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Attorney for Defendant,
County of StanislausIN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIALUCIO CORRAL RODRIGUEZ,
individually and as Successor in Interest to
the decedents, MARICRUZ CORRAL,
IVAN ALEXANDER CORRAL, and
LUCIO ANTHONY CORRAL,

Plaintiffs,

vs.

COUNTY OF STANISLAUS; CITY OF
MODESTO; CITY OF RIVERBANK;
STATE OF CALIFORNIA ; AMTRAK
CALIFORNIA; BURLINGTON
NORTHERN SANTA FE RAILWAY; and
DOES 1 to 200,

Defendants.

No. 1:08-cv-00856 OWW GSA

ORDER RE: STANISLAUS
COUNTY'S MOTIONS IN LIMINETrial Date: December 7, 2010
Time: 9:00 a.m.
Courtroom: 3
Judge: Hon. Oliver W. Wanger

The Court's orders on defendant Stanislaus County's motions in limine are as follows:

Motion In Limine No. 1 to Bifurcate Liability From Damages:

This motion is DENIED. The issues of liability and damages will be tried together, along with the issue of whether plaintiff is entitled to recover punitive damages from the railroad defendants. The amount of punitive damages, if any, will be determined in a second phase of trial before the same jury.

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Motion in Limine No. 2 to Exclude Evidence Re: USC 409 and California PUC 315:

1 This motion is GRANTED. The parties are ordered to not attempt to introduce or
2 comment on reports, investigations, recommendations, or orders of the Public Utilities
3 Commission, federally conducted surveys, schedules, lists or data compiled or collected to
4 evaluate, identify and plan safety enhancements. Furthermore, the parties' experts are prohibited
5 from referring to privileged non-public confidential records and reports of the federal or state
6 agencies.

7
8 Motion in Limine No. 3 to Exclude Evidence Re: Condition of Pavement Markings:

9 The motion is DENIED.

10
11 Motion in Limine No. 4 to Exclude Evidence Re: Decedent Maricruz Corral's State of Mind:

12 The motion is GRANTED. The parties and their witnesses are ordered to make no
13 comments regarding or attempting to introduce any evidence concerning what the decedent or
14 anybody else was thinking at the scene of the incident. This includes what was in their minds
15 and what they intended.

16
17 Motion in Limine No. 5 to Exclude Evidence of Subsequent Remedial Measures:

18 This motion is GRANTED pursuant to Federal Rules of Evidence, Rule 407. No
19 exceptions to the rule in which evidence would be presented exist.

20
21 Motion in Limine No. 6 to Exclude Evidence Re: Nature and Extent of Decedents' Injuries:

22 This motion is GRANTED in part and reserved in part, subject to proof of a period of
23 survival which would be relevant to a punitive damages claim.

24
25 Motion in Limine No. 7 to Exclude Evidence Re: Emotional Distress:

26 This motion is GRANTED. The parties are ordered not to comment on or attempt to
27 introduce evidence of plaintiff's grief, sorrow, mental anguish or emotional distress.

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IT IS SO ORDERED.

Dated: December 8, 2010

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE