

**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 same question. Would you have any problems, if we prove our
2 case, as we must, by a preponderance of the evidence, not beyond a
3 reasonable doubt, in awarding an adequate award in this particular
4 case, if we prove it?

5 JUROR NO. 154: I wouldn't have any problem with it.

6 MR. ENGLISH: Thank you very much.

7 THE COURT: All right. Thank you, counsel. there are
8 peremptory challenge forms on your table. If you'd please execute
9 those promptly, and, Madam Clerk, if you'll collect those.

10 COURTROOM DEPUTY: Yes, your Honor.

11 (Counsel filled out juror strike sheets; Court reviewed them.)

12 THE COURT: All right. Mr. (Juror 154), you are
13 excused; and Ms. (Juror 8), you are excused; and Mr.— I'm sorry—
14 Ms. (Juror 29), you are excused. If you'll just report back
15 tomorrow morning, please. Thank you.

16 (Jurors 8, 29 and 154 excused and left the courtroom.)

17 THE COURT: Madam Clerk, if you could give us three
18 jurors, please.

19 COURTROOM DEPUTY: Yes, your Honor.

20 (Whereupon, Jurors 27, 7 and 18 were called to the jury box.)

21 THE COURT: Good morning to you folks. Have all of
22 you had a chance to hear the questions that have been asked and the
23 answers given so far? If so, please raise your right hand, all three
24 of you. Thank you.

25 Do any of you know Mr. Neely? Do any of you know Mr. Fox?

1 heads, and it's part of driving in East Tennessee, I think,
2 sometimes. Was anyone injured in that accident?

3 (All three jurors shook heads no.)

4 MR. WOODFIN: Was there any type of lawsuit filed
5 over any of those issues that were involved in that accident?

6 JUROR NO. 7: No.

7 MR. WOODFIN: Was it such an accident that there
8 was just minor damage done to the automobiles involved?

9 (All three jurors nodded yes.)

10 MR. WOODFIN: Do you think that will impact your
11 ability to listen to the evidence in this case? We're going to see
12 some pictures of the cars, hear testimony about how the accident
13 happened. Do you think that will impact you any way, negatively
14 or positively?

15 (All three jurors shook heads no.)

16 MR. WOODFIN: Okay. Thank you all.

17 THE COURT: All right. Counsel, the forms are on your
18 table. Madam Clerk, if you would collect those, please.

19 All right. Mr. (Juror 7), you are excused, sir. You need to
20 report back in the morning. Appreciate your patience this morning.

21 (Juror 7 excused and left the courtroom.)

22 THE COURT: Madam Clerk, if you would call another
23 juror, please.

24 (Whereupon, Juror No. 19 was called to the jury box.)

25 THE COURT: All right. Mr. (Juror 19), is now going

1 JUROR NO. 6: No.

2 MR. WOODFIN: Were they related to anything at work?

3 JUROR NO. 6: No, not really.

4 MR. WOODFIN: And I guess I should disclose, I think
5 you work at OMI; is that correct?

6 JUROR NO. 6: Yes.

7 MR. WOODFIN: My law firm does some work for that
8 company, Spicer, Flynn & Rudstrom. I don't know if you've ever
9 come across us—

10 JUROR NO. 6: No.

11 MR. WOODFIN: —in your dealings with your
12 particular company. Okay, sir. Thank you. And, Ms. (Juror 11), I
13 don't mean to ignore you, but I understand your daughter has a
14 criminal case that's still going on?

15 JUROR NO. 11: (Nodded.)

16 MR. WOODFIN: But you don't think that's going to
17 affect your ability in this matter?

18 JUROR NO. 11: (Shook head no.)

19 MR. WOODFIN: Thank you.

20 THE COURT: Thank you, counsel. Your forms are on
21 the table in front of you. Madam Clerk, if you'll collect those
22 forms, please. All right. Mr. (Juror 6), you will be excused.
23 Appreciate you being here today and being patient with us. Report
24 back in the morning, please.

25 (Juror No. 6 excused and left the courtroom.)