

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.
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For the Defendant: Clint J. Woodfin, Esq.
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1 forever. Because that's when this accident happened. It
2 wasn't the 14th.

3 Mr. Woodfin didn't tell you that when we file our
4 lawsuit in a rear-end collision that he files an answer denying
5 that it's his fault even though this man was following too
6 closely, too fast on a rain-slickened road. And they still
7 have put this man through total hell for the last two years --
8 this Corporation.

9 Now, Michael asked me to help him in this case
10 because I've tried a few cases. And I find that it's my job to
11 help my clients if I can. I talk to a lot of people about
12 representing them, and I don't take many cases of the people I
13 talk to.

14 And if I can help someone, and I honestly believe
15 or know that they're hurt, I'm going to help them. I'm going
16 to do everything I can.

17 I've lost some cases I should have won. I've won
18 some cases I should have lost. But whenever I saw the reports
19 on Tom Neely...

20 And Mr. Woodfin didn't mention a word about those
21 two MRIs that showed two protruding disks in his neck and a
22 bulging disk in his neck, and four disks in his back that were
23 bulging. He's didn't say a word about it. Not a word. Not
24 one word. He's trying to defend this case, a rear-end
25 collision. And this is a case...

1 Most collision cases get settled. They never get
2 tried because the defendants generally settle these cases
3 because it's obvious to everybody, hopefully to you, who caused
4 the wreck.

5 Tom didn't have any control over how fast this
6 man was driving behind him. Or how close he was following
7 behind him. Or whether the road was slick. He had no control
8 over that. You heard it.

9 And it just does not make sense that he would
10 stop for no apparent reason on a rain-slickened road. And for
11 him to be able to stop from 35 miles an hour in five feet is
12 incredible. It's unbelievable. And I'm sure you do not
13 believe that.

14 And for him to have been hit hard enough to total
15 his car, and for Mr. Woodfin to object to you hearing that his
16 car was totaled... Yes, he drove it back to Kentucky. He had
17 to, to salvage it. It took him two and a half hours, I believe
18 he said, to get it back. And then he drove it to his mothers
19 one time. And then that was the last time he drove that.

20 He didn't want you to hear that about it being
21 totalled. He didn't want you to hear about the seat being
22 broke. Him being hit so hard that it was broken.

23 And for Mr. Curd to come in here and say that, I
24 was going 35, and then I slowed down and hit him about
25 45 (sic), and knocked him forward about two or three feet and

1 broke his seat and totalled it. He didn't mention a word about
2 that. I wonder why? Because that just doesn't stand the light
3 of day as being honest and truthful.

4 This case should have never gotten into a
5 lawyer's hands. This case should have been settled early on.
6 And Mr. Neely shouldn't have been put through by this
7 defendant, this corporate defendant that no longer exists,
8 shouldn't have been put through this for the last two years --
9 and his wife.

10 These people have gone from him working ever
11 since he was 13 years old mowing yards, working at the Scott
12 County Hospital. It's gone from that to this man living on
13 food stamps. And he's never done that before.

14 You saw what he said when I asked him about how
15 this affected the way he felt about him being unable to care
16 for his wife and his children. This is just a horrible
17 situation. And it cries out for justice. And it's all we can
18 do.

19 They're not accepting responsibility. And I want
20 you to do what you think is right, and what is fair, and what
21 is just. When we sue for an amount here, we have to put a top
22 figure in it. And I said, and he read, and he read correctly,
23 "...which the jury deems fair and just, but not to exceed two
24 and a half million dollars."

25 It's not for me to say what this case is worth.