

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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1 by the Court Security Officer. And hopefully that won't be
2 necessary, but we'll have something for you to write on if it
3 is necessary.

4 Finally, the Court wants to emphasize that
5 nothing that has been said in these instructions, or nothing
6 that the Court did during the course of the trial was meant to
7 suggest or convey in any way or manner to you any suggestion as
8 to what the Court thinks your verdict should be.

9 What the verdict shall be in this case is your
10 sole and exclusive duty and responsibility.

11 All right. The exhibits that were used at trial
12 will be brought to the jury room as soon as the lawyers and
13 clerk have gone through them to make sure they are in good
14 order. You may now retire to deliberate your verdict.

15 Madam Clerk.

16 DEPUTY CLERK: Please rise.

17 (Jury out for deliberation at 3:25.)

18 THE COURT: The correct procedure, so to
19 speak, of the Court is, at 5:00 to go back to the jury
20 room and just inquire as to whether they want to stay
21 or come back in the morning. The HVAC system
22 automatically shuts off in here at 5:00. So --
23 although I really don't think we'll get real
24 uncomfortable. That's what I would do, is just go
25 ask. I wanted to let you know that and see if anybody

1 has an objection to that.

2 MR. WOODFIN: No, Your Honor.

3 MR. ENGLISH: No, Your Honor.

4 THE COURT: All right. Then if you would
5 just -- let's take a recess and let me go and check
6 with the jury and see what they want to do. If they
7 want to go on home, we'll bring them in and excuse
8 them for the day.

9 DEPUTY CLERK: All rise. This Court is in
10 recess.

11 (Court in recess.)

12 THE COURT: The jury said that they were
13 almost finished and would like to have until about
14 5:15. So we won't go anywhere. We'll wait.

15 MR. ENGLISH: Thank you.

16 THE COURT: Thank you. Thank you, Madam
17 Clerk.

18 DEPUTY CLERK: Yes, Your Honor. The Court is
19 in recess.

20 (Court in recess.)

21 DEPUTY CLERK: All rise. This Court is again
22 in session. Please be seated.

23 (Jury in at 5:10.)

24 THE COURT: Will the foreperson of the jury
25 please stand.