe Defendants are hereby ORDERED DISMISSED WITHOUT
7 PREJUDICE.

8 2. No amendments are requested at this time. It is
9 expected that Plaintiffs Jesus Villareal, Rosario Verdugo, and
10 Robert Lopez, Sr., will dismiss their claims prior to the
11 commencement of trial.

12 XIV. FURTHER TRIAL PREPARATION

13 A. Trial Briefs.

14 Counsel are directed to file a trial brief in this matter by
15 December 2, 2010. No extended preliminary statement of facts is
16 required. The brief should address disputed issues of
17 substantive law, disputed evidentiary issues of law that will not
18 be resolved in limine, and any other areas of dispute that will
19 require resolution by reference to legal authority.

20 B. Duty of Counsel To Pre-Mark Exhibits.

21 1. Counsel for the parties are ordered to conduct a joint
22 exhibit conference on November 4, 2010, via telephone conference,
23 for purposes of pre-marking and examining each other's exhibits
24 and preparing an exhibit list. All joint exhibits will be pre-
25 marked JX1-JX200; all of the plaintiff's exhibits will be pre-
26 marked with numbers 201-400; all of defendant County of
27 Stanislaus's exhibits will be pre-marked with numbers 401-700;
28 all of Defendant State of California, NRPC and BNSF's exhibits

1 will be pre-marked with numbers 701-900.

2 2. Each and every page of each and every exhibit shall be
3 individually Bates-stamped for identification purposes, and
4 paginated with decimals and arabic numerals in seriatim; i.e.,
5 1.1, 1.2, 1.3

6 3. Following such conference, each counsel shall have
7 possession of four (4) complete, legible sets of exhibits, for
8 use as follows:

9 a. Two (2) sets to be delivered to the Courtroom
10 Deputy Clerk, Renee Gaumnitz, no later than 4:00 p.m. on December
11 3, 2010, an original for the court and one for the witness.

12 b. One (1) set to be delivered to counsel for the
13 opposing party and one (1) set to be available for counsel's own
14 use.

15 4. Counsel are to confer to make the following
16 determination as to each of the exhibits proposed to be
17 introduced into evidence and prepare separate indexes, one
18 listing joint exhibits, one listing each party's exhibits:

19 a. Joint exhibits, i.e., any document which both
20 sides desire to introduce into evidence, will be marked as a
21 joint exhibit (JX), and numbered JX1-____. Joint exhibits shall
22 be listed as such in the exhibit list in a column that notes they
23 are admitted into evidence without further foundation;

24 b. As to any exhibit, not a joint exhibit, to which
25 there is no objection to its introduction into evidence, the
26 exhibit will be marked as Plaintiff's Exhibit ____, or Defendant's
27 Exhibit ____ in evidence, and will be listed in the exhibit list
28 as the exhibit of the offering party;

1 c. The exhibit list shall include columns for noting
2 objections to exhibits. The first column will list any
3 objections as to foundation; i.e., Plaintiff's Foundation 2 -
4 "not authenticated."

5 d. The exhibit list shall include a second column for
6 noting substantive objections to exhibits based on any other
7 grounds; i.e., "hearsay, improper opinion, irrelevant."

8 e. The exhibit list shall include a description of
9 each exhibit on the left-hand side of the page, and the three
10 columns outlined above (as shown in the example below).

11 List of Exhibits

12	Admitted	Objection	Other	
13 <u>Exhibit #</u>	<u>Description</u>	<u>In Evidence</u>	<u>To Foundation</u>	<u>Objection</u>

14
15
16 f. The completed exhibit list shall be delivered to
17 Renee Gaumnitz CRD on or before December 3, 2010, at 4:00 p.m.

18 g. If originals of exhibits cannot be located, copies
19 may be used, however, the copies must be legible and accurate.
20 If any document is offered into evidence that is partially not
21 legible, the Court sua sponte will exclude it from evidence.

22 C. Discovery Documents.

23 1. Counsel shall file a list of discovery documents with
24 Renee Gaumnitz CRD at the same time and date as the witness and
25 exhibit lists are lodged with her, unless the discovery documents
26 are marked as exhibits, which counsel intend to use at trial by
27 designating by number, the specific interrogatory, request for
28 admission, or other discovery document. Counsel shall comply

1 with the directions of subsection XII (above) for introduction of
2 the discovery document into evidence.

3 D. Motions In Limine.

4 1. The motions in limine shall be filed by November 5,
5 2010, and any responses shall be filed by November 15, 2010. The
6 Court will conduct a hearing on motions in limine in this matter
7 on November 19, 2010, at 12:00 p.m. in Courtroom 3, Seventh
8 Floor, before the Honorable Oliver W. Wanger United States
9 District Judge, at which time all evidentiary objections, to the
10 extent possible, will be ruled upon, and all other matters
11 pertaining to the conduct of the trial will be settled.

12 E. Trial Documents.

13 1. Exhibits To Be Used With Witness. During the trial of
14 the case, it will be the obligation of counsel to provide
15 opposing counsel not less than forty-eight hours before the
16 witness is called to the witness stand, the name of the witness
17 who will be called to testify and to identify to the Court and
18 opposing counsel any exhibit which is to be introduced into
19 evidence through such witness that has not previously been
20 admitted by stipulation or court order or otherwise ruled upon,
21 and to identify all exhibits and other material that will be
22 referred to in questioning of each witness. If evidentiary
23 problems are anticipated, the parties must notify the court at
24 least twenty-four hours before the evidence will be presented.

25 F. Counsel's Duty To Aid Court In Jury Voir Dire.

26 1. Counsel shall submit proposed voir dire questions, if
27 any, to Renee Gaumnitz CRD at rgaumnitz@caed.uscourts.gov on or
28 before December 2, 2010, by 4:00 p.m. Counsel shall also prepare

1 a joint "statement of the case" which shall be a neutral
2 statement, describing the claims and defenses for prospective
3 jurors, to be used in voir dire.

4 2. In order to aid the court in the proper voir dire
5 examination of the prospective jurors, counsel are directed to
6 lodge with the Court the day before trial a list of the
7 prospective witnesses they expect to call if different from the
8 list of witnesses contained in the Pre-Trial Order of the Court.
9 Such list shall not only contain the names of the witnesses, but
10 their business or home address to the extent known. This does
11 not excuse any failure to list all witnesses in the Pre-Trial
12 Order.

13 3. Counsel shall jointly submit, to Renee Gaumnitz CRD the
14 Friday before trial, a neutral statement of the claims and
15 defenses of the parties for use by the court in voir dire.

16 G. Counsel's Duty To Prepare And Submit Jury Instructions.

17 1. All proposed jury instructions shall be filed and
18 served on or before December 8, 2010, by 4:00 p.m. Jury
19 instructions shall be submitted in the following format.

20 2. Proposed jury instructions, including verdict forms,
21 shall be submitted via e-mail to dpell@caed.uscourts.gov
22 formatted in WordPerfect for Windows X3. Counsel shall be
23 informed on all legal issues involved in the case.

24 3. The parties are required to jointly submit one set of
25 agreed upon jury instructions. To accomplish this, the parties
26 shall serve their proposed instructions upon the other fourteen
27 days prior to trial. The parties shall then meet, confer, and
28 submit to the Court the Friday before the trial is to commence,

1 one complete set of agreed-upon jury instructions.

2 4. If the parties cannot agree upon any instruction, they
3 shall submit a supplemental set of instructions designated as not
4 agreed upon by December 8, 2010, at 4:00 p.m.

5 5. Each party shall file with the jury instructions any
6 objection to non-agreed upon instructions proposed by any other
7 party. All objections shall be in writing and shall set forth
8 the proposed instruction objected to in its entirety. The
9 objection should specifically set forth the objectionable matter
10 in the proposed instruction and shall include a citation to legal
11 authority explaining the grounds for the objection and why the
12 instruction is improper. A concise statement of argument
13 concerning the instruction may be included. Where applicable,
14 the objecting party shall submit an alternative proposed
15 instruction covering the subject or issue of law.

16 6. Format. The parties shall submit one copy of each
17 instruction. The copy shall indicate the party submitting the
18 instruction, the number of the proposed instruction in sequence,
19 a brief title for the instruction describing the subject matter,
20 the test of the instruction, the legal authority supporting the
21 instruction, and a legend in the lower lefthand corner of the
22 instruction: "Given," "Given As Modified," "Withdrawn" and
23 "Refused" showing the Court's action with regard to each
24 instruction and an initial line for the judge's initial in the
25 lower right-hand corner of the instruction. Ninth Circuit Model
26 Jury Instructions should be used where the subject of the
27 instruction is covered by a model instruction.

28 7. All instruction should be short, concise,

1 understandable, and neutral statements of the law. Argumentative
2 or formula instructions will not be given, and should not be
3 submitted.

4 8. Parties shall, by italics or underlining, designate any
5 modifications of instructions from statutory authority, or any
6 pattern instruction such as the Model Circuit Jury Instructions
7 or any other source of pattern instructions, and must
8 specifically state the modification made to the original form
9 instruction and the legal authority supporting the modification.

10 9. Proposed verdict forms shall be jointly submitted or if
11 the verdict forms are unagreed upon, each party shall submit a
12 proposed verdict form. Verdict forms shall be submitted to the
13 Courtroom Deputy Clerk on the first day of the trial.

14 10. Failure to comply with these rules concerning the
15 preparation and submission of instructions and verdict forms may
16 subject the non-complying party and/or its attorneys to
17 sanctions.

18 XV. USE OF LAPTOP COMPUTERS/POWERPOINT FOR
19 PRESENTATION OF EVIDENCE

20 1. If counsel intends to use a laptop computer for
21 presentation of evidence, they shall contact Renee Gaumnitz CRD
22 at least one week prior to trial. The Courtroom Deputy Clerk
23 will arrange a time for any attorney to bring any laptop to be
24 presented to someone from the Court's Information Technology
25 Department, who will provide brief training on how the parties'
26 electronic equipment interacts with the court's audio/visual
27 equipment. If counsel intend to use PowerPoint, the resolution
28 should be set no higher than 1024 x 768 when preparing the

1 presentation.

2 2. ALL ISSUES CONCERNING AUDIO-VISUAL MATERIALS AND
3 COMPUTER INTERFACE WITH THE COURT'S INFORMATION TECHNOLOGY SHALL
4 BE REFERRED TO THE COURTROOM DEPUTY CLERK.

5 XVI. FURTHER DISCOVERY OR MOTIONS

6 1. Discovery is complete.

7 XVII. SETTLEMENT

8 1. It does not appear that further settlement negotiations
9 will be productive.

10 XVIII. SEPARATE TRIAL OF ISSUES

11 1. Plaintiff: Separate trial of issues in this matter is
12 not feasible or advisable.

13 2. Defendants: Defendants Amtrak, BNSF, and State of
14 California request that the issue of punitive damages be tried
15 separately. Defendant County of Stanislaus asks that damages be
16 tried separately.

17 3. This matter shall be addressed by a motion in limine.

18 XIX. IMPARTIAL EXPERTS, LIMITATIONS OF EXPERTS

19 1. There are no impartial experts.

20 2. Defendants: Plaintiff Lucio Corral Rodriguez has
21 disclosed eleven (11) retained experts. All of these experts
22 have been deposed. Several of the experts will offer
23 substantially similar opinions. For example, Richard Beall,
24 Charles Culver, and James Loumiet all intend to offer opinions
25 concerning the train's handling, the speed of the train, and the
26 application of the braking system. Defendants Amtrak, BNSF, and
27 State of California request that the Court limit the number of
28 expert witnesses that Plaintiff Corral Rodriguez may offer at

1 trial. The basis for the request is that such evidence is
2 cumulative, prejudicial, and misleading and confusing to the
3 jury. This issue will be addressed by motions in limine.

4 3. Plaintiffs: Defendants have already filed a motion to
5 limit the number of Plaintiffs' experts and this Court has
6 already denied it. Doc. 161. Further, both Plaintiffs together
7 have a total of 11 experts, while Defendants have disclosed a
8 total of 13 experts between them.

9 XX. ATTORNEYS' FEES

10 1. No party is seeking attorneys' fees in this matter.

11 XXI. ESTIMATE OF TRIAL TIME

12 1. Twenty days.

13 XXII. TRIAL DATE

14 1. December 7, 2010, at 9:00 a.m., in Courtroom 3, on the
15 Seventh Floor.

16 XXIII. NUMBER OF JURORS AND PEREMPTORY CHALLENGES

17 1. There will be a ten-person jury, each side shall have
18 five peremptory challenges. This is a three-sided case, but the
19 Defendants have agreed to share their challenges.

20 XXIV. AMENDMENT OF FINAL PRETRIAL ORDER

21 1. The Final Pretrial Order shall be reviewed by the
22 parties and any corrections, additions, and deletions shall be
23 drawn to the attention of the Court immediately. Otherwise, the
24 Final Pretrial Order may only be amended or modified to prevent
25 manifest injustice pursuant to the provisions of Fed. R. Civ. P.
26 16(e).

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XXV. MISCELLANEOUS

1. Not applicable.

DATED: October 26, 2010.



Oliver W. Wanger
UNITED STATES DISTRICT JUDGE

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EXHIBIT A

JOINT EXHIBIT LIST

PLAINTIFFS DOCUMENT DISCLOSURES

1. Documents relating to the facts and occurrences of the incident

- (a) Aerial photographs of accident scene
- (b) CAD Diagram of Scene
- (c) 05-08-07 Stanislaus County Coroner's Memorandum
- (d) 05-21-07 Deputy Coroners Report
- (e) 05-25-07 Coroner's Autopsy Report - Ramona Lopez-Verduga - (40 Years Old)
- (f) 05-25-07 Coroner's Autopsy Report - Diana Villareal-Lopez (19 Years Old)
- (g) 05-25-07 Coroner's Autopsy Report - Brian Armenta-Lopez (5 Years Old)
- (h) 05-25-07 Coroner's Autopsy Report - Maricruz, Corral (23 Years Old)
- (i) 05-25-07 Coroner's Autopsy Report - Lucio Anthony Corral (3 Years Old)
- (j) 05-25-07 Coroner's Autopsy Report - Ivan Corral (5 Years Old)
- (k) Photographs of Vehicle at Copart
- (l) Grade Separation Program - Rail Crossing Engineering Section, CPUC January 2006
- (m) California Manual on Uniform Traffic Control Devices for Street and Highways [FHWA's MUTCD 2003 Edition]
- (n) Photographs of Scene
- (o) 07-11-07 Amtrak Board of Directors - News Media Contacts and Access
- (p) 08-14-07 Investigative Report from the California Public Utilities Commission
- (q) 08-14-07 Traffic Collision Report
- (r) 05-10-07 CHP MAIT Vehicle Inspection Photos
- (s) 05-08-07 CHP Scene Photos
- (t) 08-21-07 Notice of Draft PUC Resolution L-348
- (u) 08-27-07 Letter from Public Utilities Commission Legal Division Dated 08-17-07
- (v) Lucio Corral Rodriguez' Birth Certificate DOB 7-6-70
- (w) Lucio Anthony Corral's Birth Certificate DOB 2-1-04
- (x) CPUC Guidelines for the Federal Aid At Grade Highway Rail Crossing Program

1 (y) PUC: Regulations Governing the Protections of Crossings at Grade of Roads,
2 Highways, and Streets with Railroads in the State of California, General Order No.
3 75-C, 1973
4 (z) Traffic Control Devices Handbook: Part VIII Traffic Control Systems for
5 Railroad-Highway Grade Crossings, US Dept of Transportation, FRA
6 (aa) Accidents that Shouldn't Happen A Report of the Grade Crossing Safety Task
7 Force to Secretary Federico Pena, March 1, 1996 US DOT
8 (bb) Guidance on Traffic Control Devices at Highway-Rail Grade Crossings: Executive
9 Summary, November 2002. US DOT, Federal Highway Administration
10 (cc) Rail Crossings: A Strategy to Select Countermeasure Improvements for
11 Rail-Highway Crossings in California
12 (dd) Manuals for Train Conductors and Engineers
13 (ee) 02-04-08 Amtrak of California Time Table - San Joaquin Route
14 (ff) Amtrak & BNSF manuals carried on train by engineer
15 (gg) Ivan Alexander Corral's Certificate of Live Birth - State of California - DOB:
16 2-10-02
17 (hh) Maricruz Montiel Contreras' Birth Certificate - Mexico - DOB: 4-28-84
18 (ii) Marriage Certificate of Lucio Corral and Maricruz Corral
19 (jj) CPUC report & investigation
20 (kk) BNSF Incident Report
21 (ll) Amtrak - Calibrated Graph Data Sheet
22 (mm) Photos of the Corral family pre-accident
23 (nn) Photos of gravesite-tombstone
24 (oo) Amtrak - 2 pg description of General Motors Electro-Motive Division F59PH
25 Series
26 (pp) DOT: FRA Report HQ-2007-26
27 (qq) Consumer Protection & Safety Division rail Crossings Engineering Section
28 Attendance List Investigation report re drug testing & duty hours of locomotive
engineers

- 1 (rr) Photos of Amtrak locomotives 40 & 2051
- 2 (ss) Photos of Amtrak locomotive 2011
- 3 (tt) Video of relocating of vehicle to ITS
- 4 (uu) 1-17-08 Interstate Services Vehicle Inspection Sign-In
- 5 (vv) Video of Inspection of Rodriguez vehicle taken on 1-17-08 at Interstate Services
- 6 (ww) Permanent resident card for Maricruz Corral
- 7 (xx) California Driver's License for Maricruz Corral
- 8 (yy) Carfax for Corral-Rodriguez car
- 9 (zz) BNSF Railway - Grade Crossing Safety

10 **2. Documents relating to County of Stanislaus Public Works**

- 11 (a) 2007-2008 and 2008-2009 Highway Safety Improvement Program (HSIP)-Safety
- 12 index Projects
- 13 (b) Stanislaus County Public Works Annual Report 2007
- 14 (c) StanCOG: Draft 2007 Annual Listing of Federal Obligation Projects for Fiscal Year

15 **3. Documents relating to any and all County of Stanislaus Road and or Highway**
16 **Data**

- 17 (a) Portions of 2002 California Public Road Data: Statistical Information derived from
- 18 the Highway Performance Monitoring System State of California, Department of
- 19 Transportation
- 20 (b) Portions of 2003 California Public Road Data: Statistical Information derived from
- 21 the Highway Performance Monitoring System, State of California, Department of
- 22 Transportation
- 23 (c) 1996 Maintained Mileage & Daily Vehicle Miles of Travel Estimates by
- 24 Jurisdiction and or County
- 25 (d) 1997 Maintained Mileage & Daily Vehicle Miles of Travel Estimates by
- 26 Jurisdiction and or County
- 27 (e) 1999 Maintained Mileage & Daily Vehicle Miles of Travel Estimates by
- 28 Jurisdiction and or County
- (f) Vehicle Miles of Travel on State Highway System by County for Years 1999 to

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- 2007
- (g) 2005 Stanislaus County Maintained Road Data
- 4. Documents related to Rail Grade Crossing Accident Data**
- (a) All highway-Rail Incidents at Public and Private Crossings, 1981-2007
- (b) Highway-Rail Grade Crossing Collisions for the Top 15 States
- (c) Highway-Rail Grade Crossing Fatalities for the Top 15 States
- (d) Ten Year Accident Overview for AMTRAK & Commuter Railroads for County of Stanislaus, 1999 to 2008
- (e) Public Grade Crossing Inventory for State of California by County-categorized by Type of Highway Warning
- (f) Public Grade Crossing Inventory for County of Stanislaus by City-categorized by Type of Highway Warning
- (g) Public at Grade Crossing Inventory Detail Reports for In and Near City of Ceres, County of Stanislaus
- (h) Public at Grade Crossing Inventory Detail Report for In and Near City of Denair, County of Stanislaus
- (i) Public at Grade Crossing Inventory Detail Report for In and Near City of Empire, County of Stanislaus
- (j) Public at Grade Crossing Inventory Detail Report for Near City of Escalon, County of Stanislaus
- (k) Public at Grade Crossing Inventory Detail Report for City of Hughson, County of Stanislaus
- (l) Public at Grade Crossing Inventory Detail Report for In and Near City of Modesto, County of Stanislaus
- (m) Public at Grade Crossing Inventory Detail Report for In and Near City of Newman, County of Stanislaus
- (n) Public at Grade Crossing Inventory Detail Report for In and Near City of Oakdale, County of Stanislaus
- (o) Public at Grade Crossing Inventory Detail Report for In and Near City of Patterson,

1 County of Stanislaus

2 (p) Public at Grade Crossing Inventory Detail Report for In and Near City of
3 Riverbank, County of Stanislaus

4 (q) Public at Grade Crossing Inventory Detail Report for In City of Salida, County of
5 Stanislaus

6 (r) Public at Grade Crossing Inventory Detail Report for In and Near City of Turlock,
7 County of Stanislaus

8 (s) Inventory Histories and Accident Histories for rail grade crossings in and near City
9 of Riverbank

10 (t) Inventory Histories and Accident Histories for rail grade crossings in and near the
11 Cities of Hughson, Empire, and Denair

12 (u) Accident Histories for all available rail grade crossings in and near City of Modesto

13 **5. General Plans**

14 (a) Portions of the General Plan for the County of Stanislaus

15 (b) Portions of the General Plan for the City of Oakdale

16 (c) Portions of the General Plan for the City of Riverbank

17 (d) Portions of the General Plan for the City of Modesto

18 **6. Documents relating to Demographics, Population Data or Growth Trends**

19 (a) The State of the Great Central Valley of California: Assessing the Region Via
20 Indicators, May 1999

21 (b) Alternatives for Future Urban Growth in California's Central Valley: The Bottom
22 Line for Agriculture and Taxpayers, October 1995

23 (c) Profile of General Demographics Characteristics For County of Stanislaus-Year
24 2000, US Census Bureau

25 (d) Population Estimates for Cities of Stanislaus County for Years 2000 to 2008

26 (e) Historical Population Estimates for Cities of Stanislaus Counties for Years 1990 to
27 2000

28 (f) Historical Population Estimates for County of Stanislaus for Years 1940 to 1970

(g) Population Estimates for County of Stanislaus for Years 2000 to 2008

- 1 (h) Percent Population Changes for County of Stanislaus for Years 2000 to 2008
- 2 (i) Population and Housing Estimates for County of Stanislaus Cities for Years 2001 to
3 2007
- 4 (j) California City Population Ranking Data for Year 2008
- 5 (k) 2007-2008 California City Population Numeric Change Rankings in Population
6 2007-2008
- 7 (l) California Cities Ranked by the 2007-2008 Percent Change in Population
- 8 (m) California Cities Ranked by the 2000-2008 Numeric Change in Population
- 9 (n) California Cities Ranked by the 2000-2008 Percent Change in Population
- 10 (o) Historical Population Data for the Cities of Oakdale, Riverbank and Modesto for
11 the Years 1880 to 1990
- 12 **7. News Media**
- 13 (a) "Going nowhere: Despite years of warnings, our roadways continue to strain under
14 more traffic", THE MODESTO BEE, By MICHAEL G. MOONEY, BEE STAFF
15 WRITER
- 16 (b) "Oversight is Spotty on Rail-Crossing Safety Projects", The New York Times, Walt
17 Bogdanich and Jenny Nordberg, January 18, 2005 3
- 18 (c) 05-08-07 CBS News Video Clip
- 19 (d) 05-08-07 News Articles of Train Crash
- 20 (e) 05-10-07 www.modbee.com News Video Clip
- 21 (f) 06-02-07 www.liveleak.com News Clip 3
- 22 (g) 05-09-07 News Reports - Articles, Video
- 23 (h) 05-10-07 News Articles and Video "6 died when Amtrak Train Hits SUV"
- 24 (i) Article re 12-15-08 train v. auto accident in Anaheim with BNSF from Great
25 American Underground Railway Co. website
- 26 (j) Article re 12-15-08 train v. auto accident in Anaheim with BNSF from
27 NBCBayarea.com
- 28 (k) Article re 12-15-08 train v. auto accident in Anaheim w-BNSF from ocregister.com
- (l) Metro Monitor News Tracker Report for May 8, 2007 - May 18, 2007

1 **8. Documents Concerning Amtrak-California, National Railroad passenger Corp.,**
2 **and CalTrans Division of Rail**

- 3 (a) 2005 Fiscal Year Amtrak Fact Sheet, Fiscal Year 2005 State of California
4 (b) AMTRAK - National Railroad Passenger Corporation and Subsidiaries (Amtrak)
5 Consolidated Financial Statements for the Years Ended September 30, 2006 and 2005
6 (c) 2006 Fiscal Year Amtrak National Facts - Amtrak Safety and Security
7 (d) 2006 Fiscal Year Amtrak Fact Sheet, Fiscal Year 2006 State of California
8 (e) California State Rail Plan 2005-2006
9 (f) Web Pages for Amtrak-California\Amtrak California - Amtrak California Routes
10 (g) Web Pages for Amtrak-California\Amtrak California - Amtrak California Stations
11 (h) Web Pages for Amtrak-California\Amtrak California - California Rail Pass
12 (i) Web Pages for Amtrak-California\Amtrak California - Capitol Corridor Route Map
13 (j) Web Pages for Amtrak-California\Amtrak California - Division of Rail
14 (k) Web Pages for Amtrak-California\Amtrak California - Fares & Tickets
15 (l) Web Pages for Amtrak-California\Amtrak California - Frequently Asked Questions
16 (FAQ)
17 (m) Web Pages for Amtrak-California\Amtrak California - History of Amtrak
18 California
19 (n) Web Pages for Amtrak-California\Amtrak California - Other Amtrak Services in
20 California
21 (o) Web Pages for Amtrak-California\Amtrak California - Pacific Surfliner Route Map
22 (p) Web Pages for Amtrak-California\Amtrak California - Route Specific Info
23 (q) Web Pages for Amtrak-California\Amtrak California - San Joaquin
24 (r) Web Pages for Amtrak-California\Amtrak California - San Joaquins Route Map
25 (s) Web Pages for Amtrak-California\Amtrak California - San Joaquins Route Specific
26 Info
27 (t) Web Pages for Amtrak-California\Amtrak California - Stations A - E
28 (u) Web Pages for Amtrak-California\Amtrak California - Stations F - K
(v) Web Pages for Amtrak-California\Amtrak California - Stations L - P

- 1 (w) Web Pages for Amtrak-California\Amtrak California - Stations Q - T
2 (x) Web Pages for Amtrak-California\Amtrak California - Stations U -Z
3 (y) San Joaquin Corridor Strategic Plan - January 2008 - DRAFT Prepared for
4 California Department of Transportation
5 (z) LOSSAN Corridor Strategic Plan - October 2003 - (Los Angeles to San Diego
6 Proposed Rail
7 (aa) Corridor Improvement Studies - Prepared for California Department of
8 Transportation and US Dept of Transportation Federal Railroad Administration
9 (bb) California Department of Transportation - Rail Right-of-Way and Abandoned
10 Corridors Study
11 (cc) FINAL REPORT - Submitted by: Nelson-Nygaard Consulting Associates in
12 association with LTK Engineering Services Rails-to-Trails Conservancy System
13 Metrics Group, Inc.
14 (dd) State of California - Department of Transportation June 2007 - San Joaquin Route
15 - FFY 2007-08 Business Plan
16 (ee) California Department of Transportation - March 2008 - California State Rail Plan
17 2007-08 to 2017-18
18 (ff) SJVRC - 1-8-09 Agenda
19 (gg) SJVRC - 10-30-08 Agenda
20 (hh) SJVRC - 10-30-08 SAC final
21 (ii) SJVRC - 7-17-08 Minutes
22 (jj) Title 21 - Final statement of reasons
23 **Other Documents Produced**
24 Burial Documents File
25 Amtrak California - About Us
26 Amtrak California - Locomotives and Cars
27 Division of Rail - Committee By Laws
28 Division of Rail - Membership
Division of Rail - Modal Administrative Services

1 Division of Rail - Office of Planning and Policy
2 Division of Rail - Office of Rail Capital Project Development
3 Division of Rail - San Joaquin Valley Rail Committee
4 Division of Rail - The Division of Rail
5 Corral Automobile Insurance Policy
6 Photos taken by Steve Rank at 1-17-08 inspection at Interstate Towing
7 Documents re Maricruz Corral working for Mary Kay
8 Three of Maricruz Corral 's Mary Kay invoices
9 Lucio Corral Rodriguez 2006 Form 1040 Schedule C re Taqueria Duranguense

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11 **CITY OF MODESTO'S DOCUMENTS**

12 City of Modesto Zoning Map which came to us as Exhibit D of the 04-30-10 Modesto
13 Motion for Summary Judgement

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15 **CITY OF RIVERBANK'S DOCUMENTS**

16 Riverbank Community Development letter re 03-05-08 meeting
17 Riverbank Community Development letter e Central Valley Agricultural Grinding
18 Facility

19

20 **COUNTY OF STANISLAUS' DOCUMENTS**

21 STAN000001 = Map titled "County Deed Index S.E. Portion T2S, R9E"
22 STAN000002 = Map of T.2S., R.9E titled "Portion Petition Plat"
23 STAN000003 - 006 = 1922 Dedication Deed
24 STAN000007 = Map titled "Portion Road Petition Plat T3S, R9E"
25 STAN000008 = 1912 Map of the Roselle Tract
26 STAN000009 = Morton County Deed Index T3S R9E
27 STAN000010 - 013 = 1939 " Road Deed " which includes a Dedication Deed and a
28 County Board of Supervisors document titled In the Matter of Accepting Dedication
Deed and Declaring Road a Public Highway

1 STAN000014 - 017 = 1962 County Board of Supervisors Resolution Accepting Grant
2 of Easement From Henry Frobose
3 STAN000018 - 019 = 1991 Road Deed
4 STAN000020 = Parcel Map Being Midland Col. Lots 2, 3,6,10,11,17,18,19, and a
5 Portion of the NM 1/4 of Sec. 1, T.3S., R9E, M.D.B. & M.
6 STAN000021 = Map of Township 2 South, Range 9 East, M.D.M. aka T.2S.,R.9E.
7 STAN000022 - 025 = 1883 Road Petition #5
8 STAN000026 = Map with County Road Petition #5 written on it.
9 STAN000027 = Stanislaus County Public Works Aerial photograph / map showing the
10 intersection of Claribel Road and Terminal Avenue
11 STAN000028 - 031 = Document titled Recent Overly / Re-Stripe which includes
12 Roadway Resurfacing
13 Traffic Collision Report
14 STAN000032 - 037 = Traffic Collision Report
15 STAN000038 - 042 = Traffic Collision Report
16 STAN000043 - 048 = Traffic Collision Report
17 STAN000049 - 053 = Traffic Collision Report
18 STAN000054 - 064 = Traffic Collision Report
19 STAN000065 - 070 = Traffic Collision Report
20 STAN000071 - 076 = Traffic Collision Report
21 STAN000077 - 087 = Traffic Collision Report
22 STAN000088 - 094 = Traffic Collision Report
23 STAN000095 - 101 = Traffic Collision Report
24 STAN000102 - 112 = Traffic Collision Report
25 STAN000113 - 119 = Traffic Collision Report
26 STAN000120 - 153 = Traffic Collision Report
27 STAN000154 - 178 = The document Bates stamp numbered STAN00154 - 178 was
28 removed after the defendants claimed attorney / client privilege protection during the
Machado deposition

1 STAN000179 - 211 = COMPLETE 33 PAGES, Traffic Collision Report for the subject
2 accident [Also see RR000001 for Complete TCR]
3 STAN000212 - 221 = Fatal Accident Summary Sheet with Photographs
4 STAN000222 - 229 = Exhibit 9-A Application Form for Highway Safety Improvement
5 Program (HSIP) Funds
6 STAN000230 - 233 = 10-15-07 Letter from PUCc to Machado
7 STAN000234 - 242 = Letter with attachments Re: Improvement for Claribel Road
8 Highway - Rail Crossing CPUC # 002-1094.50 State to County
9 STAN000243 - 244 = Letter Re: Response to Stanislaus County's Letter Dated January
10 7, 2008 in Response to our Letter of October 15, 2007 for Improvements for Claribel
11 Road Crossing, CPUC # 002-1094.50 from State to County
12 STAN000245 - 247 = 03-19-08 Letter Re: Correspondence Dated February 13, 2008
13 Claribel Road Highway Rail Crossing CPUC # 002-1094.50 from County to State
14 STAN000248 - 249 = 05-27-08 Letter Re: Response to Stanislaus County's Letter
15 Dated March 19, 2008 in Reply to our Letter of February 13, 2008 for Improvements
16 for Claribel Road Crossing, CPUC # 002-1094.50 from State to County
17 STAN000250 - 256 = Group of e-mails Re: Claribel Highway - Rail Grade Crossing
18 dated from 11-19-07 to 01-10-08 to and from State and County
19 STAN000257 - 264 = Traffic Signal Warrants Worksheet dated 11-08-07 and
20 Stanislaus County Traffic Engineering Division All-Way Stop Study / Summary dated
21 06-14-07
22 STAN000265 - 266 = Stanislaus County Traffic Engineering Division All-Way Stop
23 Study / Summary dated 06-14-07 with a Directional Traffic Count dated 11-06-07
24 STAN000267 - 271 = Traffic Count " CLARIBEL ROAD WO TERMINAL "
25 STAN000272 - 276 = Traffic Count " CLARIBEL ROAD EO TERMINAL "
26 STAN000277 - 281 = Traffic Count " CLARIBEL ROAD SO TERMINAL "
27 STAN000282 - 286 = Traffic Count " CLARIBEL ROAD NO TERMINAL "
28 STAN000287 - 290 = Safety Index Calculation Worksheet for HSIP Program
calculated by Bill Cardoza

1 STAN000291 = Stanislaus County Signalized Intersection Priority List by Bill Cardoza
2 STAN000292 = Traffic Signal Priority Analysis
3 STAN000293 = 1978 Railroad Crossing Survey for Claribel Road
4 STAN000294 - 297 = Billing information re: work done on Claribel (and other
5 locations) the County was paying the State for something in the '70's - '80's
6 STAN000298 - 299 = Letter re Railroad Crossing Protection - Final Report from the
7 County to the State CALTRANS
8 STAN000300 - 303 = PUC Resolution Apportioning Maintenance Costs
9 STAN000304 - 309 = PUC Resolution Apportioning Maintenance Costs
10 STAN000310 - 313 = Letter from County Public Works to County Auditor re Railroad
11 Crossing Protection - Transfer of Funds
12 STAN000314 - 315 = 1975 (?) A.T. & S.F. Railway. Co. 's Detailed Estimate for the
13 proposed installation of two PUC std. No. 9 Gates and Flashing Light Signals at
14 Claribel Road
15 STAN000316 - 317 = Letter saying County is preparing to participate in the
16 construction of railroad crossing protection at Claribel (etc) to Caltrans
17 STAN000318 - 321 = County Board of Supervisors document titled In Re: Approving
18 Program Supplement No. 2 to Local Agency-State Agreement No. 1
19 STAN000322 = Railway letter to CalTrans re Bridge Agreements and Local Assistance
20 with instalation of automatic gates
21 STAN000323 - 324 = County Public Works letter to Board of Supervisors re: Program
22 Supplement No. 2 to Local Agency-State Agreement No. 1
23 STAN000325 = Railway letter to County re Caribel purchase orders
24 STAN000326 = Railway letter to County re Claribel work
25 STAN000327 = Railway letter to County re Claribel work
26 STAN000328 - 329 = PUC letter to County re: Funding for railroad - highway
27 crossings
28 STAN000330 = County letter to Railroad re: Claribel purchase orders
STAN000331 - 342 = CPUC Guidelines For the Federal Aid At-Grade Highway-Rail

1 Crossing Program (Section 130 Program)

2 STAN000343 = Email from Ron Cherrier to Bill Cardoza Re: Request by PUC
3 regarding the Claribel / Terminal Intersection and Railroad Crossing

4 STAN000344 - 346 = August - September 2007 Emails re Claibel Crossing

5 STAN000347 = Email from Ron Cherrier to Bill Cardoza re Claribel / Terminal
6 Intersection

7 STAN000348 - 353 = PUC Email letter re: Diagnostic Meeting Minutes and
8 Preliminary Recommendations for the Section 130 Program Improvements of Claribel
9 Road in the County of Stanislaus

10 STAN000354 - 356 = August - September 2007 emails between Marvin Kennix of the
11 PUC and Cherrier and Cardoza of the County re Claribel Crossing

12 STAN000357 - 359 = August - September 2007 emails between Ron Cherrier and
13 Marvin Kennix re Claribel Crossing

14 STAN000360 = Manual of Unified Traffic Control Devices Section 2B.07 Multiway
15 Stop Applications

16 STAN000361 = This document says " County road logs maintained road Shows in
17 maintained system width @ time / date of report " Log is for Claribel Road and has two
18 dates: 7-12-68 & 4-19-77

19 STAN000362 - 369 = Timecard Distribution - Roads FY 2009 Summary Report for
20 Claribel & Terminal

21 STAN000370 - 382 = Timecard Distribution - Roads FY 2009 Detail Report for
22 Claribel & Terminal

23 STAN000383 - 390 = Timecard Distribution - Roads FY 2008 Summary Report for
24 Claribel & Terminal

25 STAN000391 - 403 = Timecard Distribution - Roads FY 2008 Detail Report for
26 Claribel & Terminal

27 STAN000404 - 412 = Timecard Distribution - Roads FY 2007 Summary Report for
28 Claribel & Terminal

STAN000413 - 427 = Timecard Distribution - Roads FY 2007 Detail Report for

1 Claribel & Terminal
2 STAN000428 - 435 = Timecard Distribution - Roads FY 2006 Summary Report for
3 Claribel & Terminal
4 STAN000436 - 448 = Timecard Distribution - Roads FY 2006 Detail Report for
5 Claribel & Terminal
6 STAN000449 - 454 = Timecard Distribution - Roads FY 2005 Summary Report for
7 Claribel & Terminal
8 STAN000455 - 464 = Timecard Distribution - Roads FY 2005 Detail Report for
9 Claribel & Terminal
10 STAN000465 - 467 = Timecard Distribution - Roads Fiscal Year 2004 Summary
11 Report for Claribel & Terminal
12 STAN000468 - 472 = Timecard Distribution - Roads Fiscal Year 2004 Detail Report
13 for Claribel & Terminal
14 STAN000473 - 475 = Timecard Distribution - Roads Fiscal Year 2003 Summary
15 Report for Claribel & Terminal
16 STAN000476 - 479 = Timecard Distribution - Roads Fiscal Year 2003 Detail Report
17 for Claribel & Terminal
18 STAN000480 -482 = 1/4/08 letter to Gilbert from Leamon with Claribel road
19 improvement drawing
20 STAN000483 - 487 = 04-06-06 Traffic Counts on Claribel Road west of Claus from
21 the Traffic Engineering Division of the Stanislaus County Public Works Department
22 STAN000488 - 492 = 04-06-06 Traffic Counts on Claribel Road west of Terminal
23 from the Traffic Engineering Division of the Stanislaus County Public Works
24 Department
25 STAN000493 - 497 = 07-26-05 Traffic Counts on Terminal Avenue north of Claribel
26 Road from the Traffic Engineering Division of the Stanislaus County Public Works
27 Department
28 STAN000498 = 01-17-78 memo from Public Works to the Board of Supervisors re
turning the intersection at Claribel and Terminal into a four way stop

1 STAN000499 - 500 = 01-17-78 Board of Supervisors Resolution designating the
2 intersection at Claribel and Terminal a four way stop
3 STAN000501 - 503 = 3 pages from a 1978 - 1983 Stanislaus County capital
4 improvement program which contain references to Claribel Road but the subject
5 intersection
6 STAN000504 = Claribel traffic counts "apparently" from 2001
7 STAN000505 = Claribel traffic counts "apparently" from 2001 & 2002
8 STAN000506 = Claribel traffic counts "apparently" from 2000
9 STAN000507 = Claribel traffic counts "apparently" from 2002
10 STAN000508 - 509 = 2 pages of Claribel road logs that may be from the 1960's and
11 1970's
12 STAN000510 - 512 = 3 pages of calculations Dr. Tuft prepared after his depo pursuant
13 to JWC request
14 **RAILROAD DOCUMENTS**
15 NRPC and BNSF Initial Disclosures Pursuant to Fed. R. Civ. P.26(a)(1)
16 RR000001 - 33 = 08/14/2007 CHP Traffic Collision Report of subject accident
17 RR000034 - 35 = 05/08/2007 Amtrak Unusual Occurrence Report
18 RR000036 - 37 = 05/08/2007 Amtrak MAP X15 Grade Crossing Accident
19 Locomotive/Cab Car Inspection Report for Unit 2011 & 8305
20 RR000038 - 39 = 05/08/2007 Amtrak MAP 100 Equipment Condition Report for Units
21 2011 & 8305
22 RR000040 - 41 = U.S. Department of Transportation, FRA, MAP 818 Locomotive
23 Inspection and Repair Record for Unit 2011 & 8305
24 RR000042 - 43 = 05/08/2007 Amtrak MAP 1173 Class I Brake Initial Terminal Test
25 for NRPC Unit 2011
26 RR000044 - 45 = 05/08/2007 NRPC MAP 101 FRA Rule No. 229 Inspection Record
27 for NRPC Units 2011 & 8305
28 RR000046 = 05/08/2007 NRPC MAP IOC Summary Daily Inspection for Train # 713
RR000047 - 66 = 05/09/2007 U.S. DOT Crossing Inventory Information as of

1 5-9-2007 for Claribel Road Crossing
2 RR000067 - 73 = 04/29/2007 Track Bulletin s Form C
3 RR000074 - 111 = General Track Bulletin No. 26922 (issued 5-8-07)
4 RR000112 = NRPC Timetable San Joaquins-Northbound
5 RR000113 - 114 = 05/08/2007 NRPC Locomotive Event Recorder Information Sheet
6 and Custody Log for NRPC Units 2011 and 8305
7 RR000115 = BNSF Stockton Subdivision Line Segment 7200 Track Map
8 RR000116 - 119 = 05/08/2007 BNSF Highway Grade Crossing Signal Post Accident
9 Test Check List
10 RR000120 - 137 = BNSF Inspection Reports Highway Grade Crossing Tests &
11 Inspections, dated 5-15-06 through 5-8-07
12 RR000138 = BNSF Road Crossing Inventory Report
13 RR000139 - 146 = BNSF Signal Detail Charts
14 RR000147 - 148 = 05/08/2007 BNSF train movement information for Claribel Road
15 crossing
16 RR000149 = 108 Photos taken by BNSF employees at the scene at the accident
17 RR000150 = 109 Photos taken by CHP officers at the accident scene
18 RR000151 = 127 Photos taken by CHP MAIT Corral Rodriguez car
19 BNSF000001 = Death Certificate of John Milton Cone from the State of California
20 dated 08-28-08
21 RR000152 - 178 = 06/02/1995 Transfer Agreement
22 RR000179 - 282 = 06/02/1995 Maintenance Agreement
23 RR000283 - 310 = 04/01/1999 Maintenance Agreement Revision 1
24 RR000311 - 421 = NRPC & State of CA Agreement for the Provision of Rail
25 Passenger Service
26 RR000422 - 930 = Interagency Transfer Agreement
27 RR000931 = Schedule for northbound San Joaquin trains
28 RR000932 = Amtrak Pacific Delay Report for Train 713 on 05-08-07
RR000933 - 1074 = 04/03/2005 (effective date), GCOR General Code of Operating

1 Rules Fifth Edition
2 RR001075 - 1218 = 01/15/2007 NRPC / Amtrak Air Brake and Train Handling Rules
3 and Instructions
4 RR001219 - 1239 = 02/01/2002 Amtrak NRPC Safety Instructions for Transportation
5 Employees
6 RR001240 - 1303 = 08/17/2006 Final Rule on the Use of Locomotive Horns at
7 Highway-Rail Grade Crossings
8 RR001304 - 1305 = Summary of Major Changes in the Amended Train Horn Final
9 Rule
10 RR001306 - 1314 = FRA - Record of Decision - Use of Locomotive Horns Final Rule
11 RR001315 = 10/18/2007 Federal Railroad Administration - Quiet Zone Locations
12 RR001316 - 1317 = 06/21/2004 Letter from US DOT Inspector General Kenneth Mead
13 to Senator Joseph Lieberman re: the Highway-Rail Grade Crossing Safety Program
14 RR001318 - 1366 = 06/16/2004 FRA - Audit of the Highway-Rail Grade Crossing
15 Safety Program
16 RR001367 - 1436 = Train operator John Cone 's "complete employment file"
17 RR001437 - 1451 = Documents responsive to our request for concerning inspection ,
18 maintenance and braking system documents for subject train 713
19 Documents responsive to Set 7 #84 = RR001452
20 RR001452 = Document concerning subject train 713
21 RR001453 - 1456 = 05/11/2007 AEI Find
22 RR001457 - 1458 = 05/08/2007 BNSF train movement information for Claribel Road
23 crossing
24 RR001459 = 05/11/2007 Train Event History Document
25 RR001460 - 1465 = 05/11/2007 Train Sheet Detail Display Train Data Sheet
26 Document
27 RR001466 - 1470 = 03/29/2004 Track Chart for the area 5 miles on either side of the
28 subject crossing Document
RR001471 - 1474 = 05/08/2007 Highway Grade Crossing Signal Post Accident Test

