

**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,	:	<b>Jury Trial-Day 1</b>
	:	
Defendant.	:	

Transcript of proceedings before the Honorable H. Bruce Guyton,  
U. S. Magistrate Judge, on June 20<sup>th</sup>, 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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Knoxville, Tennessee 37902  
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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