

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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For the Defendant: Clint J. Woodfin, Esq.
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1 a bunch of evidence which will not allow you to conclude the
2 amount of damages that Mr. Neely is seeking in this case is
3 appropriate to award him.

4 He's testified he can't work. But he's testified
5 he's applied for jobs. He's testified he tried to put down
6 information on these applications about his pre-existing
7 problems.

8 I don't know that applications include that
9 anymore. You don't know that either, because he didn't tell
10 you anything about those specific applications, or bring you
11 any evidence of those applications. But that's the kind of
12 stuff that we're dealing with; speculation, conjecture, and a
13 desire to try to get money out of my client.

14 Mr. English said something on day one of this
15 trial that is very, very pertinent. He said on July 14, 2004,
16 the day of this accident, Mr. Neely's life was changed forever.
17 I agree with that. But it was changed by him.

18 It was on that day that, and the days that
19 followed afterwards, that he decided, I'm not going to live my
20 life anymore like I used to. I'm going to try to get money out
21 of this lawsuit. Don't reward him for that.

22 CLOSING ARGUMENT

23 BY MR. ENGLISH:

24 First of all, Mr. Woodfin is incorrect. I didn't
25 say July the 14th, I said July the 12th his life was changed