1 Check List for subject accident
2 RR001475 - 1492 = BNSF Inspection Reports - Highway Crossing Tests & Inspections
3 at Claribel Road for one year prior to subject accident
4 RR001493 - 1495 = 05/11/2007 Resource Operations Center Ticket Report
5 RR001496 - RR001514 = 05/14/2007 Signal Ticket Report
6 RR001515 - 1534 = 05/09/2007 US DOT Crossing Inventory Information as of
7 5/9/2007
8 RR001535 - 1558 = Public Projects Files re Claribel Road Part 1 crossing
9 RR001559 - RR001689 = Public Projects Files re Claribel Road Part 2 crossing
10 RR001690 - 1724 = Accident / Incident Reporting Internal Control Plan for Amtrak
11 and Commuter Operations from NRPC Office of System Safety
12 RR001725 - 1727 = Railroad Injury and Illness Summary
13 RR001728 = FRA - Rail Equipment Accident / Incident Record
14 RR001729 - 1733 = FRA 5 - Day and Regional Factual Railroad Accident Report
15 RR001734 = 06/26/2007 Highway-Rail Grade Crossing Accident / Incident Report
16 Dispatcher audio recording from the incident date
17 RR001735 = Remedy Tickets - Stockton Sub MP 1094.5 2004 - YTD
18 RR001736 = BNSF Railway Standard Plan Whistle Post Signs
19 RR001737 - 1802 = Amtrak Alcohol and Drug Policy Guidelines
20 RR001803 - 1806 = Personnel Action Request
21 RR001807 - 1809 = Personnel Action Request
22 RR001810 = Handwritten note
23 RR001811 - 1812 = Personnel Action Request
24 RR001813 - 1814 = Personnel Action Request
25 RR001815 - 1816 = Personnel Action Request
26 RR001817 - 1818 = Personnel Action Request
27 RR001819 = Personnel Action Request
28 RR001820 -1821 = Personnel Action Request
RR001822 = Emails re John Cone disability retirement

1 RR001823 - 1824 = Railroad Retirement Board Letter
2 RR001825 - 1830 = Authorization for Examination or Treatment
3 RR001831 = Authorization for Examination or Treatment
4 RR001832 - 1833 = Authorization for Examination or Treatment
5 RR001834 - 1837 = Authorization for Examination or Treatment
6 RR001838 = Locomotive Engineer Certificate
7 RR001839 = NRPC Notification of Certification Suspension
8 RR001840 - 1842 = Locomotive Engineer Temporary Certificate
9 RR001843 = Locomotive Engineer Certificate
10 RR001844 - 1846 = (John Cone's) Multiple Choice Test for Segment G: Oakland to
11 San Jose, via Hayward
12 RR001847 = Authorization to Board and Ride AMTRAK Trains for the Purpose of
13 Qualifying on Physical Characteristics
14 RR001848 = Authorization to Board and Ride AMTRAK Trains for the Purpose of
15 Qualifying on Physical Characteristics
16 RR001849 = NRPC Amtrak West Interoffice Memorandum
17 RR001850 - 1851 = John Cone Employee Information Form
18 RR001852 - 1853 = John Cone Amtrak Locomotive Engineer Evaluation
19 RR001854 = John Cone Amtrak Locomotive Engineer Evaluation
20 RR001855 - 1856 = John Cone Amtrak Locomotive Engineer Evaluation
21 RR001857 = John Cone Amtrak Locomotive Engineer Evaluation
22 RR001858 - 1859 = John Cone Amtrak Locomotive Engineer Evaluation
23 RR001860 - 1861 = John Cone Amtrak Locomotive Engineer Evaluation
24 RR001862 - 1863 = John Cone Amtrak Locomotive Engineer Evaluation
25 RR001864 - 1865 = John Cone Amtrak Locomotive Engineer Evaluation
26 RR001866 - 1867 = John Cone Amtrak Locomotive Engineer Evaluation
27 RR001868 - 1869 = John Cone Amtrak Locomotive Engineer Evaluation
28 RR001870 = John Cone Amtrak Locomotive Engineer Evaluation
RR001871 - 1872 = John Cone Amtrak Locomotive Engineer Evaluation

1 RR001873 - 1874 = John Cone Amtrak Locomotive Engineer Evaluation
2 RR001875 - 1876 = John Cone Amtrak Locomotive Engineer Evaluation
3 RR001877 - 1878 = John Cone Amtrak Locomotive Engineer Evaluation
4 RR001879 - 1880 = John Cone Amtrak Locomotive Engineer Evaluation
5 RR001881 - 1882 = John Cone Amtrak Locomotive Engineer Evaluation
6 RR001883 - 1884 = John Cone Amtrak Locomotive Engineer Evaluation
7 RR001885 = Amtrak letter congratulating John Cone on his excellent safety record and
8 completing five years of injury free service
9 RR001886 = Amtrak cover letter for BNSF letter re: John Cone and others,
10 RR001887 = Brief BNSF letter re Capitol and San Joaquin projects,
11 RR001888 = Letter from service manager C.V. Berg to John Cone confirming they
12 discussed all aspects of Rule 9.12.4 that applies on the BNSF railroad between
13 Stockton and Port Chicago including the locations of signals that rule applies to.
14 RR001889 - 1896 = Express mail receipt
15 RR001897 - 1898 = John Cone Amtrak Check Inn Card
16 RR001899 = Amtrak Check Inn Card Request
17 RR001900 = Handwritten note re: Mr. Cone
18 RR001901 = Re: Cone request of employment verification
19 RR001902 = Request for release of Cone employment dates
20 RR001903 - 1906 = Amtrak Employee Information Form, John Cone,
21 RR001907 = Black Box Info
22 RR001908 = 05-31-94 Amtrak Unusual Occurrence Report for Amtrak Train 710,
23 Derailment,
24 RR001909 = Conductor Uniform Program, John Cone
25 RR001910 = John Cone, employee information,
26 RR001911 = John Cone Service Award Program
27 RR001912 = John Cone 's employment history with ATSF Railway Co.
28 RR001913 = John Cone T & E Crew Members Change of Address Form
RR001914 = John Cone Amtrak Locomotive Engineer Certification

1 RR001915 = John Cone Territorial Qualification Audit
2 RR001916 - 1922 = John Cone Amtrak TESTS System Form 1872
3 RR001923 - 1926 = John Cone Amtrak TESTS System Form 1872
4 RR001927 - 1928 = John Cone Amtrak TESTS System Form 1872
5 RR001929 = John Cone Amtrak TESTS System Form 1872
6 RR001930 - 1931 = John Cone Amtrak Employee Efficiency and Safety Test Report -
7 Form 1872
8 RR001932 - 1933 = John Cone Amtrak Employee Efficiency and Safety Test Report -
9 Form 1872
10 RR001934 - 1935 = John Cone Amtrak Employee Efficiency and Safety Test Report -
11 Form 1872
12 RR001936 - 1937 = John Cone Amtrak Employee Efficiency and Safety Test Report -
13 Form 1872
14 RR001938 = John Cone Amtrak Employee Efficiency and Safety Test Report - Form
15 1872
16 RR001939 = John Cone Amtrak Employee Efficiency and Safety Test Report - Form
17 1872
18 RR001940 - 1941 = John Cone Amtrak Employee Efficiency and Safety Test Report -
19 Form 1872
20 RR001942 - 1943 = John Cone Amtrak Employee Efficiency and Safety Test Report -
21 Form 1872
22 RR001944 - 1945 = John Cone Amtrak Employee Efficiency and Safety Test Report -
23 Form 1872
24 **RFP Set 5 - 7 & 10 (02-24-10):**
25 Coverletter = COV000010
26 RR001949 - 50 = Handwritten statement of eye witness John Coffey
27 RR001951 = Handwritten statement of eye witness Jeremy McMath
28 RR001951 - 52 = Handwritten statement of eye witness Tony Vincent
RR001953 = 01-14-06 FRA Highway Rail Grade Crossing Accident/Incident Report

1 RR001954 - 1960 = Brake Schematic Drawings for Subject Locomotive and Cars
2 RR001961 - 1964 = Brake Schematic Drawings for Subject Locomotive and Cars
3 RR001965 = Coloring Guide Equipment
4 AMT001966 - 1996 = July 2006 Amtrak Delay Reports for Train No 702
5 AMT001997 - 2025 = November 2006 Amtrak Delay Reports for Train No 702
6 AMT002026 - 2056 = December 2006 Amtrak Delay Reports for Train No 702
7 AMT002057 - 2086 = January 2007 Amtrak Delay Reports for Train No 702
8 AMT002087 - 2115 = February 2007 Amtrak Delay Reports for Train No 702
9 AMT002116 - 2141 = July 2006 Amtrak Delay Reports for Train No 704
10 AMT002142 - 2168 = November 2006 Amtrak Delay Reports for Train No 704
11 AMT002169 - 2204 = December 2006 Amtrak Delay Reports for Train No 704
12 AMT002205 - 2240 = January 2007 Amtrak Delay Reports for Train No 704
13 AMT002241 - 2272 = February 2007 Amtrak Delay Reports for Train No 704
14 AMT002273 - 2330 = July 2006 Amtrak Delay Reports for Train No 711
15 AMT002331 - 2381 = August 2006 Amtrak Delay Reports for Train No 711
16 AMT002382 - 2427 = November 2006 Amtrak Delay Reports for Train No 711
17 AMT002428 - 2484 = December 2006 Amtrak Delay Reports for Train No 711
18 AMT002485 - 2547 = January 2007 Amtrak Delay Reports for Train No 711
19 AMT002548 - 2604 = February 2007 Amtrak Delay Reports for Train No 711
20 AMT002605 - 2664 = July 2006 Amtrak Delay Reports for Train No 712
21 AMT002665 - 2716 = August 2006 Amtrak Delay Reports for Train No 712
22 AMT002717 - 2773 = November 2006 Amtrak Delay Reports for Train No 712
23 AMT002774 - 2832 = December 2006 Amtrak Delay Reports for Train No 712
24 AMT002833 - 2894 = January 2007 Amtrak Delay Reports for Train No 712
25 AMT002895 - 2953 = February 2007 Amtrak Delay Reports for Train No 712
26 AMT002954 - 3011 = July 2006 Amtrak Delay Reports for Train No 713
27 AMT003012 - 3060 = August 2006 Amtrak Delay Reports for Train No 713
28 AMT003061 - 3120 = November 2006 Amtrak Delay Reports for Train No 713
AMT003121 - 3182 = December 2006 Amtrak Delay Reports for Train No 713

1 AMT003183 - 3232 = January 2007 Amtrak Delay Reports for Train No 713
2 AMT003233 - 3280 = February 2007 Amtrak Delay Reports for Train No 713
3 AMT003281 - 3340 = July 2006 Amtrak Delay Reports for Train No 714
4 AMT003341 - 3388 = August 2006 Amtrak Delay Reports for Train No 714
5 AMT003389 - 3456 = November 2006 Amtrak Delay Reports for Train No 714
6 AMT003457 - 3525 = December 2006 Amtrak Delay Reports for Train No 714
7 AMT003524 - 3583 = January 2007 Amtrak Delay Reports for Train No 714
8 AMT003584 - 3640 = February 2007 Amtrak Delay Reports for Train No 714
9 AMT003641 - 3705 = July 2006 Amtrak Delay Reports for Train No 715
10 AMT003706 - 3764 = August 2006 Amtrak Delay Reports for Train No 715
11 AMT003765 - 3825 = November 2006 Amtrak Delay Reports for Train No 715
12 AMT003826 - 3886 = December 2006 Amtrak Delay Reports for Train No 715
13 AMT003887 - 3948 = January 2007 Amtrak Delay Reports for Train No 715
14 AMT003949 - 408 = February 2007 Amtrak Delay Reports for Train No 715
15 AMT004009 - 4070 = July 2006 Amtrak Delay Reports for Train No 716
16 AMT004071 - 4128 = August 2006 Amtrak Delay Reports for Train No 716
17 AMT004129 - 4195 = November 2006 Amtrak Delay Reports for Train No 716
18 AMT004196 - 4266 = December 2006 Amtrak Delay Reports for Train No 716
19 AMT004267 - 4335 = January 2007 Amtrak Delay Reports for Train No 716
20 AMT004336 - 4394 = February 2007 Amtrak Delay Reports for Train No 716
21 AMT004395 - 4456 = July 2006 Amtrak Delay Reports for Train No 717
22 AMT004457 - 4506 = August 2006 Amtrak Delay Reports for Train No 717
23 AMT004507 - 4571 = November 2006 Amtrak Delay Reports for Train No 717
24 AMT004572 - 4631 = December 2006 Amtrak Delay Reports for Train No 717
25 AMT004632 - 4693 = January 2007 Amtrak Delay Reports for Train No 717
26 AMT004694 - 4743 = February 2007 Amtrak Delay Reports for Train No 717
27 AMT004744 - 484 = July 2006 Amtrak Delay Reports for Train No 718
28 AMT004805 - 486 = August 2006 Amtrak Delay Reports for Train No 718
AMT004861 - 4924 = November 2006 Amtrak Delay Reports for Train No 718

1 AMT004925 - 4995 = December 2006 Amtrak Delay Reports for Train No 718
2 AMT004996 - 506 = January 2007 Amtrak Delay Reports for Train No 718
3 AMT005061 - 5115 = February 2007 Amtrak Delay Reports for Train No 718
4 AMT005116 - 5201 = A heavily redacted copy of a 08-01-96 Agreement Between
5 NRPC & BNSF
6 AMT005202 - 5207 = Specifications for Subject Amtrak Cars from an operating
7 manual
8 BNSF005208 - 5224 = BNSF Remedy Ticket Reports from 05-08-02 to 05-08-07
9 Cover letter & a CD containing a data files from cabcar C8305
10 Cover letter & a CD containing a data file from locomotive C2011
11 AMT005225 - AMT005290 = June 2006 Amtrak Delay Reports for Train No 718
12 AMT005291 - 5351 = May 2006 Amtrak Delay Reports for Train No 714
13 AMT005352 - 5407 = June 2006 Amtrak Delay Reports for Train No 713
14 AMT005408 - 5464 = May 2006 Amtrak Delay Reports for Train No 713
15 AMT005465 - 5526 = June 2006 Amtrak Delay Reports for Train No 712
16 AMT005527 - 5592 = May 2006 Amtrak Delay Reports for Train No 712
17 AMT005593 - 5654 = June 2006 Amtrak Delay Reports for Train No 711
18 AMT005655 - 5720 = May 2006 Amtrak Delay Reports for Train No 711
19 AMT005721 - 5745 = June 2006 Amtrak Delay Reports for Train No 704
20 AMT005746 - 5782 = May 2006 Amtrak Delay Reports for Train No 704
21 AMT005783 - 5815 = June 2006 Amtrak Delay Reports for Train No 702
22 AMT005816 - 5882 = May 2006 Amtrak Delay Reports for Train No 718
23 AMT005883 - 5915 = May 2006 Amtrak Delay Reports for Train No 702
24 AMT005916 - 5976 = June 2006 Amtrak Delay Reports for Train No 717
25 AMT005977 - 6037 = May 2006 Amtrak Delay Reports for Train No 717
26 AMT006038 - 6106 = June 2006 Amtrak Delay Reports for Train No 716
27 AMT006107 - 6199 = May 2006 Amtrak Delay Reports for Train No 716
28 AMT006200 - 6266 = June 2006 Amtrak Delay Reports for Train No 715
AMT006267 - 6346 = May 2006 Amtrak Delay Reports for Train No 715

