

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.  
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1                   Yes, I'm the individual, the attorney that  
2                   referred Mr. Neely to these doctors. That was me. But I'm not  
3                   going to sit here and apologize to you folks. I did it.

4                   Much like some of you who have a medical  
5                   background, you take an oath. As an attorney, I take an oath.  
6                   And as part of that oath, I am to try my best to properly  
7                   represent my client. And as part of that, to properly  
8                   represent my client, I have to counsel my client. And at  
9                   times, yeah, that means to seek treatment for them.

10                  Now, you can probably tell that I'm very nervous.  
11                  There is a good reason for that. This is one of my first jury  
12                  trials. I just have to tell you. I am not the speaker that  
13                  Mr. Woodfin is. I can't sit here and rattle off the way he  
14                  does. And therefore, I wasn't even planning to speak to you  
15                  folks. I was going to defer to Mr. English.

16                  But sitting here and listening to the testimony  
17                  and exhibits that were put on, it's come to my attention,  
18                  you're wondering who I am. Why am I sitting here? Why have I  
19                  referred Mr. Neely to all these doctors?

20                  And I felt that I had an obligation that I needed  
21                  to get up and I needed to tell you why. I'm sitting here  
22                  telling you that, yes, I did send him to these doctors.

23                  What Mr. Woodfin has not told you, and he doesn't  
24                  want you to hear, is he has the right to send him to any doctor  
25                  he wants to. If he doesn't believe Mr. Neely, he could have

1 sent him to a doctor.

2 He had the ability, and dare I say it, the  
3 obligation and duty to his client to do so. He can get a  
4 second opinion. He didn't do that. He did not do that.

5 And yesterday, it came to my attention, and I'm  
6 sure it came to yours... You're very observant. You sit here  
7 and you study us. And quite frankly, I didn't know whether to  
8 look at you or, not look at you. This is one of my first  
9 cases, as I said.

10 And I don't know how you look at us. You're  
11 always thinking we're plotting and trying to maybe figure out  
12 some strategy. And sometimes, yes, we were. But at the same  
13 time, I want to bring to your attention, there was a lot of  
14 thank you's. The defendants attorney thanked you a lot  
15 yesterday.

16 But I'll tell you what you haven't heard. You  
17 haven't heard the first apology. You haven't heard the first,  
18 "I am sorry," by the defendant. That hasn't... Those words  
19 haven't come across his lips one time.

20 Now, as to -- as to this case... You know, for  
21 me, as well as yourselves, this is just another day. But  
22 unfortunately for Mr. Neely, this is the rest of his life. And  
23 this impacts him for the rest of his life.

24 So, yes, I am nervous. Yes, I am tired. I have  
25 to admit that to you. We do everything, as attorneys, we can