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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. 18 TO LIMIT OR EXCLUDE  
EVIDENCE PERTAINING TO ARTICLES  
ABOUT DEFENDANTS OR THE  
SUBJECT ACCIDENT**

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 Evidence Pertaining To Articles About Defendants Or The Subject Accident 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 in Limine is GRANTED in part.

8 1. Plaintiff is barred from presenting evidence of news articles, news video, or other  
9 news reports for purposes of demonstrating that accidents at railroad crossings are a matter of  
10 public interest. Plaintiff is further barred from presenting evidence of news photographs or news  
11 video, absent a showing of the requisite foundation for photographic evidence under Fed. R. Evid.  
12 1001, et seq. Plaintiff is further barred from presenting evidence of news photographs or news  
13 video that includes any commentary or discussion concerning anything other than the subject  
14 which is depicted in the video.

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 IT IS SO ORDERED.

18 Dated: December 9, 2010

19 /s/ Oliver W. Wanger  
20 UNITED STATES DISTRICT JUDGE