

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 of availability.

2 We'll take a recess and we'll come back and we'll start into
3 this case. All right.

4 (Recess had 10:43 a.m.; reconvened without jury 11:08 a.m.)

5 THE COURT: All right. Be seated, please. Counsel,
6 you had a matter?

7 MR. ENGLISH: Oh, yes, your Honor. I'm sorry. There
8 was some question about entering exhibits. I just have ten exhibits.
9 Do you want me to just enter them all at one time? Is that what you
10 asked the other day?

11 THE COURT: Sure. Unless there's some objection.

12 MR. ENGLISH: No, no, no. That's not usually the way
13 I've done it before, but I think that's probably maybe a more
14 efficient way to do it.

15 THE COURT: Well, I tell you what. I'll give you the
16 choice. If your traditional way of doing it is the other way, that's
17 fine, or—

18 MR. ENGLISH: I like to try new things, your Honor.

19 THE COURT: Okay. I'm just trying to make it easier.

20 MR. ENGLISH: I appreciate that.

21 THE COURT: All right. Anything else we can take up
22 before we bring the jury back in? Madam clerk, if you'll have the
23 officer bring the jurors in. Everyone please rise for the jury.

24 (Jury reconvened in courtroom at 11:10 a.m.)

25 THE COURT: All right. Members of the jury, welcome

1 again to jury service in federal court. Now that you have been
2 sworn as a jury to try this case, the Court will give you some
3 preliminary instructions on your proper role and conduct as
4 members of the jury.

5 As the jury, you have an important responsibility to decide
6 what the facts are that are in dispute in this case. As the judge, I
7 will decide all questions of law and procedure from time to time
8 during the trial, and at the end of the trial I will instruct you on the
9 rules of law that you must follow in making your decision.

10 You, the members of the jury, will decide what the facts are
11 from the evidence that will be presented in court. You and you
12 alone are the judges of the facts. You will hear the evidence, decide
13 what the facts are, and then apply the law I give you to those facts.
14 You must follow the law which I give you whether you agree with it
15 or not. That is how you will reach your verdict.

16 Please do not take anything I say or do during the trial as
17 indicating what your verdict should be. For example, do not be
18 influenced by the judge taking notes at some times and maybe not
19 others or asking a lawyer to repeat a question or a witness to repeat
20 an answer.

21 The evidence will consist of the testimony of the witnesses,
22 all documents and other tangible things received into evidence as
23 exhibits, and any facts that the lawyers agree on or that I instruct
24 you you should accept as being true.

25 In a moment the lawyers for each of the parties will make what