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7 Attorneys for Defendants  
8 NATIONAL RAILROAD PASSENGER  
CORPORATION (erroneously sued herein as  
9 AMTRAK CALIFORNIA), BNSF RAILWAY  
COMPANY (erroneously sued herein as  
10 BURLINGTON NORTHERN SANTA FE  
RAILWAY), and STATE OF CALIFORNIA,  
11 DEPARTMENT OF TRANSPORTATION

12 UNITED STATES DISTRICT COURT  
13 EASTERN DISTRICT OF CALIFORNIA – FRESNO DIVISION

15 LUCIO CORRAL RODRIGUEZ,  
individually and as Successor in Interest to  
16 the decedents, MARICRUZ CORRAL,  
IVAN ALEXANDER CORRAL, and  
17 LUCIO ANTHONY CORRAL,

18 Plaintiffs,

19 v.

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

23 Defendants.

24  
25 AND ALL RELATED ACTIONS.

Case No. 1:08-cv-00856 OWW GSA

**ORDER GRANTING DEFENDANTS  
NATIONAL RAILROAD PASSENGER  
CORPORATION’S, BNSF RAILWAY  
COMPANY’S, AND STATE OF  
CALIFORNIA, DEPARTMENT OF  
TRANSPORTATION’S MOTION *IN  
LIMINE* NO. 12 TO LIMIT OR EXCLUDE  
ANY ADVERSE INFERENCES FROM  
THE TERM “HIGHBALL”**

26  
27 The Motion *In Limine* of Defendants National Railroad Passenger Corporation, BNSF  
28 Railway Company, and State of California, (hereinafter “NRPC, BNSF and California”) to Limit

1 or Exclude Any Adverse Inferences from the Term “Highball” came on regularly for hearing on  
2 December 1, 2010, in Department 3 of the above-captioned Court. Plaintiff Lucio Corral  
3 Rodriguez was represented by Aaron Markowitz, Esq. Defendants NRPC, BNSF and California  
4 were represented by Clyde Hutchinson and Vincent Castillo. The County of Stanislaus was  
5 represented by Dan Farrar. Having considered the moving papers, any opposition filed, and  
6 following oral argument, the Court orders as follows:

7 The Motion in Limine is GRANTED.

8 1. Plaintiff is barred from making any adverse inferences, in the form of evidence,  
9 references to evidence, testimony or argument, from the use of the railroad signaling term  
10 “highball” to suggest recklessness or disregard for safety. The Court finds that any suggestion,  
11 argument, testimony, or presentation of evidence concerning any adverse reference to the term  
12 “highball” has no probative value and therefore must be excluded pursuant to Fed. R. Evid. 403.

13 Plaintiff is not permitted to make reference in the selection of a jury, presentation of  
14 evidence, reference to evidence, testimony, or argument of the matters precluded above.

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16 IT IS SO ORDERED.

17 Dated: December 9, 2010

/s/ Oliver W. Wanger  
UNITED STATES DISTRICT JUDGE

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