

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 THE COURT: Are you ready, Mr. Neely?

2 MR. NEELY: Yes. I'm sorry.

3 THE COURT: That's okay.

4 Mr. Woodfin?

5 MR. WOODFIN: Thank you, Judge.

6 CROSS EXAMINATION

7 BY MR. WOODFIN:

8 Q Mr. Neely, when did you go out and take this
9 photograph?

10 A I took it yesterday.

11 Q This photograph here?

12 A It was taken Monday.

13 Q Monday of this week?

14 A Yes. I took the measurements on the curb
15 Monday. Let me clarify that, I'm sorry.

16 Q Well, when was it, sir? Monday of this week?

17 A I took the measurement of the curb, yes, on
18 Monday.

19 Q When did you take the photograph?

20 A I didn't take the photograph.

21 Q You didn't? I thought you told your lawyer
22 you did?

23 A No.

24 Q Okay. You went out there and took
25 measurements with what, a level and measuring tape?

1 A A measuring tape. Yes, sir.

2 Q So you got down and measured the curb, and
3 then measured the part where the cars turn in on that driveway?

4 A I used a measuring tape and looked at it to
5 the best of my ability. Yes, sir.

6 Q Despite the fact that you can't do anything,
7 you were able to do that, weren't you?

8 A I pulled out a measuring tape. Yes, sir.

9 Q Is it your testimony that you lost
10 consciousness at the scene of this accident?

11 A I don't know whether or not -- I did or not.

12 Q You didn't know whether you did or didn't. Is
13 that what you're telling us?

14 A I don't think I did at the time.

15 Q Do you remember when I took your deposition?

16 A Yes.

17 Q Do you remember when you told me that you did
18 not lose consciousness?

19 A I do not remember that statement.

20 Q Do you remember telling your doctors that you
21 did lose consciousness at the scene of the accident?

22 A I do not remember all the exact wording that I
23 told the doctors. No.

24 Q Do you have any explanation for why the
25 doctors say that you did tell them that you lost consciousness