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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 (No response.)

2 THE COURT: Have any of you had any association or
3 business dealings, personal dealings, or anything of that nature,
4 with the Plaintiff or with Fox of Oak Ridge in the past or currently?

5 (No response.)

6 THE COURT: Do any of you know the attorneys here,
7 Mr. English or Mr. Inman for the Plaintiff, Mr. Woodfin for the
8 Defendant? Ever had any dealings in the past with them or any
9 family members had any dealings with them?

10 (No response.)

11 THE COURT: Have you heard anything about this case
12 prior to today, any of you? No? Okay. Are any of you or a family
13 member currently a party to a lawsuit of any kind? Have any of you
14 been a party to a lawsuit in the past of any kind?

15 (No response.)

16 THE COURT: This is a civil case, of course. Have any
17 of you served on a civil jury before? No? How about a criminal
18 jury? All three of you. Was that here in federal court recently?

19 (Jurors nodded.)

20 THE COURT: Okay. Any of you have any difficulties
21 or problems that would give you some trouble if we had to have
22 you here for a couple days on this case? No? Okay. Do any of you
23 know of any reason why you could not sit on this jury and render a
24 fair verdict based on the evidence presented and in the context of
25 the Court's instructions on the law as the Court gives it to you?

1 (No response.)

2 THE COURT: Okay. Very good. Mr. English, the
3 Court will find these three prospective jurors qualified. Would
4 you like to question them?

5 MR. ENGLISH: Yes, your Honor. Ladies and
6 gentlemen, I'll just direct my questions to Mr. (Juror 7), Ms. (Juror
7 27), and Ms. (Juror 18). Could you hear all the questions that I
8 previously asked the members of the jury? Would you have
9 answered any differently than they did?

10 (No response.)

11 MR. ENGLISH: If we prove our case by a
12 preponderance of the evidence, would you have any problems in
13 awarding an adequate award to Mr. Neely for the injuries he
14 suffered if the medical proof shows that he is entitled to it, a
15 substantial award? Can you do that?

16 Mr. (Juror 7), I believe you work with Pilot in the accounting
17 department?

18 JUROR NO. 7: That's correct.

19 MR. ENGLISH: And how long have you been with
20 Pilot, sir?

21 JUROR NO. 7: I believe four years.

22 MR. ENGLISH: Four years?

23 JUROR NO. 7: That's correct.

24 MR. ENGLISH: Do you work with Mr. Bietz
25 (phonetic), Jerry Bietz (phonetic)?

1 JUROR NO. 7: Yes, sir, I do.

2 MR. ENGLISH: Ms. (Juror 27), you're an accountant
3 at TVA?

4 JUROR NO. 27: Yes.

5 MR. ENGLISH: Okay. And how long have you been
6 with TVA?

7 JUROR NO. 27: Five years.

8 MR. ENGLISH: Okay. Would the fact that you are
9 with TVA, would that cause you any problems in sitting in this
10 case, if it ran over a couple days?

11 JUROR NO. 27: No.

12 MR. ENGLISH: Okay. Ms. (Juror 18), I believe you're
13 an engineer?

14 JUROR NO. 18: (Nodded.)

15 MR. ENGLISH: What type?

16 JUROR NO. 18: Quality.

17 MR. ENGLISH: Quality? Okay. Got two of you back
18 there together. Who are you with, ma'am?

19 JUROR NO. 18: Siemens Medical.

20 MR. ENGLISH: Okay. What does your job as a quality
21 engineer with Siemens Medical require you to do? Does it have
22 you interact with doctors on doctors' offices, on a basis—

23 JUROR NO. 18: No, no interaction.

24 MR. ENGLISH: Okay. Would the fact that we sued
25 and there are medical issues involving Mr. Neely's future in this

1 case, would that cause you any problems one way or the other?

2 JUROR NO. 18: No, sir.

3 MR. ENGLISH: Of the three of you that were just
4 seated, Ms. (Juror 18), Ms. (Juror 27), Mr. (Juror 154)—I mean, Mr.
5 (Juror 7), do any of you have any feelings one way or the other
6 about lawsuits?

7 JUROR NO. 7: No.

8 JUROR NO. 18: (Shook head.)

9 JUROR NO. 27: (Shook head.)

10 MR. ENGLISH: We've had a very candid interchange
11 among the jurors today, and I appreciate that. All we want is a fair
12 shot; all we're entitled to is nothing less than that. Can you all do
13 that?

14 JUROR NO. 7: Yes, sir.

15 JUROR NO. 18: (Nodded.)

16 JUROR NO. 27: (Nodded).

17 MR. ENGLISH: Thank you.

18 THE COURT: Thank you, counsel. Mr. Woodfin?

19 MR. WOODFIN: Thank you. Ms. (Juror 18), Mr. (Juror
20 7), and Ms. (Juror 27), I had asked the earlier folks that were sitting
21 in your seat if they had ever been involved in an automobile
22 accident. Have any of you three ever been involved in an
23 automobile accident?

24 JUROR NO. 7: Several.

25 MR. WOODFIN: All three of you are shaking your

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