

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.
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For the Defendant: Clint J. Woodfin, Esq.
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1 A Yeah.

2 Q Does that show what damage was done to the
3 vehicle you were driving in this accident?

4 A A little dent in the bumper.

5 Q Go ahead and... I'm going to point my finger,
6 and you tell me if I'm in the right place when it comes up on
7 there, okay?

8 A Okay. Yeah.

9 Q Can you see where my finger is?

10 A Yeah. I see your finger.

11 Q And on the top one also?

12 A Yeah.

13 Q Any other damage done to that van you were
14 driving?

15 A No, it wasn't.

16 Q When you got out, did you go see Mr. Neely?

17 A Yeah. I went around and seen him.

18 Q How was he sitting?

19 A He was leaning back, but the seat went all the
20 way down. It was down, but it was not all the way.

21 Q Did you call an ambulance?

22 A Yeah. I went ahead and called an ambulance.

23 MR. WOODFIN: All right. Okay. Your Honor,
24 these will be defendant's Exhibits 13 and 14. I would
25 offer those at this time.

1 A If he hadn't stopped on me, I wouldn't have
2 hit him.

3 Q I know it. But you're telling this jury that
4 he stopped for no reason at all?

5 A He was talking on the telephone.

6 Q And he stopped --

7 A Yeah.

8 Q -- going 35 miles and hour --

9 A In the road.

10 Q -- in five --

11 A Yeah.

12 Q -- on a wet road?

13 A Yeah. He sure did.

14 Q Okay. And then after you hit him going 35
15 miles an hour, or 25 miles an hour -- you slowed down some when
16 you hit him, didn't you?

17 A Yeah. I sure did.

18 Q And you knocked him about two or three feet
19 you said?

20 A Yeah. Something like that.

21 Q And you hit him, totaled his vehicle, broke
22 his seat, and knocked him two or three feet forward? Is that
23 right?

24 A I don't know. His seat was broke. His
25 seat -- the thing on his top back seat went all the way down