

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE AT KNOXVILLE

THOMAS NEELY,

Plaintiff,

v.

No.: 3:05-CV-304
(Phillips/Guyton)

FOX OF OAK RIDGE, INC. and
BENJAMIN H. CURD,

Defendants.

PRETRIAL ORDER

Now come the parties, through their respective counsel, and respectfully submit to the Court, pursuant to the Court's scheduling order, the pretrial order which will be applicable in this case, to wit:

I. JURISDICTION OF THE COURT

Jurisdiction is based upon diversity of citizenship and an amount in controversy in excess of the amount required by law, exclusive of interest, costs, and expenses, pursuant to 28 U.S.C. Sec. 1332. Venue is proper as alleged in paragraph 1 of Plaintiff's Complaint.

II. SUFFICIENCY OF PLEADINGS

The parties state that the pleadings are in conformity and/or have been amended to conform with the Court's pretrial order.

III. ISSUES

(1) Was the wreck the fault of the Defendants Benjamin H. Curd and Fox of Oak Ridge, Inc.?

(2) If so, what is the amount of compensatory damages that Plaintiff is entitled to recover?

(3) Is the accident in question the direct and proximate cause of the alleged damages asserted by the plaintiffs?

(4) Whether the plaintiff has met his burden of proving lost earning capacity.

IV. STIPULATIONS OF FACT

(A) Plaintiff, Thomas Neely was a citizen and resident of McCreary County, Kentucky at all times material to this case.

(B) All Defendants were citizens of the state of Tennessee at all times material to this case.

(C) On July 12, 2004, the defendant driver Benjamin H. Curd was operating a Chevrolet Van as the agent of defendant, Fox of Oak Ridge, Inc. There was a motor-vehicle (**accident**) wreck between the defendants' van and the automobile driven by Plaintiff, Thomas Neely.

V. QUESTIONS OF LAW OR EVIDENCE (Novel or unusual)

None.

VI. ESTIMATED DURATION OF TRIAL

It is estimated that the trial of this case will take approximately two (2) days.

VII. SETTLEMENT ATTEMPTS

Settlement prospects are unknown at this time.

ENTER this _____ day of _____, 2006.

JUDGE

s\Michael C. Inman
Michael C. Inman, TN Bar No.: 022858
Attorney for Plaintiff
706 S. Gay Street
Knoxville, TN 37902
(865) 546-6500

s\Robert J. English
Robert J. English, TN Bar No.: 001038
Attorney for Plaintiff
706 S. Gay Street
Knoxville, TN 37902
(865) 546-6500

ATTORNEY FOR DEFENDANTS

s\Clint Woodfin
Clint Woodfin, TN Bar No.:
Spicer, Flynn & Rudstrom, PLLC,
800 S. Gay Street, Suite 1400
Knoxville, TN 37929.

CERTIFICATE OF SERVICE

I hereby certify that on May, 17th 2006 a copy of the foregoing Suggested Pretrial Order was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

s\Michael C. Inman
Michael C. Inman, Attorney for Plaintiff