

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:

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1 answering these questions.

2 MR. ENGLISH: That's right.

3 THE COURT: Sometimes it's hard to be frank with the
4 Court and with attorneys. That's the best policy for everyone to
5 follow. You'll be excused. Madam Clerk will call another
6 potential juror to take your place. Thank you, sir.

7 JUROR NO. 137: You're welcome.

8 (Juror No. 137 excused; and Juror No. 9 called.)

9 THE COURT: All right. Good morning, Ms. (Juror 9).

10 JUROR NO. 9: Good morning.

11 THE COURT: All right. Do you know any of the
12 attorneys in this case?

13 JUROR NO. 9: No, sir.

14 THE COURT: Ever had any dealings with them in the
15 past? What about Mr. Neely; do you know him?

16 JUROR NO. 9: No, sir.

17 THE COURT: Do you know Mr. Fox?

18 JUROR NO. 9: No, sir.

19 THE COURT: Have you ever had any business dealings
20 with Fox of Oak Ridge?

21 JUROR NO. 9: I have a Toyota Corolla, and I bought
22 my car through the one in Anderson County.

23 THE COURT: Fox Toyota?

24 JUROR NO. 9: Yes.

25 THE COURT: Okay. When did you do that?

1 JUROR NO. 9: 2004. And I love my car.

2 THE COURT: And you love your car. Okay. Well,
3 Toyota's not on trial here so that's okay. Does the fact that you
4 purchased that vehicle a couple years ago— I assume you've had a
5 pleasant experience with that. Would that affect in any way your
6 ability to hear and try this case fairly? This is a collision between
7 two vehicles. That's the essence of this case.

8 Do you think that you can still do that?

9 JUROR NO. 9: Yes.

10 THE COURT: Okay. Are you a party in any lawsuits
11 now yourself?

12 JUROR NO. 9: No, sir.

13 THE COURT: Any family members in any lawsuits?

14 JUROR NO. 9: No, sir.

15 THE COURT: Have you ever been a party to a lawsuit?

16 JUROR NO. 9: No, sir.

17 THE COURT: Any family members ever been a party to
18 a lawsuit?

19 JUROR NO. 9: No, sir.

20 THE COURT: That's un-American.

21 (Laughter.)

22 THE COURT: All right. Do you know of any reason
23 why you could— where you would have any type of problem
24 whatsoever— I assume you've listened to all the questions and
25 answer that have been given so far, correct?

1 JUROR NO. 9: Correct.

2 THE COURT: Do you know of any reason whatsoever
3 that you would not be able to sit on this jury and render a fair
4 verdict based solely on the evidence presented in court and in the
5 context of the Court's instructions and the law?

6 JUROR NO. 9: No, sir.

7 THE COURT: Okay. Have you ever served on a jury
8 before?

9 JUROR NO. 9: No. I have been called many, many,
10 many times, but I've never actually served.

11 THE COURT: Okay. All right. The Court is going to
12 find that this juror is qualified. Mr. English, if you would like to
13 continue your examination of the entire panel.

14 MR. ENGLISH: Ms. (Juror 9), I'll just ask you a
15 couple of questions. Could you hear the questions I asked the other
16 members of the jury?

17 JUROR NO. 9: Yes.

18 MR. ENGLISH: Would you have answered any
19 differently than they did?

20 JUROR NO. 9: (Shook head.)

21 MR. ENGLISH: Okay. I'll direct this to the other
22 members of the jury. Do any of you know of any reason why you
23 can't sit on this jury, listen to the facts and do what's right in this
24 case, do justice? Can you all do that?

25 Mr. Neely has some problems with his back, and from time to