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UNITED STATES DISTRICT COURT  
Northern District of California

NESTOR ANTONIO ORDONEZ,

Plaintiff,

No. CV10-05754 MEJ

v.

NATIONAL PASSENGER RAILROAD  
CORP.,

**ORDER AFTER  
PRETRIAL CONFERENCE**

Defendant.

Following the pretrial conference in this matter, the Court hereby orders as follows:

1. The date for this bench trial is continued from April 16, 2012 to **April 30, 2012 at 9:30 a.m.** The final pretrial conference is continued from April 12, 2012 to **April 26, 2012 at 10:00 a.m.**

2. Plaintiff did not file any opposition to Defendant’s motions in limine and confirmed at the pretrial conference that he was not contesting either motion. Accordingly, both of Defendant’s motions in limine (Dkt. Nos. 17 and 18) are GRANTED. Plaintiff’s negligence claim is hereby limited to only the theory that was previously disclosed: Defendant was negligent in operating and maintaining the train. See Dkt. No. 17 at 2 (explaining that Plaintiff’s response to an interrogatory inquiring about his negligence claim only provided as follows: “Amtrak’s engineer Raymond Javier was negligent in not paying reasonable attention to the crossing where the accident occurred”).

3. Pursuant to the parties’ agreement at the pretrial conference, the liability and damages portion of the trial are bifurcated. Thus, Plaintiff’s case-in-chief is now limited to only his own testimony. Dr. Graves and Dr. Dell will only be called as witnesses if the Court finds that Defendant was negligent.

**IT IS SO ORDERED.**

Dated: March 15, 2012

  
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Maria-Elena James  
Chief United States Magistrate Judge

UNITED STATES DISTRICT COURT  
For the Northern District of California