

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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1 eyes to hurt. Yes.

2 Q And you think you reported all of those things
3 to your doctor?

4 A Yes.

5 Q You told me when I took your deposition that
6 you had been taking methadone, or had not had a day that you
7 had not taken your methadone. Do you remember that?

8 A Yes, sir.

9 Q And yesterday you didn't take your methadone?

10 A Yes.

11 Q And you told me in your deposition that you
12 wouldn't be able to function at all if you didn't take your
13 methadone?

14 A That's what I told you yesterday.

15 Q Yesterday you sat here and told this jury what
16 you believe is your problem caused by this accident?

17 A Yes.

18 Q And you told me that if you tried to pick up
19 something greater than 15 pounds, you have increased pain. Do
20 you remember that?

21 A Yes.

22 Q But you told me that if something was less
23 than 15 pounds, you were able to pick that up. Do you remember
24 that?

25 A No.

1 Q You told me that you applied for jobs at
2 Kroger and at Walmart?

3 A Yes.

4 Q And you didn't have any response back from
5 them. Is that what your answer or response was then?

6 A Yes.

7 Q You told this Court and jury yesterday that
8 you had filled out the applications, but you don't have the
9 applications to show them today, do you?

10 A No. It's done on a computer.

11 Q You and your wife were selling things at a
12 flea market on the weekends; is that right?

13 A My wife is. Yes.

14 Q You go with her?

15 A Yes.

16 Q Do you help her?

17 A I watch the children.

18 Q Okay. You have a three year old and a nine
19 month old, or six-month old; is that right?

20 A My daughter is seven months. (Inaudible) is
21 almost three.

22 Q And you're able to watch the children while
23 your wife is engaged in --

24 A I help with that, along with my sister and
25 brother-in-law.

1 Q But you're there doing that?

2 A Yes. I try to.

3 Q Okay. Helping watch those children is
4 something that's difficult to do, is it not?

5 A It's not too bad.

6 Q You told me that you helped your wife
7 transport the things that you sell back and forth to the flea
8 market; is that correct?

9 A I ride with her. Yes.

10 Q And you drive as far as Bristol, Virginia to
11 pick things up?

12 A I ride with her.

13 Q And you've driven out there before, sir,
14 haven't you?

15 A No. I ride with her.

16 Q You've driven to the flea market before?

17 A I ride with her. And on occasion, I do drive.

18 Q And you drive to your doctor, which is an hour
19 and a half away?

20 A I very seldom ever drive. And it is never
21 without the assistance of someone.

22 Q What kind of assistance are you talking about,
23 sir?

24 A My wife is usually at my side.

25 Q You told me in your deposition that there were

1 times that you drove by yourself to the doctor. Do you
2 remember that?

3 A No. I do not.

4 Q In addition to the money that's generated from
5 the flea market, you and your wife also have rental property
6 that generates income; is that correct?

7 A We have a rental property. Yes.

8 Q And recently you and she have come up with a
9 name for the flea market business. Do you remember telling me
10 that?

11 A We had to do that in order to apply for a
12 business license.

13 Q Because the flea market was turning a profit
14 for you and your wife?

15 A Well, we thought it would.

16 Q When you were working at Ridge View, you had
17 that job for approximately 14 months before this accident
18 happened?

19 A Something like that. Yes.

20 Q And Ridge View is an outpatient psychiatric
21 facility; is that right?

22 A Inpatient, too.

23 Q What hours did you work?

24 A I worked 40 hours a week.

25 Q What times of the day did you work?

1 A There's three different shifts. I worked all
2 three at different periods of time.

3 Q Before that, you worked at the hospital in
4 Scott County as a security guard?

5 A And orderly. Yes, sir.

6 Q And while you were working there, you hurt
7 your knee?

8 A Yes, I did.

9 Q You filed a workers' comp case for that?

10 A Yes, I did.

11 Q And you actually filed something asking the
12 court to approve the settlement that you reached in your
13 worker's comp case?

14 A The worker's comp case -- did settle it. Yes.

15 Q And you had to appear before the judge to have
16 that approved?

17 A Yes, I did.

18 Q And part of the settlement that you reached
19 paid you money to close out your right to go back to the
20 doctor, did it not?

21 A Yes, it did.

22 Q And Scott County was the longest job that you
23 had had, correct, at the hospital?

24 A Yes.

25 Q Why did you leave there?

1 A The position was dissolved.

2 Q Did you have any problem going back with your
3 knee?

4 A No.

5 Q Other jobs that you've had include being a
6 photographer for a newspaper; is that correct?

7 A Yes.

8 Q The doctors that you have here to testify for
9 you today are doctors that your lawyers sent you to; correct?

10 A These are doctors that I chose.

11 Q The lawyers gave you a name?

12 A They gave me a group of names that I selected
13 from.

14 Q How many were in the group?

15 A At least three.

16 Q Who else was in the group, Mr. Neely?

17 A I don't have those names in front of me.

18 Q Do you remember when I took your deposition
19 and asked you who had referred you to these doctors?

20 A Yes.

21 Q Do you remember being -- what you said,
22 confused about that?

23 A Yes, I do.

24 Q How come you weren't confused yesterday?

25 A I don't know.