

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

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DANA HOLLOWAY, LCR #11, CCR #455  
MILLER & MILLER COURT REPORTERS  
Knoxville, Tennessee 37943  
Phone (865) 675-1471 / Fax (865) 675-6398  
E-mail: jmcon3590@aol.com

1 here. I don't think damages should be an issue here. But I  
2 want you to do what you think is right, and what you think is  
3 fair, and what you think is just.

4 You go back and you decide he's entitled to  
5 whatever the football coach at the university makes in a year  
6 after losing five games -- two million dollars. And if you  
7 give him half that amount, you give him half justice, but you  
8 give him injustice. Just do what you think is right. Treat  
9 him the way he should be treated. He didn't do anything to  
10 cause this. And these people have been horrible to him.

11 THE COURT: All right. Thank you,  
12 Mr. English.

13 All right. At this time, ladies and gentlemen  
14 of the jury, the Court is going to give you your final  
15 instructions and your jury charge. You will get a  
16 copy of this to take back to the jury room with you,  
17 but I always read it anyway before you go back.

18 JURY CHARGE

19 Now that you have heard and seen all the evidence  
20 in this case, and have heard the final argument of the  
21 attorneys, it is my duty to instruct you on the law which  
22 governs this case.

23 It is your duty as jurors to follow the law as  
24 stated in these instructions, and to apply the rules of law to  
25 the facts as you find them from the evidence in this case. You

1 are not to single out any one instruction as stating the law by  
2 itself. You should consider all these instructions as a whole.

3 You were selected and sworn as jurors in this  
4 lawsuit to decide the issues of facts and to apply the law to  
5 those facts as the Court gives the law to you.

6 You are to perform this duty without any bias or  
7 prejudice to any party. Our system of law does not permit  
8 jurors to be governed by sympathy, prejudice, or public  
9 opinion.

10 The Court, the parties, and the public expect  
11 that you will carefully and impartially consider all the  
12 evidence in the case, follow the law as stated by the Court,  
13 and arrive at a verdict that you think is just, fair, and  
14 right, under all of the proof.

15 The issues for you to decide are as follows:

16 Number one, was the defendant, Fox of Oak Ridge,  
17 negligent?

18 Number two, was the defendant, Fox of Oak  
19 Ridge's, negligence a legal cause of injuries to the plaintiff  
20 Thomas Neely?

21 Number three, if so, what is the total amount of  
22 compensatory damages that the plaintiff Thomas Neely is  
23 entitled to recover?

24 Let me talk to you about burden of proof again.

25 This, of course, is a civil case. The plaintiff has a burden