

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
NORTHERN DIVISION

THOMAS NEELY, )  
 ) No. 3:05-CV-304  
Plaintiff, )  
 ) Knoxville, TN  
vs. ) June 21, 2006  
 ) 9:30 a.m.  
FOX OF OAK RIDGE, )  
 )  
Defendant. )

TRANSCRIPT OF JURY TRIAL (CONTINUED)  
BEFORE THE HONORABLE H. BRUCE GUYTON  
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For the Plaintiff: Robert J. English, Esq.  
Michael C. Inman, Esq.  
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Knoxville, TN 37902

For the Defendant: Clint J. Woodfin, Esq.  
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1 forever. Because that's when this accident happened. It  
2 wasn't the 14th.

3 Mr. Woodfin didn't tell you that when we file our  
4 lawsuit in a rear-end collision that he files an answer denying  
5 that it's his fault even though this man was following too  
6 closely, too fast on a rain-slickened road. And they still  
7 have put this man through total hell for the last two years --  
8 this Corporation.

9 Now, Michael asked me to help him in this case  
10 because I've tried a few cases. And I find that it's my job to  
11 help my clients if I can. I talk to a lot of people about  
12 representing them, and I don't take many cases of the people I  
13 talk to.

14 And if I can help someone, and I honestly believe  
15 or know that they're hurt, I'm going to help them. I'm going  
16 to do everything I can.

17 I've lost some cases I should have won. I've won  
18 some cases I should have lost. But whenever I saw the reports  
19 on Tom Neely...

20 And Mr. Woodfin didn't mention a word about those  
21 two MRIs that showed two protruding disks in his neck and a  
22 bulging disk in his neck, and four disks in his back that were  
23 bulging. He's didn't say a word about it. Not a word. Not  
24 one word. He's trying to defend this case, a rear-end  
25 collision. And this is a case...

1           Most collision cases get settled. They never get  
2           tried because the defendants generally settle these cases  
3           because it's obvious to everybody, hopefully to you, who caused  
4           the wreck.

5           Tom didn't have any control over how fast this  
6           man was driving behind him. Or how close he was following  
7           behind him. Or whether the road was slick. He had no control  
8           over that. You heard it.

9           And it just does not make sense that he would  
10          stop for no apparent reason on a rain-slickened road. And for  
11          him to be able to stop from 35 miles an hour in five feet is  
12          incredible. It's unbelievable. And I'm sure you do not  
13          believe that.

14          And for him to have been hit hard enough to total  
15          his car, and for Mr. Woodfin to object to you hearing that his  
16          car was totaled... Yes, he drove it back to Kentucky. He had  
17          to, to salvage it. It took him two and a half hours, I believe  
18          he said, to get it back. And then he drove it to his mothers  
19          one time. And then that was the last time he drove that.

20          He didn't want you to hear that about it being  
21          totalled. He didn't want you to hear about the seat being  
22          broke. Him being hit so hard that it was broken.

23          And for Mr. Curd to come in here and say that, I  
24          was going 35, and then I slowed down and hit him about  
25          45 (sic), and knocked him forward about two or three feet and