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**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

LUCIO CORRAL RODRIGUEZ,

CASE NO. CV F 08-0856

Plaintiff,

**MOTIONS IN LIMINE ORDER**  
(Docs. 497, 498, 499, 500, 501.)

vs.

NATIONAL RAILROAD PASSENGER  
CORPORATION,

Defendant.

\_\_\_\_\_ /

This Court conducted a January 18, 2012 hearing on the parties’ respective motions in limine. Plaintiff Lucio Corral Rodridguez (“plaintiff”) appeared by counsel Joshua Markowitz. Defendant National Railroad Passenger Corporation (“defendant”) appeared by counsel B. Clyde Hutchinson and Vincent Castillo. This Court issues the following rulings on the parties’ motions in limine and incorporates its reasons stated on record during the hearing.

**Plaintiff’s Motion In Limine No. 8 To Enforce Prior In Limine Orders:** This Court will not revisit the motions in limine decided at the first trial, and rulings on the motions will remain effective.

**Plaintiff’s Motion In Limine No. 9 To Exclude Untimely Disclosed Matters And Defendant’s Motion In Limine No. 24 To Add Witnesses And Exhibits:** Based on the parties’ agreement, Sharyn Seitz, defendant’s Assistant Vice President for Financial Planning, may testify, and defendants may attempt to introduce pertinent documents at the second punitive damages monetary

1 award phase, if that phase is necessary. This Court PRECLUDES defendant to introduce further  
2 untimely disclosed evidence, including testimony of Stephen Strachan and Jonathan Hines.

3 **Defendant's Motion In Limine No. 22 To Exclude Traffic Engineering, Warning Activation**  
4 **And Related Matters:** This Court will permit evidence to describe the subject railroad crossing and  
5 intersection, including measurements and design, and to explain circumstances surrounding the subject  
6 collision. This Court EXCLUDES as speculation expert opinion as to what Engineer Cone knew about  
7 the danger of the subject railroad crossing and intersection and actions of vehicle drivers which might  
8 provide notice to a train engineer.

9 **Defendant's Motion In Limine No. 23 To Preclude Distracting Or Disruptive Conduct:** This  
10 Court will tolerate no game playing and ADMONISHES the parties and counsel to act professionally  
11 at all times in and out of the presence of the jury.

12 **Stipulation As To Jury Findings And Causation:** This Court will accept the parties'  
13 stipulation as to prior jury findings and fault and causation of the subject collision.

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IT IS SO ORDERED.

**Dated: January 18, 2012**

/s/ Lawrence J. O'Neill  
UNITED STATES DISTRICT JUDGE