

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: jmccon3590@aol.com

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

1 when I went up there to see about him.

2 Q Well, you saw it?

3 A Yeah.

4 Q I thought you told me that --

5 A I didn't know the seat was broke.

6 Q Okay. On Page 13 of your deposition... And I
7 asked you, "And his seat broke in the wreck, because you saw
8 that, didn't you?"

9 And you said, "Yeah --

10 THE COURT: Mr. Curd, wait until he finishes
11 his question, and then you start your answer.

12 MR. CURD: All right.

13 THE COURT: The Court Reporter can't take down
14 both of you talking at the same time.

15 All right. Mr. English, restate you question.

16 And then we'll get the answer.

17 BY MR. ENGLISH:

18 Q You told me on your deposition, his seat
19 broke. I asked you, "And his seat broke in the wreck, because
20 you saw that, didn't you?"

21 And your answer was, "Yeah. I seen the seat
22 laying back."

23 A That's right.

24 Q Okay. And that's exactly what your testimony
25 is today?

1 A Yeah.

2 Q Okay. And he was looking up at the ceiling of
3 his car, wasn't he?

4 A Yeah.

5 Q Okay. Fox Motor Company is out of business at
6 this time, aren't they?

7 A Yeah.

8 Q You're working for the people that bought them
9 out?

10 A Yeah.

11 Q Okay. That van that you were in, that big
12 van, that sort of felt like it's built real strong, isn't it?

13 A Yeah, it is.

14 Q And you weren't hurt in this wreck?

15 A No. I sure wasn't.

16 Q And he was in a real small compact car, was he
17 not?

18 A Yeah.

19 MR. ENGLISH: Thank you, sir.

20 THE COURT: Mr. Woodfin.

21 MR. WOODFIN: Nothing further for this
22 witness, Your Honor.

23 THE COURT: Thank you, sir, for your
24 testimony. You may step down.

25 May this witness be excused?