

UNITED STATES DISTRICT COURT
For the Northern District of California

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Northern District of California

NESTOR ANTONIO ORDONEZ,

Plaintiff,

No. CV10-5754 MEJ

v.

NATIONAL PASSENGER RAILROAD
CORP.,

Defendant.

**ORDER REQUIRING PLAINTIFF
TO FILE AMENDED TRIAL BRIEF**

Plaintiff's trial brief, filed on March 14, 2012, provides that Defendant caused the accident in this matter because the "the crossing lights never flashed, the crossing bells never rang and the crossing gates never descended at the intersection in question." Dkt. No. 21 at 2. This theory of liability, however, was precluded by the Court when it granted Defendant's motions in limine, which Plaintiff did not oppose. Dkt. No. 23. It is hereby ordered that Plaintiff must file an amended trial brief that specifically explains what admissible evidence he will present to prove that Defendant was negligent in causing the accident at issue. If Plaintiff's theory of liability is based on the excessive speed of the train or the conductor's failure to stop or slow down the train, Plaintiff must specifically address the arguments raised by Defendant in its trial brief. *See* Dkt. No. 26 at 5-9. Plaintiff's amended trial brief must be filed by **Wednesday, March 21, 2012.**

IT IS SO ORDERED.

Dated: March 19, 2012



Maria-Elena James
Chief United States Magistrate Judge