1 AMT006347 - 6406 = June 2006 Amtrak Delay Reports for Train No 714
2 AMT006407 - 6438 = May 2007 Amtrak Delay Reports for Train No 702
3 AMT006439 - 6471 = March 2007 Amtrak Delay Reports for Train No 702
4 AMT006472 - 6474 = December 2005 Amtrak Delay Reports for Train No 702
5 AMT006475 - 6503 = May 2007 Amtrak Delay Reports for Train No 704
6 AMT006504 - 6531 = March 2007 Amtrak Delay Reports for Train No 704
7 AMT006532 - 6593 = May 2007 Amtrak Delay Reports for Train No 711
8 AMT006594 - 6655 = March 2007 Amtrak Delay Reports for Train No 711
9 AMT006656 - 6714 = April 2007 Amtrak Delay Reports for Train No 711
10 AMT006715 - 6777 = December 2005 Amtrak Delay Reports for Train No 711
11 AMT006778 - 6836 = November 2005 Amtrak Delay Reports for Train No 711
12 AMT006837 - 6900 = October 2005 Amtrak Delay Reports for Train No 711
13 AMT006901 - 6953 = September 2005 Amtrak Delay Reports for Train No 711
14 AMT006954 - 7015 = May 2007 Amtrak Delay Reports for Train No 712
15 AMT007016 - 7086 = March 2007 Amtrak Delay Reports for Train No 712
16 AMT007087 - 7145 = April 2007 Amtrak Delay Reports for Train No 712
17 AMT007146 - 7209 = December 2005 Amtrak Delay Reports for Train No 712
18 AMT007210 - 7266 = November 2005 Amtrak Delay Reports for Train No 712
19 AMT007267 - 7331 = October 2005 Amtrak Delay Reports for Train No 712
20 AMT007332 - 7393 = September 2005 Amtrak Delay Reports for Train No 712
21 AMT007394 - 7445 = May 2007 Amtrak Delay Reports for Train No 713
22 AMT007446 - 7499 = March 2007 Amtrak Delay Reports for Train No 713
23 AMT007500 - 7547 = April 2007 Amtrak Delay Reports for Train No 713
24 AMT007548 - 7602 = December 2005 Amtrak Delay Reports for Train No 713
25 AMT007603 - 7651 = November 2005 Amtrak Delay Reports for Train No 713
26 AMT007652 - 7703 = October 2005 Amtrak Delay Reports for Train No 713
27 AMT007704 - 7751 = September 2005 Amtrak Delay Reports for Train No 713
28 AMT007752 - 7803 = May 2007 Amtrak Delay Reports for Train No 714
AMT007804 - 7860 = March 2007 Amtrak Delay Reports for Train No 714

1 AMT007861 - 7919 = April 2007 Amtrak Delay Reports for Train No 714
2 AMT007920 - 7971 = December 2005 Amtrak Delay Reports for Train No 714
3 AMT007972 - 8023 = November 2005 Amtrak Delay Reports for Train No 714
4 AMT008024 - 8072 = October 2005 Amtrak Delay Reports for Train No 714
5 AMT008073 - 8130 = September 2005 Amtrak Delay Reports for Train No 714
6 AMT008131 - 8185 = May 2007 Amtrak Delay Reports for Train No 715
7 AMT008186 - 8235 = March 2007 Amtrak Delay Reports for Train No 715
8 AMT008236 - 8294 = April 2007 Amtrak Delay Reports for Train No 715
9 AMT008295 - 8371 = December 2005 Amtrak Delay Reports for Train No 715
10 AMT008372 - 8438 = November 2005 Amtrak Delay Reports for Train No 715
11 AMT008439 - 8510 = October 2005 Amtrak Delay Reports for Train No 715
12 AMT008511 - 8564 = September 2005 Amtrak Delay Reports for Train No 715
13 AMT008565 - 8625 = May 2007 Amtrak Delay Reports for Train No 716
14 AMT008626 - 8684 = March 2007 Amtrak Delay Reports for Train No 716
15 AMT008685 - 8742 = April 2007 Amtrak Delay Reports for Train No 716
16 AMT008743 - 8818 = December 2005 Amtrak Delay Reports for Train No 716
17 AMT008819 - 8885 = November 2005 Amtrak Delay Reports for Train No 716
18 AMT008886 - 8953 = October 2005 Amtrak Delay Reports for Train No 716
19 AMT008954 - 9017 = September 2005 Amtrak Delay Reports for Train No 716
20 AMT009018 - 9071 = September 2005 Amtrak Delay Reports for Train No 717
21 AMT009072 - 9135 = October 2005 Amtrak Delay Reports for Train No 717
22 AMT009136 - 9197 = November 2005 Amtrak Delay Reports for Train No 717
23 AMT009198 - 9258 = December 2005 Amtrak Delay Reports for Train No 717
24 AMT009259 - 9318 = April 2007 Amtrak Delay Reports for Train No 717
25 AMT009319 - 9381 = March 2007 Amtrak Delay Reports for Train No 717
26 AMT009382 - 9442 = May 2007 Amtrak Delay Reports for Train No 717
27 AMT009443 - 9512 = May 2007 Amtrak Delay Reports for Train No 718
28 AMT009513 - 9581 = March 2007 Amtrak Delay Reports for Train No 718
AMT009582 - 9644 = April 2007 Amtrak Delay Reports for Train No 718

1 AMT009645 - 9708 = December 2005 Amtrak Delay Reports for Train No 718
2 AMT009709 - 9768 = November 2005 Amtrak Delay Reports for Train No 718
3 AMT009769 - 9830 = October 2005 Amtrak Delay Reports for Train No 718
4 AMT009831 - 9890 = September 2005 Amtrak Delay Reports for Train No 718
5 AMT009891 - 9909 = April 2007 Amtrak Delay Reports for Train No 720
6 AMT009910 - 9939 = October 2006 Amtrak Delay Reports for Train No 702
7 AMT009940 - 9969 = September 2006 Amtrak Delay Reports for Train No 702
8 AMT009970 - AMT010004 = March 2006 Amtrak Delay Reports for Train No 702
9 AMT010005 - 0005 = February 2006 Amtrak Delay Reports for Train No 702
10 AMT010006 - 0077 = April 2006 Amtrak Delay Reports for Train No 702 / 704
11 AMT010078 - 0080 = January 2006 Amtrak Delay Reports for Train No 702 / 704
12 AMT010081 - 0081 = February 2006 Amtrak Delay Reports for Train No 704
13 AMT010082 - 0113 = October 2006 Amtrak Delay Reports for Train No 704
14 AMT010114 - 0147 = September 2006 Amtrak Delay Reports for Train No 704
15 AMT010148 - 0173 = March 2006 Amtrak Delay Reports for Train No 704
16 AMT010174 - 0209 = February 2006 Amtrak Delay Reports for Train No 704
17 AMT010210 - 0268 = October 2006 Amtrak Delay Reports for Train No 711
18 AMT010269 - 0320 = September 2006 Amtrak Delay Reports for Train No 711
19 AMT010321 - 0386 = April 2006 Amtrak Delay Reports for Train No 711
20 AMT010387 - 0444 = March 2006 Amtrak Delay Reports for Train No 711
21 AMT010445 - 0504 = February 2006 Amtrak Delay Reports for Train No 711
22 AMT010505 - 0565 = January 2006 Amtrak Delay Reports for Train No 711
23 AMT010566 - 0624 = October 2006 Amtrak Delay Reports for Train No 712
24 AMT010625 - 0679 = September 2006 Amtrak Delay Reports for Train No 712
25 AMT010680 - 0730 = April 2006 Amtrak Delay Reports for Train No 712
26 AMT010731 - 0793 = March 2006 Amtrak Delay Reports for Train No 712
27 AMT010794 - 0889 = February 2006 Amtrak Delay Reports for Train No 712
28 AMT010890 - 0954 = January 2006 Amtrak Delay Reports for Train No 712
AMT010955 - 1013 = October 2006 Amtrak Delay Reports for Train No 713

1 AMT011014 - 1061 = September 2006 Amtrak Delay Reports for Train No 713
2 AMT011062 - 1124 = April 2006 Amtrak Delay Reports for Train No 713
3 AMT011125 - 1178 = March 2006 Amtrak Delay Reports for Train No 713
4 AMT011179 - 1232 = February 2006 Amtrak Delay Reports for Train No 713
5 AMT011233 - 1291 = January 2006 Amtrak Delay Reports for Train No 713
6 AMT011292 - 1351 = October 2006 Amtrak Delay Reports for Train No 714
7 AMT011352 - 1407 = September 2006 Amtrak Delay Reports for Train No 714
8 AMT011408 - 1459 = April 2006 Amtrak Delay Reports for Train No 714
9 AMT011460 - 1512 = March 2006 Amtrak Delay Reports for Train No 714
10 AMT011513 - 1606 = February 2006 Amtrak Delay Reports for Train No 714
11 AMT011607 - 1667 = January 2006 Amtrak Delay Reports for Train No 714
12 AMT011668 - 1726 = October 2006 Amtrak Delay Reports for Train No 715
13 AMT011727 - 1785 = September 2006 Amtrak Delay Reports for Train No 715
14 AMT011786 - 1852 = April 2006 Amtrak Delay Reports for Train No 715
15 AMT011853 - 1920 = March 2006 Amtrak Delay Reports for Train No 715
16 AMT011921 - 1976 = February 2006 Amtrak Delay Reports for Train No 715
17 AMT011977 - 2047 = January 2006 Amtrak Delay Reports for Train No 715
18 AMT012048 - 2109 = October 2006 Amtrak Delay Reports for Train No 716
19 AMT012110 - 2165 = September 2006 Amtrak Delay Reports for Train No 716
20 AMT012166 - 2242 = April 2006 Amtrak Delay Reports for Train No 716
21 AMT012243 - 2317 = March 2006 Amtrak Delay Reports for Train No 716
22 AMT012318 - 2410 = February 2006 Amtrak Delay Reports for Train No 716
23 AMT012411 - 2481 = January 2006 Amtrak Delay Reports for Train No 716
24 AMT012482 - 2542 = October 2006 Amtrak Delay Reports for Train No 717
25 AMT012543 - 2594 = September 2006 Amtrak Delay Reports for Train No 717
26 AMT012595 - 2660 = April 2006 Amtrak Delay Reports for Train No 717
27 AMT012661 - 2719 = March 2006 Amtrak Delay Reports for Train No 717
28 AMT012720 - 2771 = February 2006 Amtrak Delay Reports for Train No 717
AMT012772 - 2832 = January 2006 Amtrak Delay Reports for Train No 717

1 AMT012833 - 2898 = October 2006 Amtrak Delay Reports for Train No 718
2 AMT012899 - 2950 = September 2006 Amtrak Delay Reports for Train No 718
3 AMT012951 - 3008 = April 2006 Amtrak Delay Reports for Train No 718
4 AMT013009 - 3084 = March 2006 Amtrak Delay Reports for Train No 718
5 AMT013085 - 3161 = February 2006 Amtrak Delay Reports for Train No 718
6 AMT013162 - 3224 = January 2006 Amtrak Delay Reports for Train No 718
7 AMT013225 - 3294 = November 2005 Amtrak Delay Reports for Train No 701
8 AMT013295 - 3365 = November 2005 Amtrak Delay Reports for Train No 702
9 AMT013366 - 3434 = November 2005 Amtrak Delay Reports for Train No 703
10 AMT013435 - 3503 = November 2005 Amtrak Delay Reports for Train No 704
11 AMT013504 - 3575 = December 2005 Amtrak Delay Reports for Train No 701
12 AMT013576 - 3648 = December 2005 Amtrak Delay Reports for Train No 702
13 AMT013649 - 3725 = December 2005 Amtrak Delay Reports for Train No 703
14 AMT013726 - 3793 = December 2005 Amtrak Delay Reports for Train No 704
15 AMT013794 - 3860 = January 2006 Amtrak Delay Reports for Train No 704
16 AMT013861 - 3933 = January 2006 Amtrak Delay Reports for Train No 701
17 AMT013934 - 4001 = January 2006 Amtrak Delay Reports for Train No 702
18 AMT014002 - 4080 = January 2006 Amtrak Delay Reports for Train No 703
19 AMT014081 - 4145 = February 2006 Amtrak Delay Reports for Train No 701
20 AMT014146 - 4204 = February 2006 Amtrak Delay Reports for Train No 702
21 AMT014205 - 4278 = February 2006 Amtrak Delay Reports for Train No 703
22 AMT014279 - 4347 = February 2006 Amtrak Delay Reports for Train No 704
23 AMT014348 - 4408 = July 2006 Amtrak Delay Reports for Train No 701
24 AMT014409 - 4469 = July 2005 Amtrak Delay Reports for Train No 702
25 AMT014470 - 4545 = July 2005 Amtrak Delay Reports for Train No 703
26 AMT014546 - 4619 = July 2005 Amtrak Delay Reports for Train No 704
27 AMT014620 - 4690 = August 2005 Amtrak Delay Reports for Train No 701
28 AMT014691 - 4758 = August 2005 Amtrak Delay Reports for Train No 702
AMT014759 - 4843 = August 2005 Amtrak Delay Reports for Train No 703

1 AMT014844 - 4925 = August 2005 Amtrak Delay Reports for Train No 704
2 AMT014926 - 5497 = September 2005 Amtrak Delay Reports for Train No 701
3 AMT015498 - 5558 = April 2006 Amtrak Delay Reports for Train No 701
4 AMT015559 - 5601 = April 2006 Amtrak Delay Reports for Train No 702
5 AMT015602 - 5683 = April 2006 Amtrak Delay Reports for Train No 703
6 AMT015684 - 5733 = April 2006 Amtrak Delay Reports for Train No 704
7 AMT015734 - 5795 = March 2006 Amtrak Delay Reports for Train No 701
8 AMT015796 - 5866 = March 2006 Amtrak Delay Reports for Train No 702
9 AMT015867 - 5931 = March 2006 Amtrak Delay Reports for Train No 703
10 AMT015932 - 5997 = March 2006 Amtrak Delay Reports for Train No 704
11 AMT015998 - 6065 = June 2006 Amtrak Delay Reports for Train No 701
12 AMT016066 - 6132 = June 2006 Amtrak Delay Reports for Train No 702
13 AMT016133 - 6199 = June 2006 Amtrak Delay Reports for Train No 703
14 AMT016200 - 6262 = June 2006 Amtrak Delay Reports for Train No 704
15 AMT016263 - 6335 = May 2006 Amtrak Delay Reports for Train No 701
16 AMT016336 - 6400 = May 2006 Amtrak Delay Reports for Train No 702
17 AMT016401 - 6471 = May 2006 Amtrak Delay Reports for Train No 703
18 AMT016472 - 6538 = May 2006 Amtrak Delay Reports for Train No 704
19 AMT016539 - 6602 = July 2006 Amtrak Delay Reports for Train No 701
20 AMT016603 - 6680 = July 2006 Amtrak Delay Reports for Train No 702
21 AMT016681 - 6751 = July 2006 Amtrak Delay Reports for Train No 703
22 AMT016752 - 6813 = July 2006 Amtrak Delay Reports for Train No 704
23 AMT016814 - 6878 = August 2006 Amtrak Delay Reports for Train No 701
24 AMT016879 - 6944 = August 2006 Amtrak Delay Reports for Train No 702
25 AMT016945 - 7010 = August 2006 Amtrak Delay Reports for Train No 703
26 AMT017011 - 7074 = August 2006 Amtrak Delay Reports for Train No 704
27 AMT017075 - 7134 = September 2006 Amtrak Delay Reports for Train No 701
28 AMT017135 - 7191 = September 2006 Amtrak Delay Reports for Train No 702
AMT017192 - 7259 = September 2006 Amtrak Delay Reports for Train No 703

