

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE, TENNESSEE

Thomas Neely, :
 :
 Plaintiff, :
 :
 vs. : Case No. 3:05-cv-304
 :
 Fox of Oak Ridge, : **Jury Trial-Day 1**
 :
 Defendant. :

Transcript of proceedings before the Honorable H. Bruce Guyton,
U. S. Magistrate Judge, on June 20th, 2006.

Appearances:

On behalf of the Plaintiff:

Robert J. English, Esq.
Michael C. Inman, Esq.
Knoxville, Tennessee

On behalf of the Defendant:

Clint J. Woodfin, Esq.
Jennifer M. Caywood, Esq.
Knoxville, Tennessee

Court Reporter:

Donnetta Kocuba, RMR
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(865) 524-4590

1 MR. ENGLISH: Have any of you ever been involved in
2 a personal injury lawsuit arising out of any kind of personal injury,
3 whether you sued someone or someone has sued you? Mr. (Juror
4 137), you held your hand up?

5 JUROR NO. 137: Yeah, my boy was— he graduated, his
6 graduation, him going to school. Well, I don't know if I can talk
7 about it, but, anyway, got his nose the car just a little bit over the
8 white line, they was a officer hit him, didn't even— and I got sued
9 for \$300,000.

10 MR. ENGLISH: Do you think that would cause you
11 any problems in sitting in this case and listening to the facts and
12 applying the law the judge gives you at the end of the trial and
13 doing what's right and what's just in this case?

14 JUROR NO. 137: I would think so.

15 MR. ENGLISH: We want you to sit on this case if you
16 feel comfortable doing that, but, you know, we're entitled to a fair
17 trial just like the corporation, the Fox Corporation's entitled to a
18 fair trial. And if the fact that you had been— had a suit filed against
19 you once before, would cause you any problems, you know, we
20 need to know it now.

21 JUROR NO. 137: I'm still taking medication from it.
22 It's not been over long.

23 MR. ENGLISH: Okay. When you say you're still
24 taking medication, were you actually in the lawsuit yourself— were
25 you in the car yourself?

1 JUROR NO. 137: No. I was at work.

2 MR. ENGLISH: Did it just tear up your nerves?

3 JUROR NO. 137: Yeah.

4 MR. ENGLISH: Okay. Would that cause you any
5 problems?

6 JUROR NO. 137: That's one of the things I don't know
7 if I could give a- I mean, I don't have a good education to start
8 with.

9 MR. ENGLISH: You're doing fine, sir, you're doing
10 fine, sir.

11 JUROR NO. 137: I can't spell. But the thing that
12 bothers me is whether I, personally, myself, make the right
13 decision. I would hate to- the Bible tells us, "Judge not lest thou be
14 judged," and I try to live my life by the Bible. And I would hate to
15 find him not guilty and him be guilty, me not knowing for sure.

16 MR. ENGLISH: Would you feel more comfortable not
17 sitting on this particular jury, in light of the fact of what you just
18 told us and the fact that you're still taking medication because of
19 that? Would you feel more comfortable?

20 JUROR NO. 137: Probably would, because I've not
21 took my medication this morning.

22 MR. ENGLISH: Okay, sir. Your Honor, I would like
23 to have this man excused.

24 THE COURT: All right. The Court will grant your
25 request. Mr. (Juror 137), the Court appreciates your honesty in

1 for cause at this point, given what he's told the Court and us about
2 how he feels about this case.

3 THE COURT: Mr. (Juror 23), are you telling us that
4 you're concerned about your ability to reach a fair verdict in this
5 matter if there's a claimed element of pain as part of the Plaintiff's
6 damages?

7 JUROR NO. 23: Yes, sir.

8 THE COURT: Any comment, Mr. English?

9 MR. ENGLISH: Your Honor, I can't object to this
10 man's statements. I certainly don't object.

11 THE COURT: All right. The request will be granted.
12 Mr. (Juror 23) will be excused for cause. Madam Clerk, if you'll
13 call another juror, please. Mr. (Juror 23), I believe the Clerk's
14 Office will call— or you need to call and check in with the Clerk's
15 Office.

16 (Discussion between Court/courtroom deputy off the record.)

17 THE COURT: Okay. Well, you have to report back,
18 yes, sir. Thank you, sir.

19 (Juror No. 23 excused; and Juror No. 154 called.)

20 (Juror 4 spoke off the record to court security officer; court
21 security officer spoke off the record at the bench with the Court.)

22 THE COURT: Would this impact your ability to sit on
23 the jury?

24 JUROR NO. 4: (Nodded.)

25 THE COURT: It would? All right. Why don't we have

1 THE COURT: Have you ever served on a jury before in
2 a civil case?

3 JUROR NO. 11: No, sir.

4 THE COURT: Have you ever served on a jury in a
5 criminal case?

6 JUROR NO. 11: No, sir.

7 THE COURT: Having heard everything that's been
8 said in court this morning so far, do you know of any reason why
9 you could not sit on this jury and render a fair verdict based solely
10 on the evidence presented in court, in the context of the Court's
11 instructions of the law?

12 JUROR NO. 11: No, sir.

13 THE COURT: All right. The Court is going to find that
14 this juror is qualified. I suppose we'll let Mr. Woodfin continue;
15 and, of course, Mr. English can ask questions if he wants.

16 MR. WOODFIN: Your Honor, did you want to inquire
17 of Mr. (Juror 154) the same general questions? I don't think we
18 had an opportunity to ask him if he heard all those questions.

19 THE COURT: I do want to do that. I just lost my place
20 for a minute. Good morning to you, Mr. (Juror 154).

21 JUROR NO. 154: Good morning.

22 THE COURT: Were you able to hear all of the
23 questions that have been asked and the answers given so far, sir?

24 JUROR NO. 154: Yes, sir.

25 THE COURT: Do you know Mr. Neely?

1 THE COURT: And you don't have anyone to cover for
2 you this week?

3 JUROR NO. 19: No. There's just the two of us that are
4 in the graphic design, and the other gentleman's at Disney World
5 right now.

6 THE COURT: Okay. If only you'd known, you could
7 have gone to Disney World?

8 JUROR NO. 19: Believe me, I'd much rather be there.

9 THE COURT: Well, in light of your— what I would call
10 exemplary service recently, I'm tempted to go ahead and excuse
11 you for cause, sir. We appreciate people who sacrifice for the
12 community by serving on a jury, but we don't want to beat them to
13 death at the same time.

14 Counsel, Mr. English, do you have any comments?

15 MR. ENGLISH: We certainly have no objections.

16 THE COURT: Mr. Woodfin?

17 MR. WOODFIN: No objection at all.

18 THE COURT: All right, sir. We will go ahead and
19 excuse you for cause.

20 JUROR NO. 19: Okay. Very sorry.

21 THE COURT: That's fine. I understand. We've already
22 cost you half a day.

23 JUROR NO. 19: I think he'll let me off on that.

24 (Juror 19 excused and left the courtroom.)

25 THE COURT: Madam Clerk?