

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

THOMAS NEELY,

Plaintiff,

v.

No.: 3:05-CV-304
Guyton

FOX OF OAK RIDGE, INC.,

Defendant.

PLAINTIFF'S MOTION FOR A NEW TRIAL

Comes now the Plaintiff, Thomas Neely, by and through counsel, and pursuant to Rule 59 and 49(b) of the Federal Rules of Civil Procedure, respectfully moves this Honorable Court for an order setting aside the judgment in this case and granting a new trial. In support of this Motion, Plaintiff refers the Court to the Memorandum in support of Plaintiff's motion for a new trial attached hereto and incorporated herein by reference.

WHEREFORE, Plaintiff request an Order setting aside the judgment and ordering a new trial.

Respectfully submitted this 30th day of June, 2006.

s/Michael C. Inman
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s\Robert J. English
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CERTIFICATE OF SERVICE

I hereby certify that on June 30, 2006, a copy of the foregoing Motion for a New Trial 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