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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. 16 TO LIMIT OR EXCLUDE
ANY EVIDENCE REGARDING THE
NATURE AND EXTENT OF DECEDENT’S
INJURIES**

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 Evidence Regarding the Nature and Extent of Decedent's Injuries came on
2 regularly for hearing on December 1, 2010, in Department 3 of the above-captioned Court.
3 Plaintiff Lucio Corral Rodriguez was represented by Aaron Markowitz, Esq. Defendants NRPC,
4 BNSF and California were represented by Clyde Hutchinson and Vincent Castillo. The County of
5 Stanislaus was represented by Dan Farrar. Having considered the moving papers, any opposition
6 filed, and following oral argument, the Court orders as follows:

7 The Motion is granted in part and reserved subject to an offer of proof by plaintiff that
8 there is evidence of a period of survival on the issue of punitive damages. Plaintiff is not
9 permitted to show or publish any gruesome, or unduly prejudicial photos, such as autopsy photos
10 or other accident photos that depict blood or other kind of physical evidence that would tend to
11 upset, inflame, or otherwise adversely affect the jury.

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

14
15 IT IS SO ORDERED.

16 Dated: December 9, 2010

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE