

1 UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF CALIFORNIA
3

4 LUCIO CORRAL RODRIGUEZ,
5 individually and as Successor in
6 Interest to the decedents,
7 MARICRUZ CORRAL, IVAN ALEXANDER
8 CORRAL, and LUCIO ANTHONY CORRAL,

9 Plaintiff,

10 vs.

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

16 Defendants.

1:08-cv-00856 OWW GSA

ORDER RE POST-TRIAL MOTIONS
AND ENTRY OF JUDGMENT.

(DOC. 452, 454)

17 This case arises from a collision between a train operated
18 by National Railroad Passenger Corporation ("Amtrak") and a
19 vehicle driven by Lucio Corral Rodriguez's ("Plaintiff") wife,
20 Maricruz Corral, resulting in the death of Maricruz Corral and
21 Plaintiff's two children (together, "Decedents"). Plaintiff sued
22 several defendants, including Amtrak, Burlington Northern Santa
23 Fe Railway ("BNSF"), and the State of California, Department of
24 Transportation (together, "Defendants").

25 A twelve-day jury trial began on December 8, 2010 and
26 culminated with a jury verdict on January 14, 2011. A mistrial
27 was declared as to punitive damages. A separate trial on punitive
28 damages is scheduled to begin November 29, 2011.

1 Plaintiff moved for (1) entry of judgment against Amtrak and
2 the State of California and (2) accrual of interest from the date
3 of filing of the jury's original verdict. (Doc. 452). Defendants
4 filed an opposition seeking a setoff and sanctions (Doc. 453), to
5 which Plaintiff replied (Doc. 456). Defendants moved for judgment
6 as a matter of law regarding punitive damages (Doc. 454), which
7 Plaintiff opposed (Doc. 455). A hearing on the motions was held
8 May 23, 2011. The parties submitted supplemental briefs on the
9 issue of pre and post judgment interest. Docs. 464, 465.

11 On July 5, 2011, the court issued a memorandum decision and
12 order (i) granting in part and denying in part Plaintiff's post-
13 trial motion and (ii) denying Defendants' post-trial motion. Doc.
14 469. Plaintiff submitted a proposed form of order consistent with
15 the memorandum decision and order. Doc. 470. Defendants filed an
16 opposition to Plaintiff's proposed judgment, contending that
17 given the court's denial of Amtrak's renewed motion for judgment
18 as a matter of law as to punitive damages, partial judgment may
19 not be entered under Federal Rule of Civil Procedure 54(b). Doc.
20 471. Because Defendants advanced arguments that were not
21 previously raised in their opposition to Plaintiff's post-trial
22 motions, the court issued a minute order allowing Plaintiff until
23 August 3, 2011 to oppose Defendants' opposition. Doc. 472.
24 Plaintiff did not file a supplemental opposition.
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1 Rule 54(b) provides that "[w]hen an action presents more
2 than one claim for relief . . . the court may direct entry of a
3 final judgment as to one or more, but fewer than all, claims or
4 parties only if the court expressly determines that there is no
5 just reason for delay." Fed. R. Civ. P. 54(b). For Rule 54(b) to
6 apply, "claims must be multiple and at least one must have been
7 adjudicated fully." *Ariz. State Carpenters Pension Trust Fund v.*
8 *Miller*, 938 F.2d 1038, 1039 (9th Cir. 1991) (quoting *Cont'l*
9 *Airlines, Inc. v. Goodyear Tire & Rubber Co.*, 819 F.2d 1519, 1524
10 (9th Cir. 1987)). "[W]hen liability rests on the same transaction
11 or series of transactions, a count for punitive damages, although
12 of a different order than compensatory damages, does not
13 constitute a separate claim under Rule 54(b)." *Ariz. State*
14 *Carpenters*, 938 F.2d at 1040. Here, Plaintiff's claims for
15 compensatory damages and punitive damages are "inextricably
16 intertwined" because "[b]oth the basic theories of recovery and
17 the core set of operative facts comprising the primary proof on
18 the compensatory and punitive damage counts would be the same."
19 *Id.* Plaintiff's punitive damages claim is not separate from his
20 compensatory damages claim, and partial judgment cannot be
21 entered as to Plaintiff's award of compensatory damages.
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26 IT IS ORDERED, ADJUDGED AND DECREED that:

27 1. Plaintiff's motion for proposed judgment is GRANTED in
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1 part and DENIED in part, as follows:

2 a. Plaintiff's motion for entry of judgment as to
3 Amtrak's liability is GRANTED, in the following
4 amount:

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6 \$ 863,359.00	Total economic damages
7 - \$ 431,679.50	Reduction of economic damages by Maricruz Corral's 50% fault
8 - \$ 178,778.93	Reduction of economic damages by economic portion of County of Stanislaus settlement
9 \$ 252,900.57	Plaintiff's economic damages
10 \$3,000,000.00	Total noneconomic damages
11 - \$1,500,000.00	Reduction of noneconomic damages by Maricruz Corral's 50% fault
12 \$1,500,000.00	Plaintiff's noneconomic damages
13 \$1,752,900.57	Amtrak's total liability to Plaintiff for compensatory damages

14 Final judgment will not be entered until Plaintiff's
15 punitive damages claims are adjudicated.

16 b. Plaintiff's motion for judgment against the State of
17 California is DENIED.

18 c. Plaintiff's motion for pre-judgment interest is
19 DENIED.

20 d. Plaintiff's motion for post-judgment interest is
21 GRANTED. Post-judgment interest shall accrue from the
22 date of this Order.
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24 2. Defendant's request for sanctions and renewed motion for
25 judgment as a matter of law as to punitive damages are
26 DENIED.

27 SO ORDERED.

