

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:

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1 Q Okay. And you couldn't get stopped because  
2 you were too close to him?

3 A I slid.

4 Q Okay. And if you had gone into the other  
5 lane, you wouldn't have hit him, would you?

6 A I couldn't go in the other lane.

7 Q Why couldn't you?

8 A I was over here.

9 Q Couldn't you go in the left-hand lane? The  
10 fast lane?

11 A No. I couldn't right then.

12 Q Why? Do you remember me asking you, or  
13 Mr. Inman asking you in your deposition -- page --

14 A You know, I tried to miss, to get over -- I  
15 hit him.

16 Q Page 18.

17 "Do you know whether or not the passing lane  
18 was clear?"

19 And you said, "I'd say it was."

20 A Uh-huh (affirmative).

21 Q Do you remember giving that statement?

22 A Yeah. But I tried to get -- but I hit him as  
23 I was trying to.

24 Q I understand that. But if you had been  
25 following a little further back, you would have probably not

1 have hit him?

2 A Yeah.

3 Q And if you had been following a little slower,  
4 you probably wouldn't have hit him?

5 A Yeah.

6 Q And if the roads weren't wet, you probably  
7 wouldn't have hit him?

8 A That's right. If they wasn't wet, I wouldn't.

9 Q Okay. And you were following -- since you  
10 were in this big van, this big heavy van, you were following  
11 about one car length behind him, or 20 feet behind him whenever  
12 he --

13 A It was 20 feet.

14 Q -- whenever you realized there was going to be  
15 a wreck --

16 A Yeah.

17 Q -- on a rain-slickened road? And he didn't  
18 have anything to do with you following that close to him, did  
19 he?

20 A I don't reckon he did.

21 Q And he didn't have anything to do with you  
22 driving that fast, that close behind him, did he?

23 A I don't reckon he did.

24 Q And I know he didn't, and I know you didn't,  
25 have anything to do with it raining that day.