

**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. WOODFIN: Okay. So that was something that
2 you just took care of on your own?

3 JUROR NO. 32: Yes.

4 MR. WOODFIN: How many years ago, approximately,
5 was that?

6 JUROR NO. 32: Twenty-five years ago.

7 MR. WOODFIN: Okay. All right. Do you think that
8 might impact your ability to sit and listen to the evidence in this
9 case at all?

10 JUROR NO. 32: No, sir.

11 MR. WOODFIN: Okay. Thank you.

12 THE COURT: All right, counsel. Madam Clerk, if you
13 would collect the forms, please. All right. The Court finds the jury
14 qualified, and these individuals will be the jury in this case. Those
15 of you who remain, the few of you who are remaining, thank you
16 for your patience this morning, and ask you to just come back
17 tomorrow morning for— find out whether you will be called to a
18 jury tomorrow. All right? Thank you.

19 All right. At this time, the Court is going to ask the members
20 of the jury to please stand, and the Court is going to swear you in.
21 Please stand, raise your right hand. Do you and each of you
22 solemnly swear or affirm that you will well and truly try the matters
23 in issue now and on trial and render a true verdict according to the
24 law and the evidence, under all penalties of perjury; do you? If so,
25 each of you please say, "I do."

1 (Petit jury sworn.)

2 THE COURT: Very well. You may be seated. All
3 members of the jury have made their oath, Madam Court Reporter. I
4 would like to give the jury as quickly as reasonably possible their
5 preliminary instructions, because they do involve the instructions
6 about discussing matters and so forth before we take a recess.
7 Now, is that acceptable to the parties?

8 MR. WOODFIN: That's fine, your Honor.

9 THE COURT: Mr. English?

10 MR. ENGLISH: Fine.

11 THE COURT: Does anyone want the rule to be enforced
12 at this point or do you want to wait until opening statements or do
13 you want to wait until evidence?

14 MR. WOODFIN: I have no preference one way or the
15 other, your Honor. I think we just have one witness.

16 MR. ENGLISH: There's just one witness, other than
17 the parties.

18 THE COURT: All right. Well, then, if it's not
19 requested at this time, then we'll proceed on. All right. Now,
20 members of the jury, the first thing I want to tell you is, I think one
21 of the potential jurors mentioned earlier, that he sat as an alternate
22 at one time and at the end of the case he wasn't allowed or didn't
23 get a chance to participate in the decision-making.

24 This is a civil case; we don't have alternates. Everyone who
25 hears all the evidence will participate in the deliberations. So there