1 AMT017260 - 7321 = September 2006 Amtrak Delay Reports for Train No 704
2 AMT017322 - 7385 = October 2006 Amtrak Delay Reports for Train No 701
3 AMT017386 - 7454 = October 2006 Amtrak Delay Reports for Train No 702
4 AMT017455 - 7521 = October 2006 Amtrak Delay Reports for Train No 703
5 AMT017522 - 7584 = October 2006 Amtrak Delay Reports for Train No 704
6 AMT017585 - 7649 = December 2006 Amtrak Delay Reports for Train No 701
7 AMT017650 - 7710 = December 2006 Amtrak Delay Reports for Train No 702
8 AMT017711 - 7778 = December 2006 Amtrak Delay Reports for Train No 703
9 AMT017779 - 7849 = December 2006 Amtrak Delay Reports for Train No 704
10 AMT017850 - 7911 = January 2007 Amtrak Delay Reports for Train No 701
11 AMT017912 - 7972 = January 2007 Amtrak Delay Reports for Train No 702
12 AMT017973 - 8041 = January 2007 Amtrak Delay Reports for Train No 703
13 AMT018042 - 8109 = January 2007 Amtrak Delay Reports for Train No 704
14 AMT018110 - 8152 = February 2007 Amtrak Delay Reports for Train No 701
15 AMT018153 - 8193 = February 2007 Amtrak Delay Reports for Train No 702
16 AMT018194 - 8243 = February 2007 Amtrak Delay Reports for Train No 703
17 AMT018244 - 8292 = February 2007 Amtrak Delay Reports for Train No 704
18 AMT018293 - 8353 = November 2006 Amtrak Delay Reports for Train No 701
19 AMT018354 - 8416 = November 2006 Amtrak Delay Reports for Train No 702
20 AMT018417 - 8484 = November 2006 Amtrak Delay Reports for Train No 703
21 AMT018485 - 8542 = November 2006 Amtrak Delay Reports for Train No 704
22 AMT018543 - 8600 = July 2007 Amtrak Delay Reports for Train No 701
23 AMT018601 - 8657 = July 2007 Amtrak Delay Reports for Train No 702
24 AMT018658 - 8724 = July 2007 Amtrak Delay Reports for Train No 703
25 AMT018725 - 8782 = July 2007 Amtrak Delay Reports for Train No 704
26 AMT018783 - 8843 = June 2007 Amtrak Delay Reports for Train No 701
27 AMT018844 - 8904 = June 2007 Amtrak Delay Reports for Train No 702
28 AMT018905 - 8970 = June 2007 Amtrak Delay Reports for Train No 703
AMT018971 - 9031 = June 2007 Amtrak Delay Reports for Train No 704

1 AMT019032 - 9094 = May 2007 Amtrak Delay Reports for Train No 701
2 AMT019095 - 9155 = May 2007 Amtrak Delay Reports for Train No 702
3 AMT019156 - 9216 = May 2007 Amtrak Delay Reports for Train No 703
4 AMT019217 - 9280 = May 2007 Amtrak Delay Reports for Train No 704
5 AMT019281 - 9343 = April 2007 Amtrak Delay Reports for Train No 701
6 AMT019344 - 9399 = April 2007 Amtrak Delay Reports for Train No 702
7 AMT019400 - 9456 = April 2007 Amtrak Delay Reports for Train No 703
8 AMT019457 - 9513 = April 2007 Amtrak Delay Reports for Train No 704
9 AMT019514 - 9551 = March 2007 Amtrak Delay Reports for Train No 701
10 AMT019552 - 9591 = March 2007 Amtrak Delay Reports for Train No 702
11 AMT019592 - 9646 = March 2007 Amtrak Delay Reports for Train No 703
12 AMT019647 - 9694 = March 2007 Amtrak Delay Reports for Train No 704
13 AMT019695 - 9734 = Personnel file of William Dike
14 AMT019735 - 9767 = Personnel file Catherine Morehead
15 AMT019768 - 9855 = Documents re 01-14-06 automobile v train accident at Claribel
16 Road
17 BNSF019856 - 9921 = Documents re 01-14-06 automobile v train accident at Claribel
18 Road
19 BNSF019922 - BNSF020152 = Documents re 06-28-05 automobile v train accident at
20 Claribel Road
21 BNSF020153 - 559 = Documents re 06-28-05 automobile v train accident at Claribel
22 Road as well as some inspection & maintenance records
23 BNSF020560 - 571 = FRA Track Inspection allegedly covering subject section from
24 05-01-06 to 05-31-07
25 BNSF020572 - 625 = FRA Track Inspection (with maintenance notes) allegedly
26 covering subject section from 05-01-06 to 05-31-07
27 BNSF020626 -630 =General information - General Data re locomotive type F59PHI
28 BNSF020631 =BNSF Station Map , Riverbank , CA
BNSF020632 =BNSF Right of Way and Track Map

1 Excel file containing Delay Information
2 Excel file containing Time Information
3 AMT020633 - 796 = Calibrated Tabular Data for AMTRAK #2011 on the incident date
4 AMT020797 - 20938 = Unredacted Agreement Between NRPC & BNSF
5 RR029039 - 445 = Safetran Model 3000 GCP Application Guidelines
6 RR029446 - 447 = Signal Ticket Report
7 **SUBPOENAED RECORDS**
8 Records from Ceres Cemetery Association (Ceres Memorial Park) re Ivan Alexander
9 Records from Ceres Cemetery Association (Ceres Memorial Park) re Maricruz Corral
10 Records from Ceres Cemetery Association (Ceres Memorial Park) re Lucio Anthony
11 Corral
12 CPS Security Solutions Certificate of No Records
13 Dr Kerry Evnin - Certificate of No Records for Ivan Alexander Corral
14 Dr Kerry Evnin - Certificate of No Records for Lucio Anthony Corral
15 Dr Kerry Evnin - Certificate of No Records for Maricruz Corral
16 Kaiser Permanente - Modesto Medical Records for Lucio Anthony Corral
17 Kaiser Permanente - Modesto Medical Records for Ivan Alexander Corral
18 Kaiser Permanente - Modesto Medical Records for Maricruz Corral
19 Kaiser Permanente - Modesto Pathology Certificate of No Records for Lucio Anthony
20 Corral
21 Kaiser Permanente - Modesto Pathology Certificate of No Records for Ivan Alexander
22 Corral
23 Kaiser Permanente - Modesto Pathology Certificate of No Records for Maricruz Corral
24 Kaiser Permanente - Modesto X-Rays Certificate of No Records for Ivan Alexander
25 Corral
26 Modesto Junior College - Certificate of No Records for Maricruz Corral
27 Mary Kay , Inc - Certificate of No Records for Maricruz Corral
28

1 **PLAINTIFF EXPERT MATERIAL**

- 2 Plaintiff Lucio Corral's Designation of Expert Trial Witnesses
- 3 Plaintiff expert report of Robert Anderson (Applied Research & Investigations)
- 4 Plaintiff expert report of Richard Beall
- 5 Plaintiff expert report of Charles Culver
- 6 Plaintiff expert report of Ellie Francis (Visual & Human Factors)
- 7 Plaintiff expert report of Fred Hanscom (Transportation Research Corporation)
- 8 Plaintiff expert report of Harry Krueper
- 9 Plaintiff expert report of Harvey Levine
- 10 Plaintiff expert report of David Lipscomb (Correst Service, Inc.)
- 11 Plaintiff expert report of James Loumiet
- 12 Plaintiff expert report of Edward Stevens
- 13 Plaintiff expert report of Patrick Mason
- 14 Plaintiff expert file of Robert Anderson (Applied Research & Investigations)
- 15 Plaintiff expert file of Richard Beall
- 16 Plaintiff expert file of Charles Culver
- 17 Plaintiff expert file of Ellie Francis (Visual & Human Factors)
- 18 Plaintiff expert file of Fred Hanscom (Transportation Research Corporation)
- 19 Plaintiff expert file of Harry Krueper
- 20 Plaintiff expert file of Harvey Levine
- 21 Plaintiff expert file of David Lipscomb (Correst Service, Inc.)
- 22 Plaintiff expert file of James Loumiet
- 23 Plaintiff expert report of Edward Stevens
- 24 Plaintiff expert file of Patrick Mason
- 25 05-25-10 video of vehicles queuing at intersection
- 26 FHWA Website, Figure 8B-5 Warning Signs, p. 1-2.
- 27 FHWA Website, Section 8B.21 Stop Lines, p. 1-2.
- 28 FHWA Website, Figure 8B-8. Typical Train Dynamic Envelope Pavement Markings,
p. 1

1 National Manual of Uniform Traffic Control Devices, 1961, 1978, 1988, 2000, 2003,
2 and 2009 editions

3 California Manual of Uniform Traffic Control Devices, 2004 Supplement

4 **DEFENSE EXPERT MATERIAL**

5 Δ NRPC, BNSF, CalTrain Expert Disclosure

6 Defendant County of Stanislaus Expert Witness Disclosure

7 Report of defendant Railroad expert Brian Heikilla and Foster Peterson

8 Report of defendant Railroad expert James Flynn

9 Report of defendant expert Robert Post

10 Report of defendant expert Thomas Walsh

11 Report of Stanislaus Expert Dean Tuft

12 Expert file of defendant Railroad expert Brian Heikilla and Foster Peterson

13 Expert file of defendant Railroad expert James Flynn

14 Expert file of defendant expert Robert Post

15 Expert file of defendant expert Thomas Walsh

16 Expert file of Stanislaus Expert Dean Tuft

17
18 **EXHIBITS TO DEPOSITIONS**

19 **Deposition of Anderson, Robert**

20 1 Notice of Taking Deposition of Robert Anderson, P.E. and Request for Documents

21 2 Mr. Anderson's Report

22 3 Expert Autostats, dated 4/14/08

23 4 Handwritten Notes, dated 5/19/10

24 5 Photocopy of Vehicle Code Section 22451, Page 17

25 6 Remainder of Mr. Anderson's File

26 **Deposition of Andrews, Thomas Vol. 1**

27 Exhibit 1 Amended Notice

28 Exhibit 2 Calibrated Tabular Data, etc.

Exhibit 3 Traffic Collision Report

- 1 Exhibit 4 2/16/10 letter
- 2 Exhibit 5 Signal Ticket Report
- 3 **Deposition of Andrews, Thomas Vol. 2**
- 4 Exhibit 6 1-Page Amtrak Pacific Division Delay Report
- 5 Exhibit 7 1-Page Functional Testing of Digital and Analog Inputs
- 6 Exhibit 8 1-Page General Code of Operating Rules - Fifth Edition - April 3, 2005
- 7 Exhibit 9 1-Page Waiver of Right to Formal Investigation
- 8 Exhibit 10 1-Page Amtrak Pacific Division Delay Report
- 9 Exhibit 11 1-Page Amtrak West Delay Report
- 10 Exhibit 12 1-Page Amtrak West Delay Report
- 11 Exhibit 13 1-Page Amtrak Pacific Division Delay Report
- 12 Exhibit 14 1-Page Table 4 - Basic Train Schedule
- 13 Exhibit 15 1-Page Amtrak Pacific Division Delay Report
- 14 Exhibit 16 1-Page Amtrak Pacific Division Delay Report
- 15 Exhibit 17 1-Page Amtrak West Delay Report
- 16 Exhibit 18 1-Page Amtrak West Delay Report
- 17 Exhibit 19 1-Page Calibrated Graph Detail
- 18 Exhibit 20 1-Page Calibrated Tabular Data
- 19 **Deposition of Barlow, Shaun**
- 20 Statement of Shaun Barlow
- 21 **Deposition of Richard Beall**
- 22 1 Notice of Taking Deposition of Richard Beall and Request for Documents
- 23 2 Expert Report of Richard C. Beall, dated 6/1/10
- 24 3 Black Binder with Contents of Tabs 1-28
- 25 4 Correspondence Folder with Contents
- 26 5 Handwritten Mathematical Numbers
- 27 6 Expert Report of Richard C. Beall, dated 5/26/10
- 28 7 Expert Report of Richard C. Beall, dated 6/1/10, with Highlighting
- 8 Chart Titled, "James R. Loumiet Associates, Inc., Locomotive 2011 Event recorder

- 1 Analysis (mar742)
- 2 9 Black and White Depicted Photograph
- 3 10 5 Pages of Handwritten Notes on Writing Tablet
- 4 11 Event Data Printout
- 5 12 Event Recorder Printout with 14 Seconds of Data
- 6 **Deposition of Bronte, William**
- 7 Exhibit 1 25-Page Plaintiffs' Notice of Entity Deposition No. 1 of Defendant State of
- 8 California
- 9 Exhibit 2 48-Page Correspondence
- 10 Exhibit 3 487-Page Contract
- 11 Exhibit 4 40-Page Amendment No. 5
- 12 Exhibit 5 39-Page Agreement for Funding and Construction of the Oceanside Double
- 13 Track Project
- 14 Exhibit 6 24-Page Agreement Summary
- 15 Exhibit 7 110-Page California Care Maintenance Agreement
- 16 Exhibit 8 120-Page Renegotiated Maintenance and Transfer Agreement
- 17 Exhibit 9 205-Page Cal Car Letters
- 18 Exhibit 10 208-Page Correspondence
- 19 **Deposition of Cardoza, William**
- 20 Exhibit 6 Traffic Count STAN000282
- 21 Exhibit 7 Traffic Signal Warrants Worksheet
- 22 Exhibit 8 Directional Traffic Count
- 23 Exhibit 9 Safety Index Calculation Worksheet
- 24 Exhibit 10 Calculation Factors For Highway Safety Projects
- 25 Exhibit 11 Traffic Count STAN000277
- 26 **Deposition of Coffey, John**
- 27 Exhibit 1 9-Page Plaintiffs' Notice of Deposition of J.R. Coffey
- 28 Exhibit 2 7-Page Defendant BNSF Railway Company's Objections to Plaintiff's Notice
of Deposition of J.R. Coffey

- 1 Exhibit 3 8-Page Defendants National Railroad Passenger Corporation and BNSF
2 Railway Company Initial Disclosures Pursuant to Fed. R. Civ. P. 26(a)(1)
3 Exhibit 4 1-Page Diagram
4 Exhibit 5 1-Page Calculation
5 Exhibit 6 107-Page Traffic Collision Report
6 Exhibit 7 1-Page Amtrak Maintenance Analysis Program Grade Crossing Accident
7 Locomotive/Cab Car Inspection Report
8 Exhibit 8 1-Page General Track Bulletin
9 Exhibit 9 2-Page General Track Bulletin
10 Exhibit 10 35-Page General Track Bulletin
11 Exhibit 11 1-Page Amtrak Timetable
12 Exhibit 12 1-Page Narrative/Supplemental
13 **Deposition of Charles Culver**
14 Exhibit 1 Deposition Notice, 11 pages
15 Exhibit 2 Cover letters from Joe Carcione to Mr. Culver with documents to review,
16 27 pages
17 Exhibit 3 Coffey depo notes, 16 pages
18 Exhibit 4 6/1/10 Mr. Culver's Preliminary Report, 14 pages
19 Exhibit 5 Mr. Culver's Curriculum Vitae 3 pages
20 Exhibit 6 Calibrated Tabular Data AMT 020795-96, 2 pages
21 Exhibit 7 Mr. Culver's Trial and Depo testimony, 4 pages
22 Exhibit 8 Mr. Culver's binder labeled Rodriguez, Corral vs. Amtrak & BNSF
23 Exhibit 9 Mr. Culver's 5/28/10 Preliminary Report, 12 pages
24 Exhibit 10 DVD "Rodriguez - Excerpt of 5/25/10 Video taken by on of Rank's
25 representatives of queuing at intersection"
26 Exhibit 11 Copy of Mr. Culver's MODOC Railroad engineer license
27 Exhibit 12 Calibrated Tabular Data AMT 020633-796, 164 pages
28 Exhibit 13 Mr. Culver's 6/10/10 Preliminary Report, 14 pages

