

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.
Robert J. English & Associates
706 S. Gay Street
Knoxville, TN 37902

For the Defendant: Clint J. Woodfin, Esq.
Spicer, Flynn & Rudstrom, PLLC
800 S. Gay Street, Suite 1400
Knoxville, TN 37929

DANA HOLLOWAY, LCR #11, CCR #455
MILLER & MILLER COURT REPORTERS
Knoxville, Tennessee 37943
Phone (865) 675-1471 / Fax (865) 675-6398
E-mail: jmcon3590@aol.com

1 A No.

2 Q What happened? Tell us, sir.

3 A I used a bunch of items that we had with us to
4 prop the seat into an upright position and hold it there while
5 I drove the vehicle home.

6 Q How much were you weighing at the time of this
7 accident, sir?

8 A The same as I am now.

9 Q What do you weigh now?

10 A Right around 300 pounds.

11 Q Did you have trouble ever getting in and out
12 of this car before this accident?

13 A No. I did not.

14 Q You live approximately an hour and a half from
15 Knoxville?

16 A About an hour and 15 minutes.

17 MR. WOODFIN: That's all.

18 THE COURT: Just a moment, Mr. English, before
19 we go any further.

20 I notice you've taken a few notes this
21 morning?

22 THE JUROR: Yes.

23 THE COURT: Anyone else taking notes?

24 Unfortunately, we're not -- jurors aren't allowed to
25 take notes during the trial. I should have mentioned

1 that yesterday. That's kind of a local rule we have
2 here. I'm going to ask you to stop doing that. I
3 hate to do that because I know you're trying hard to
4 follow what is being said. But there are reasons why
5 we have that rule, and I'll go into that. When we are
6 all through here, I'll explain to you why that is.

7 THE JUROR: Okay.

8 THE COURT: All right, Mr. English.

9 REDIRECT EXAMINATION

10 BY MR. ENGLISH:

11 Q Mr. Neely, when you went out and measured at
12 my request, the height of the curb right next to where the man
13 was turning in, what type of a measuring device did you use?

14 A A little bitty ten-foot tape measure. A
15 little square tape measure that --

16 Q Is it a rigid tape measure, or one that folds
17 up, or --

18 A One that retracts inside into itself.

19 Q Is it rigid? Like if I held it out here three
20 feet, would it be rigid?

21 A Oh, yes.

22 Q Could you take that and hold it down and look
23 and see how high the curb was without bending down? Did you
24 bend down to measure the curb?

25 A No, I did not. I just leaned over.