

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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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