1 **Deposition of Dike, William**

2 Exhibit 1 8-Page Plaintiffs' Notice of Deposition of Amtrak Personnel

3 Exhibit 2 1-Page Amtrak Pacific Division Delay Report

4 Exhibit 3 1-Page Waiver

5 Exhibit 4 2-Page Letter Dated 5/22/1987

6 Exhibit 5 1-Page Letter Dated 8/6/1987

7 **Deposition of Esparza, Anthony**

8 Exhibit 1 Plaintiff's Notice of Entity Deposition of Defendant BNSF Railway, 16
9 pages

10 Exhibit 2 Hand-drawn diagram, 1 page

11 Exhibit 3 2 pages from data recorder module

12 Exhibit 4 Diagram depicting location of signals, 1 page

13 Exhibit 5 BNSF Railway Crossing Circuit Plan Claribel Road, Riverbank, CA

14 Exhibit 6 Resource Operations Center Ticket Report and Signal Ticket Reports, RR
15 1493 to RR 1514, 23 pages

16 Exhibit 7 Claribel Road events recorded, 2 pages

17 Exhibit 8 Highway Grade Crossing Signal Post Accident Test Check List, 4 pages

18 Exhibit 9 Copy of color photograph, 1 page 265

19 Exhibit 10 Handwritten note, 1 page 295

20 Exhibit A Objections of Defendant BNSF Railway Company to Plaintiff's Notice of
21 Entity Deposition of Defendant BNSF Railway Company, 9 pages

22 **Deposition of Flynn, James**

23 Exhibit 1 10-Page Color Photographs

24 Exhibit 2 4-Page Computations

25 Exhibit 3 1-Page Color Photograph

26 Exhibit 4 455-Page Binder

27 **Deposition of Ellie Francis**

28 A Notice of Taking Deposition of Ellie Francis, Ph.D., O.D. and Request for
Documents

- 1 B Curriculum Vitae for Ellie L. Francis, Ph.D., O.D.
2 C Deposition and Testimony History for Ellie Francis
3 D Letter to Joseph Carcione from Ellie Francis, date 5/28/10
4 E Letter to Joseph Carcione with Report Written by Ellie Francis
5 F Packet of Documents of Notes and Summaries
6 G Red Folder with Contents
7 H Notice of Railroad Accident
8 I Handwritten Drawing
9 J One-Page Document from Manual on Uniform Traffic Control Devices
10 K Group of Documents from Yellow Folder
11 L CD Containing Photos
12 **Deposition of Gilbert, Daren**
13 Exhibit 1 17-Page Plaintiffs' Notice of Deposition of PUC Engineer Darren Gilbert
14 Exhibit 2 271-Page Documents Produced
15 Exhibit 3 1-Page Color Photograph
16 Exhibit 4 2-Page Color Diagram
17 Exhibit 5 1-Page Color Photograph
18 Exhibit 6 2-Page Grade Crossing Report
19 Exhibit 7 1-Page Color Photograph
20 Exhibit 8 1-Page Color Photograph
21 Exhibit 9 1-Page Color Photograph
22 Exhibit 10 1-Page E-Mail from Marvin Kennix to Daren Gilbert Dated 5/10/2007
23 **Deposition of Gisler, Matthew**
24 Exhibit 1 9-Page Subpoena in a Civil Case
25 Exhibit 2 33-Page Traffic Collision Report
26 Exhibit 3 1-Page Color Photograph
27 Exhibit 4 1-Page Color Photograph
28 Exhibit 5 1-Page Color Photograph
Exhibit 6 1-Page Color Photograph

1 Exhibit 7 1-Page Color Photograph

2 Exhibit 8 1-Page Color Photograph.

3 Exhibit 9 1-Page Color Photograph

4 **Deposition of Hanscom, Fred**

5 Exhibit A Notice of Taking Deposition of Fred Hanscom, P.E. and Request for
6 Documents

7 Exhibit B Resume of Fred R Hanscom, P.E.

8 Exhibit C List of Cases Testified by Fred Hanscom

9 Exhibit D Cover Letter and Report Prepared by Fred Hanscom, dated 5/28/10

10 Exhibit E 19 Page Resume for Fred R. Hanscom, P.E.

11 Exhibit F Manila Folder and Its Contents

12 Exhibit G 2-Page Binder Index

13 Exhibit H Black Binder and the Contents

14 Exhibit I Letter and Report with Changes by Fred Hanscom, dated 5/28/10

15 (No Exhibit J was Marked)

16 Exhibit K BNSF Appendix 5, Performance Payments & Penalties

17 **Deposition of Heikkila, Brian**

18 Exhibit 1 10-Page PlaintiffsÆ Notice of Deposition of Brian P. Heikkila and Subpoena

19 Exhibit 2 2-Page Testimony

20 Exhibit 3 14-Page Billing

21 Exhibit 4 1-Page Diagram

22 Exhibit 5 1-Page Black and White Photograph

23 Exhibit 6 DVD Entitled "PlaintiffÆs Initial Disclosure of Documents 1 (v.v.)"

24 Exhibit 7 DVD Entitled "PlaintiffÆs Disclosure of Documents 1(a) to 8(jj) excluding
25 (1 v.v.), Plaintiffs Initial Disclosure of Docs, PlaintiffÆs 1st Supp Disclosure of Docs

26 Exhibit 8 455-Page Binder of Documents

27 Exhibit 9 1-Long Page Calibrated Tabular Data

28 Exhibit 10 4-Page Photo Log

Exhibit 11 38-Page Color Photographs

1 **Deposition of Ingalls, Bill**

2 1 Notice of Taking Deposition of Billy Bob Ingalls; Subpoena in a Civil Case; 6
3 pages

4 2 Traffic Collision Report of collision on 5/8/2007; 33 pages

5 3 Handwritten statement of Bill Ingalls dated 10/28/09; 2 pages

6 4 Statement of Billy Bob Ingalls; 9 pages

7 5 Color photographs; 1 page

8 **Deposition of Krueper, Harry**

9 A Subpoena to Testify and Produce Documents re Harry Krueper

10 B Summary of Evaluation re Train v. Auto Collisions from Krueper & Associates

11 C Curriculum Vitae of Harry Krueper, November 2005

12 D Krueper & Associates billing information re Rodriguez v. County of Stanislaus

13 E Page 2 of Krueger & Associates report with map (aerial view) not contained in
14 original report

15 F List of depositions and trial testimony re Harry Krueper

16 G Large group ing of documents produced by Harry Krueger

17 H Flagged documents separated out from Exhibit G

18 I Case report of Harry Krueger

19 J Color photographs (15) of accident scene (aerial and other)

20 K Engineering Division Traffic Log re subject area

21 L Measurements of limit lines re subject area

22 **Deposition of Langenheim, Jennifer**

23 Exhibit 1 Notice

24 Exhibit 2 Traffic Collision Report

25 Exhibit 3 Railroad Accident Notification

26 Exhibit 4 Railroad Accident Report

27 Exhibit 5 RR001471-1474

28 Exhibit 6 Witness statements

 Exhibit 7 Incident Report

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Deposition of Levine, Harvey

- EX 1 Binder Index for Harvey Levine
- EX 2 Notice of Taking Deposition
- EX 3 Curriculum Vitae, Harvey Levine
- EX 4 Angels on Tracks information
- EX 5 Court and Deposition Testimony list
- EX 6 Opinions of Dr. Harvey A. Levine
- EX 7 Summary of Materials Reviewed
- EX 8 Appendix: Special Public Treatment of Railroads
- EX 9 DOT report, Highway-Rail Crossing Program
- EX 10 Guidelines for Federal Aid At-Grade Highway-Rail Crossing Program
- EX 11 DOT report, Section 130
- EX 12 DOT Highway/Rail Grade Crossing Technical Working Group report
- EX 13 DOT report, Intelligent Transportation Systems at Highway-Rail Intersections, A Cross-Cutting Study
- EX 14 Google search, Traffic signal operations near highway-rail grade crossings
- EX 15 Typed note to "Dear Joe" from Harvey A. Levine

Deposition of Lipscomb, David

- A Notice of Deposition/Production of documents re David Lipscomb, Ph.D.
- B Report dated 5/27/2010 by Dr. Lipscomb re Rodriguez v. Amtrak
- C Report dated 5/27/2010 by Dr. Lipscomb re Rodriguez v. Amtrak,Produced in discover, with additions
- D Case Detail Summary of Dr.Lipscomb
- E Curriculum Vitae of David Lipscomb, Ph.D.
- F Copy of folder titled: Calibrated Tabular Date re Rodriguez
- G Copy of folder titled: Review Documents re Rodriguez
- H Copy of folder titled: Carcione Case
- I Copy of folder titled: Rodriguez #2

1 **Deposition of Lopez, Atilanto**

2 4 - Document entitled "Estados Unidos Mexicanos Registro Civil" for Brayán Armenta
3 Lopez

4 **Deposition of Lopez, Brenda**

5 1 - Document entitled "Estados Unidos Mexicanos Registro Civil" for Ramona Lopez
6 Verdugo 2 - Document entitled "Estados Unidos Mexicanos Registro Civil" for
7 Brenda Beatriz Figueroa Lopez

8 3 - Document entitled "Estados Unidos Mexicanos Registro Civil" for Diana Julissa
9 Villarreal Lopez

10 4 - Document entitled "Estados Unidos Mexicanos Registro Civil" for Brayán Armenta
11 Lopez 5 - Document entitled "Estados Unidos Mexicanos Registro Civil, Acta De
12 Adopcion" for Aracely Armenta Lopez

13 6 - Document entitled "Gobierno Del Estado Libre Y Soberano De Sinaloa"

14 **Deposition of James R. Loumiet**

15 1 Calibrated Tabular Dated; 2007/05/08 - 2007/05/08; Bates stamped AMT
16 0200791-020796

17 2 Hand drawn diagram on yellow lined paper, dated 5/19/20

18 3 Group of color Google Earth Pro images

19 4 Expert Report of James R. Loumiet; May 27, 2010

20 5 CD: Corral/Rodriguez - Loumiet Data Folders, 8/23/10

21 11 6A-D Handwritten calculations on yellow lined paper

22 7 Amtrak Train (Throttle in Idle) Case: mar742

23 8 Sillcox Method Calculations, Train 713 (mar742)

24 9 Delay Time analysis (mar742) FS Braking - 79 mph

25 10 Amtrak Train Braking Analysis (Full Service Braking) Case: mar742

26 11 Billing statements from James R. Loumiet & Associates re Rodriguez v.
27 Amtrak

28 12 File entitled: Markowitz 742 Rodriguez, from James R. Loumiet

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Deposition of Machado, Matt Vol 1

Exhibit 1 23-Page Plaintiffs' Amended Notice of Entity Deposition No. 1 of Defendant County of Stanislaus and Production of Documents at Deposition [Property of Public Entity]

Exhibit 2 150-Page Plaintiffs' Amended Notice of Entity Deposition No. 1 of Defendant County of Stanislaus and Production of Documents at Deposition [Property of Public Entity]

Exhibit 3 115-Page Stanislaus County Department of Public Works Cost Accounting Management System Timecard Distribution - Roads

Exhibit 4 23-Page County Deed Indices

Exhibit 5 3-Page Dedication Deed

Exhibit 6 1-Page Map of the Roselle Tract

Exhibit 7 4-Page Recent Overlay Re-Stripe

Exhibit 8 122-Page Traffic Collision Reports

Exhibit 9 1-Page Traffic Signal Priority Analysis

Exhibit 10 30-Page Claribel Road at Terminal Avenue Signal Study 11-8-07

Exhibit 11 8-Page Stanislaus County Department of Public Works Cost Accounting Management Systems Timecard Distribution - Roads

Exhibit 12 8-Page Highway Safety Improvement Program (HSIP) Fund, Claribel Road at Terminal Ave

Exhibit 13 17-Page Correspondence to Matt Machado Dated 10/15/07

Deposition of Machado, Matt Vol 2

Exhibit 14 346-Page Capital Improvement Plan Fiscal Year 2009-2010

Exhibit 15 17-Page Project List

Exhibit 16 4-Page E-Mail Dated 9/9/09

Exhibit 17 3-Page Letter Dated 6/25/2008

Exhibit 18 2-Page Letter Dated 7/7/2009

Exhibit 19 3-Page Letter Dated 7/28/2009

- 1 Exhibit 20 2-Page Letter Dated 8/4/2009
- 2 Exhibit 21 1-Page Letter Dated 9/3/2009
- 3 Exhibit 22 1-Page Letter Dated 9/9/2009
- 4 Exhibit 23 7-Page Letter Dated 9/3/2009
- 5 Exhibit 24 1-Page Traffic Signal Priority Analysis
- 6 Exhibit 25 1-Page Map
- 7 Exhibit 26 4-Page Letter Dated 4/18/2007
- 8 Exhibit 27 3-Page Letter Dated 1/4/2008
- 9 Exhibit 28 3-Page Letter Dated 1/4/2008

10 **Deposition of Mason, Patrick**

- 11 1 List of Firms, Updated 2/1/07
- 12 2 Schedule C for 2006
- 13 3 Mary Kay Documents
- 14 4 U.S. Census Bureau, Current Population Survey, dated 5/28/10
- 15 5 Table 22C: Support and Consumption Factors
- 16 6 Document Titled Household Services - Bay Area/Fremont, dated 9/24/09

17 **Deposition of Morehead, Catherine**

- 18 Exhibit 1 8-Page Plaintiffs' Notice of Deposition of Amtrak Personnel
- 19 Exhibit 2 1-Page Amtrak Pacific Division Delay Report
- 20 Exhibit 3 1-Page Table 4 - Basic Train Schedule (Black and White)
- 21 Exhibit 4 1-Page Table 4 - Basic Train Schedule (Color)
- 22 Exhibit 5 1-Page Amtrak California Timetable Effective May 21, 2007

23 **Deposition of Morris, Wayne**

- 24 Exhibit 1 16-Page Plaintiffs' Notice of Entity Deposition of Defendant BNSF Railway
- 25 Exhibit 2 66-Page Documents Produced
- 26 Exhibit 3 58-Page FOCUS Report
- 27 Exhibit 4 1-Page Color Photograph
- 28 Exhibit 5 61-Page Photocopy of Code of Federal Regulations, Title 49, Track Safety Standards Part 213, Subpart A to F, Class of Track 1-5, Includes Defect Codes

- 1 Exhibit 6 2-Page Signal Ticket Report
- 2 Exhibit 7 1-Page Quiet Zone Locations
- 3 Exhibit 8 4-Page Highway Grade Crossing Signal Post Accident Test Check List
- 4 Exhibit 9 18-Page BNSF Inspection Report - Highway Grade Crossing Tests &
- 5 Inspections
- 6 Exhibit 10 15-Page Maintenance Agreement .
- 7 Exhibit 11 1-Page Remedy Tickets - Stockton Sub MP 1094.5, 2004 - YTD

