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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. 14 TO LIMIT OR EXCLUDE
ANY ADVERSE INFERENCES FROM
THE TERM “TRESPASSER”**

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 “Trespasser” 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 term “trespasser,” unless and
10 until the Court determines, in a hearing pursuant Fed. R. Civ. P. 104, that Plaintiff has laid the
11 requisite foundation to show that the railroad defendants used the term “trespasser” in relation to
12 Plaintiff or Plaintiff’s decedents. Absent that determination, the Court finds that any suggestion,
13 argument, testimony, or presentation of evidence concerning any adverse reference to the term
14 “trespasser” has no probative value and therefore must be excluded pursuant to Fed. R. Evid. 403.

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

17
18 IT IS SO ORDERED.

19 Dated: December 9, 2010

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE