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12 Attorneys for Defendant

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 14 **UNITED STATES DISTRICT COURT**  
 15 **DISTRICT OF NEVADA**

16	GREG GIBBONS,	)	
17		)	Case No.: 2:15-cv-02231-GMV-CWH
18	Plaintiff,	)	
19	vs.	)	
20	UNION PACIFIC RAILROAD	)	
21	COMPANY, a Delaware Corporation	)	
22	Defendant.	)	

23  
 24 **STIPULATION AND ORDER REGARDING AGREED UPON DEFENDANT'S**  
 25 **PROPOSED MOTIONS IN LIMINE, PURSUANT TO LR 16-3**

26 The parties, Plaintiff, Greg Gibbons ("Plaintiff" or "Gibbons"), and Defendant,  
 27 Union Pacific Railroad Company ("Defendant" or "UPRR"), by and through their  
 28 respective counsel of record, hereby stipulate and request, pursuant to LR 16-3, that this

1 Court enter an order regarding the following matters which were agreed upon relative to  
2 Defendant's proposed motions in limine.

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4 1. On March 19, 2018, Defendant's attorney sent correspondence to Plaintiff's  
5 attorneys, Peter C. Wetherall, Esq. and James A. Morris, Jr., Esq. regarding an initial  
6 effort to meet and confer regarding UPRR's proposed motions in limine. The March 19,  
7 2018, letter addressed ten (10) proposed motions in limine.

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9 2. At 10:00 a.m. on March 21, 2018, pursuant to mutual agreement, a phone  
10 conference was held between counsel for the parties, including John A. Hunt, Esq. (of  
11 Clark Hill, PLLC), James A. Morris, Jr., Esq. (of Brent Coon & Associates), Shane E.  
12 Greenberg, Esq. (*id.*), Melissa Sandoval, Esq. (of Union Pacific's Law Department), and  
13 Bert Wuester Jr., Esq. (of Clark Hill, PLLC).

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15 3. During the phone conference, Plaintiff's counsel agreed to motions #2, 3, 6 and 8  
16 as addressed in UPRR's March 19, 2018, letter. In addition, as to motion #9, it was  
17 agreed the same shall apply to both sides. During the phone conference it was agreed and  
18 acknowledged that a proposed stipulation and order would be prepared relative to the  
19 agreed upon motions #2, 3, 6, 8, and 9.

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21 4. Accordingly, pursuant to the above, the parties hereby stipulate and agree that the  
22 Court enter orders consistent with the following:

23 A. That the Court shall exclude argument or evidence regarding alleged  
24 elevated levels of danger in the railroad industry.

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26 B. That the Court shall exclude argument or evidence relating to the parties'

1 relative or individual wealth.

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3 C. That the Court shall exclude argument or claims seeking prejudgment  
4 interest upon any award of damages.

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6 D. That the Court shall preclude Plaintiff from making reference to, pointing  
7 out, or identifying representatives of Union Pacific who may come to court to  
8 observe the trial.

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10 E. That the Court shall prohibit any argument by either counsel relating to the  
11 following areas:

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13 i. argument by counsel personally attacking a witnesses credibility  
14 and/or accusing a witness of perjury;

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16 ii. argument by counsel injecting his/her personal opinions about a  
17 party;

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19 iii. argument by counsel relating counsel's personal opinion(s) about the  
20 justness of his/her client's cause and his/her client's claim of injury;

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22 iv. argument by counsel requesting the jury place themselves in the  
23 position of counsel's client (i.e., "golden rule" argument);

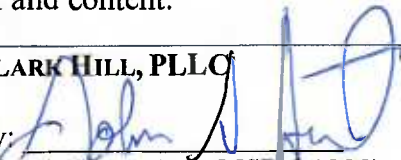
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25 v. argument by counsel requesting the jury "send a message" to the  
26 opposing party and/or the opposing party's counsel;

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vi. argument by counsel comparing jury awards in other cases to the present case; and

vii. argument by counsel personally attacking opposing counsel.

Respectfully submitted and approved as to form and content:

<p><b>Brent Coon &amp; Associates</b>  By:   James A. Morris, Jr., Esq. (pro hac vice)  4111 West Alameda Avenue, Suite 611  Burbank, CA 91505  Telephone: (747) 283-1144  Facsimile: (747) 283-1143  jmorris@jamlawyers.com  and  Peter C. Wetherall, Esq. (NSBN 4414)  <b>Wetherall Group, LTD.</b>  9345 W. Sunset Road, Suite 100  Las Vegas, Nevada 89148  Tel: 702-838-8500; Fax: 702-837-5081  pwetherall@wetherallgroup.com  Attorneys for Plaintiff  Dated: <u>3/23/18</u></p>	<p><b>CLARK HILL, PLLC</b>  By:   John A. Hunt, Esq. (NSBN 1888)  Bert Wuester, Jr., Esq. (NSBN 5556)  3800 Howard Hughes Parkway, Suite 500  Las Vegas, Nevada 89169  Ph. (702) 862-8300; fax (702) 862-8400  jhunt@clarkhill.com  bwuester@clarkhill.com  and  Melissa A. Sandoval, Esq. (NSBN 12587)  <b>UNION PACIFIC RAILROAD COMPANY  LAW DEPARTMENT</b>  10031 Foothills Boulevard, Suite 200  Roseville, California 95747  msandoval@up.com  Attorneys for Defendant  Dated: <u>3-23-18</u></p>
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ORDER

IT IS ORDERED.

Dated: April 5, 2018

  
UNITED STATES DISTRICT COURT JUDGE

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