8 **Deposition of Peterson, Foster**

- 9 Exhibit 1 3-Page Calibrated Tabular Data
- 10 Exhibit 2 6-Page Calibrated Tabular Data
- 11 Exhibit 3 4-Page Calibrated Tabular Data
- 12 Exhibit 4 164-Page Calibrated Tabular Data
- 13 Exhibit 5 5-Page Billing
- 14 Exhibit 6 1-Page Spreadsheet
- 15 Exhibit 7 24-Page Bach-Simpson Instrumentation and Control Equipment
- 16 CM53300-10 Event Recorder System Locomotive Operation Manual
- 17 Exhibit 8 7-Page Report
- 18 Exhibit 9 1-Page Delay Report
- 19 Exhibit 10 153-Page Expert Reports
- 20 Exhibit 11 183-Page Transcripts
- 21 Exhibit 12 1-Page Map
- 22 Exhibit 13 11-Page Calibrated Tabular Data
- 23 Exhibit 14 57-Page Bach-Simpson Instrumentation and Control Equipment TMACS
- 24 500 PC Program User's Manual CM-8217
- 25 Exhibit 15 1-Page Notes
- 26 Exhibit 16 4-Page National Railroad Passenger Corporation Locomotive Event
- 27 Recorder Information Sheet and Custody Log

28 **Deposition of Post, Robert**

- Exhibit 1 Handwritten document entitled "Rodriguez" with six items listed, 1 page

- 1 (Original retained by witness)
- 2 Exhibit 2 Handwritten time sheet, 1 page (Original retained by witness)
- 3 Exhibit 3 Hand-drawn scale diagram, 1 page (Original retained by witness)
- 4 Exhibit 4 Consumer Guide Automotive Technical Specifications for 1999-2004
- 5 Chevrolet Tracker, 2 pages (Original retained by witness)
- 6 Exhibit 5 Handwritten document entitled "Rodriguez," listing activities performed, 1
- 7 page (Original retained by witness)
- 8 Exhibit 6 CD entitled "Rodriguez v. Amtrak, 1 Deposition Transcripts: Vincent;
- 9 Andrews; Morehead; Dike; Esparza; Gisler. 2. Schneider Aerials" (Original retained
- 10 by witness)
- 11 Exhibit 7 CD entitled "Post, Rodriguez v Stanislaus" (Original retained by Witness)
- 12 Exhibit 8 Document entitled "Operation Lifesaver
- 13 Exhibit 9 Printout from UC Davis website for Robert Post, Professor, University of
- 14 California, Davis, 1 page
- 15 Exhibit 10 Data printout on type of locomotive involved in subject accident, 3 pages
- 16 (Original retained by witness)
- 17 Exhibit 11 Color copies of two photographs, 2 pages (Original retained by witness)
- 18 Exhibit 12 Color copy of photograph, 1 page (Original retained by witness)
- 19 Exhibit 13 Color copy of photograph, 1 page (Original retained by witness)
- 20 Exhibit 14 Color copies of 54 photographs, 14 pages (Original retained by witness)
- 21 Exhibit 15 Color copy of photograph, 1 page (Original retained by witness)
- 22 Exhibit 16 Color copy of photograph, 1 page (Original retained by witness)
- 23 Exhibit 17 Color copy of photograph, 1 page (Original retained by witness)
- 24 Exhibit 18 Traffic Collision Report, Bates Nos RR 00001-00033, 33 pages (Original
- 25 retained by witness)
- 26 Exhibit 19 Curriculum vitae of Robert B Post, Ph.D., attached fee schedule and listing
- 27 of trial and deposition testimony, 14 pages (Original retained by witness)
- 28 Exhibit 20 Handwritten summaries of various depositions, 8 pages (Original retained
- by witness)

- 1 Exhibit 21 Handwritten summaries of experts' reports, 3 pages (Original retained by
- 2 witness)
- 3 Exhibit 22 Handwritten summary of collision report, 1 page (Original retained by
- 4 witness)
- 5 Exhibit 23 Set of correspondence produced by witness, 8 pages (Original retained by
- 6 witness)
- 7 Exhibit 24 Subpoena for Robert B. Post, Ph.D., 5 pages (Original retained by witness)

8 **Deposition of Rodriguez, Lucio**

- 9 1 17 original color photographs

10 **Deposition of Saunders, Donald**

- 11 Exhibit 1 25-Page Plaintiffs' Notice of Entity Deposition No. 1 of Defendant
- 12 Amtrak-California
- 13 Exhibit 2 779-Page Document Produced at Deposition
- 14 Exhibit 3 1-Page Document Pulled from Exhibit 2 ..167
- 15 Exhibit 4 1-Page Document Pulled from Exhibit 2 ..172
- 16 Exhibit 5 1-Page Document Pulled from Exhibit 2 .

17 **Deposition of Edward Stevens**

- 18 A Subpoena to produce documents re: Edward Stevens, P.E.
- 19 B Curriculum Vitae: Edward Stevens, P.E.
- 20 C List of Deposition/Trial Testimony re Edward Stevens, P.E.
- 21 D Billing Statements: March 29-April 3, 2010
- 22 D1 Billing Statements during July 2010
- 23 E Letter re Rodriguez Incident Investigation from Edward Stevens, P.E.; 5/27/2010
- 24 F Group of documents entitled: Documents/ Disks
- 25 G Resolution of Board of Supervisors, Stanislaus County
- 26 H USDOT - Crossing Investigation Information as of 11/22/2006
- 27 I Color photocopies of photos re Rodriguez Collision Scene/Re-enactment images
- 28 J Group of documents: Resource Operations Center Ticket Reports
- K Federal Railroad Administration, DOT Code Book excerpts; Pgs. 529, 531, 526

- 1 L CA PUC - Regulations Governing Standards for Warning Devices for Highway
- 2 Rail Crossings in State of CA (Gen. Order 75-D)
- 3 M CA PUC - Rules Governing Construction & Maintenance of Crossings of
- 4 Railroads (Gen Order 72-B)
- 5 N County Deed Index, Bates #STAN000001-27
- 6 O Ron Carrier: Highway Safety Improvement Program; 2 pages
- 7 P BNSF Fort Worth - Network Operations Ctr. Incident Report
- 8 Q Metro Monitor Inc; News Tracker Report
- 9 R Railroad Crossing Survey; 1 page
- 10 S Stanislaus County Signalized Intersection Priority List; 11/26/07
- 11 T Re-surfacing contract; PWC, Stanislaus County
- 12 U County Road log: Maintenance Roads
- 13 V Computer-generated images of accident scene
- 14 W Edw. Stevens & Assoc.; Survey computations
- 15 X Edw. Stevens & Assoc. Accident List: 9/11/04 - 5/8/07
- 16 Y Edw. Stevens & Assoc.; Map of accident scene
- 17 Z CA MUTCD: Part 4; excerpts
- 18 AA CA MUTCD: Part 2; excerpts
- 19 BB CA MUTCD: Part 8; Standard Stop Line diagram excerpt
- 20 CC CA MUTCD: Part 3: Markings excerpt
- 21 DD Edw. Stevens & Assoc. File labeled: Feiger/Rodriguez v. Amtrak
- 22 EE Edw. Stevens & Assoc. Correspondence file re: Rodriguez case
- 23 FF File: Ed's photos w/color photos of accident scene, post accident
- 24 GG Edw. Stevens & Assoc. Photos of accident area
- 25 HH File: Report & Exhibits
- 26 II Folder: MUTCD: Pavement Markings
- 27 IIA Color diagram of railroad track measurements
- 28 JJ File: Edw. Stevens & Assoc.; Multiway Stop Analysis
- KK File: Edw. Stevens & Assoc.; Stop Line

- 1 LL File: Edw. Stevens & Assoc.; Signal Studies
- 2 MM File: Edw. Stevens & Assoc.; Research
- 3 NN File: Edw. Stevens & Assoc.; Traffic Collision Report
- 4 OO File: Edw. Stevens & Assoc.; Deposition Summaries
- 5 PP File: Edw. Stevens & Assoc.; Traffic Volume & Speed Study (County)
- 6 QQ File: Edw. Stevens & Assoc.; County signal Study (Claribel/Terminal
- 7 Intersection)
- 8 RR File: Edw. Stevens & Assoc.; PUC Report: MCMDS Correspondence, etc
- 9 SS File: Edw. Stevens & Assoc.; Other Experts

10 **Deposition of Stilley, John**

- 11 Exhibit 1 Plaintiff's Notice of Entity Deposition of Defendant BNSF Railway, 16
- 12 pages
- 13 Exhibit 2 Handwritten notes, 3 pages
- 14 Exhibit 3 File labeled 028755B, Claribel Road, Riverbank, California, MP 1094.5,
- 15 Stockton Subdivision, 128 pages
- 16 Exhibit 4 Photocopies of color photographs, 5 pages
- 17 Exhibit 5 Document titled "Manual on Uniform Traffic Control Devices
- 18 (MUTCD), 31 pages
- 19 Exhibit 6 Photocopies of color photographs, 7 pages
- 20 Exhibit 7 Photocopies of color photographs, 3 pages
- 21 Exhibit 8 California PUC document titled "Study of Railroad Crossings at Grade,
- 22 County of Stanislaus," dated 9/15/1966, 2 pages
- 23 Exhibit 9 Document titled "Amtrak Unusual Occurrence Report, 2 pages
- 24 Exhibit 10 Letter from Hector Valdepena to Jake Raper, dated March 21, 2003
- 25 Exhibit 11 Diagrams titled "Line Segment 7200," RR 1466 to RR 1470, 5 pages
- 26 Exhibit 12 Email chain from Mr. Shurson to Mr. Stilley, RR 1542 to RR 1544, 3
- 27 pages
- 28 Exhibit 13 Document titled "U.S. DOT-Crossing Inventory Information as of
- 11/2/2006," RR 1545 to RR 1548, 4 pages

- 1 Exhibit 14 Document dated March 31, 1975, RR 1687, 1 page
2 Exhibit 15 Diagram of proposed widening of Claribel Rd. Crossing, RR 1600, 1
3 page
4 Exhibit 16 Document titled "BNSF Inspection Report - Highway Grade Crossing
5 Tests & Inspections," RR 120 to RR 137, 18 pages
6 Exhibit 17 Email chain from Bree Arnett to John Stilley, et al, RR 1540 to RR
7 1541, 2 pages
8 Exhibit 18 Hand-drawn diagram, 1 page
9 Exhibit 19 Hand-drawn diagram, 1 page
10 Exhibit 20 Document titled "Form 1932 Special, Claribel Road, Crossing No.
11 2-1094.5, RR 1631, 1 page

12 **Deposition of Tuft, Dean**

- 13 Exhibit 1 6-Page Billing .
14 Exhibit 1-A 1-Page Billing
15 Exhibit 2 36-Page Documents from File
16 Exhibit 3 30-Page Diagrams
17 Exhibit 4 1 CD Entitled "Vehicle Dynamics Animations"
18 Exhibit 5 1-Page Notes and Options Available to Corral
19 Exhibit 6 387-Page File and Photographs

20 **Deposition of Tyler, Alvin**

- 21 1 Statement of Alvin Tyler; 1 page
22 3 Statement of Alvin Tyler; 20 pages
23 4 Notice of Taking Deposition of Alvin Tyler; Subpoena in a Civil Case; 6 pages
24 5 Copy of business card of Steven Rank of Rank Investigations; 1 page

25 **Deposition of Verdugo, Aiva**

- 26 1 Birth Certificate
27 2 Death Certificate

28 **Deposition of Villareal, Jesus**

- 3 Mexican Adoption Document

1 4 Funeral Expense Report

2 **Deposition of Vincent, Anthony**

3 Exhibit 1 5-Page Plaintiffs' Notice of Deposition of BNSF Employee Tony Vincent

4 Exhibit 2 1-Page Handwritten Note

5 **Deposition of Thomas Walsh**

6 Exhibit 1 PLF001520, PLF004563-PFL04569, PLF004647-PLF004657 Documents
7 pertaining to Maricruz Corral

8 Exhibit 2 Bureau of Labor Statistics Internet info

9 Exhibit 3 PLF004656-PLF004657 2006 Schedule C for Lucio Rodriguez

10 Exhibit 4 Cover page "Economic Report of the President"

11 Exhibit 5 "Life and Worklife Expectancies," title and Tables 4 and 5, pages 171 and
12 182

13 Exhibit 6 A Cornell Cooperative Extension Publication by W. Keith Bryant, Cathleen
14 D. Zick, and Hyoshin Kim,

15 Exhibit 7 Schedule 4: Hours Per Week of Household Production & providing Care,
16 1992-'94

17 Exhibit 8 December 6, 2008 Letter from Thomas R. Ireland re: Daryl Eaves v. United
18 States, Ireland Analysis of Berla Report

19 Exhibit 9 Average Earnings Calculator, Lawyers & Judges Publishing Company, Inc.

20 Exhibit 10 Table of Bond yields and interest rates, 1929-2009

21 Exhibit 11 Projections Data for Building Cleaning Workers

22 Exhibit 12 Color copies of 2 photos

23 Exhibit 13 Thomas D. Walsh list of testimony

24 Exhibit I4 Table B-48, Employment cost index, private industry, 1995-2009

25 Exhibit 15 Expectancy Data Table 34, Married females that work part-time, no
26 children under age 18; Table 28, Married females that work full-time, husband does
27 not work, no children under age 18

28 **PHYSICAL EVIDENCE**

Train

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Car

Exemplars

EXHIBITS TO BE USED BE COUNTY OF STANISLAUS:

1. All exhibits to the County of Stanislaus deposition and subsequently produced byt the County in discovery.
2. Stanislaus County Board resolution and attached documents concerning the installation of a four way stop at the subject intersection.
3. All traffic counts for the subject intersection.
4. Google photographs, ground level photographs and diagrams of each BNSF and UP railroad crossing in Stanislaus, Merced, Fresno, Tulare, Kings and Kern Counties.
5. Traffic counts for each of the crossings identified above.
6. U.S. DOT crossing inventory information concerning each BNSF and UP crossing in Stanislaus, Merced, Fresno, Tulare, Kings and Kern Counties.
7. Federal Railroad Administration Highway-Rail Grade Crossing Accident/Incident Report for each accident/incident occurring on BNSF and UP tracks in Stanislaus County, Merced County, Madera County, Fresno County, Tulare County, Kings County and Kern County.
8. Diagrams of the Central Valley depicting railroad tracks and crossings from Stanislaus County south to Kern County.
9. Photos of the accident scene.

ADDITIONAL EXHIBITS BY AMTRAK

"Bach-Simpson" user's guide

Supplemental Exhibits of Plaintiffs

1. Funeral file for Decedent Ramona Verdugo Lopez.
2. Funeral File for Decedent Diana Villareal Lopez.
3. Funeral File for Decedent Bryan Armenta Lopez.
4. Two (2) photographs of Decedent Ramona Verdugo Lopez and family.
5. Two (2) photographs of Decedent Brian Armenta Lopez and family.
6. Two (2) photographs of Decedent Ramona Verdugo Lopez and Bryan Armenta Lopez.
7. Seven (7) photographs of Decedent Diana Villareal Lopez and family.
8. Decedent Diana Villareal Lopez birthday card.

1 SUPPLEMENTAL EXHIBITS OF NATIONAL RAILROAD
2 PASSENGER CORPORATION and BNSF RAILWAY COMPANY

3
4 1. California Public Utilities Commission Priority Lists
5 for Grade Crossing Improvements.

6 2. Track Inspection records for Claribel Road and one mile
7 on either side of Claribel Road.

8 3. California Public Utilities Commission file re Claribel
9 Road Crossing.

10 4. Demonstrative exhibits to supplement expert testimony
11 of Brian Heikkila.

12 5. Demonstrative exhibits to supplement expert testimony
13 of James Flynn.

14 6. Demonstrative exhibits to supplement expert testimony
15 of Robert Post.

16 7. Demonstrative exhibits to supplement expert testimony
17 of Thomas Walsh.

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