

**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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Knoxville, Tennessee 37902
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1 follow another vehicle more closely than is reasonable and prudent,
2 having due regard for the speed of such vehicles, and the traffic
3 upon and the condition of the highway.”

4 Now, even though the court reporter here is taking down notes
5 of everything being said in the courtroom, a typewritten copy of
6 those notes, unfortunately, is not going to be available to you
7 during the deliberations. Therefore, pay close attention to the
8 testimony of the witnesses.

9 Any exhibits that are admitted into evidence will go with you
10 to the jury room when you are sent to deliberate. So you will have a
11 chance to look at them at that time as much as you want if you wish
12 to do so.

13 I want to talk to you again about the rules of proper behavior
14 for a member of the jury. I cannot emphasize enough how
15 important it is for you to obey these rules so we can be sure that the
16 parties get a fair trial.

17 As I stated before our break, you must not talk to your fellow
18 jurors about this case until you are sent to the jury room to decide
19 on your verdict. Just as important, do not talk to anyone who has
20 anything to do with this case, the lawyers, the parties, the
21 witnesses, or anyone associated with them.

22 They certainly understand that you should not have any
23 conversations with them while the trial is going on, even to say
24 good morning, so as to avoid even the appearance of an improper
25 contact. Our system of justice requires you not only be fair and

1 impartial, but that you also give every appearance of being fair and
2 impartial.

3 Second, do not talk with anyone else about this case until the
4 trial is completely over. Anyone else includes members of your
5 family and your friends. You can tell them that you are serving as a
6 juror in a case in federal court, but please do not tell them anything
7 else about this case until it is finished.

8 Of course, do not let anyone talk to you about the case. If
9 someone should try to talk to you, you should immediately report
10 that to the court security officer or the Court or courtroom deputy,
11 and we'll take care of it.

12 Fourth, if you should start to hear anything on the radio or
13 television about this case or an article in the newspaper, so forth,
14 do not let yourself hear or see that. I have no idea whether or not
15 that might occur, but do not get involved in exposing yourself to
16 any media coverage of this matter.

17 Finally, and this is very important in this internet age, do not
18 try to gather any information or do some other type of investigation
19 on your own that might relate to the facts of this case.

20 Okay. It's likely that we'll be here beyond today, we'll be
21 back here tomorrow. Although it may not be true, it probably will
22 be true. Do not make any effort to investigate this matter on your
23 own. Do not go anywhere near where the scene of this accident
24 occurred. Do not try to do any research, newspapers, or on the
25 internet, about this accident or about any of the other issues or

1 evidence that are brought before you in court. Your decision is to
2 be based strictly and solely on the evidence that is given to you
3 through the witnesses and the exhibits in this courtroom.

4 Mr. English, I think there's one witness in the courtroom. I
5 don't know if more have arrived, but is the rule requested at this
6 time?

7 MR. ENGLISH: Yes, your Honor, we request the rule.

8 THE COURT: All right. Anyone who is other than Mr.
9 Neely and Mr. Fox needs to step outside the courtroom at this time,
10 anyone who thinks you may be a witness in this case. Mr. Woodfin,
11 if you have any witnesses, ask them to step outside, please. Don't
12 go far, though, sir. We'll come get you when we need you.

13 All right. It is now the time for the opening statements by the
14 attorneys. Generally, we've agreed upon a 15-minute time limit for
15 opening statements, and I thank you for that.

16 Mr. English, or Mr. Inman, you may begin.

17 MR. ENGLISH: Ladies and gentlemen, two years ago,
18 on a warm, hot July day, Tom Neely's life was changed forever. He
19 was going to work, going to work to a job that he loved at the
20 Ridgeview Psychiatric Facility. Been working there for a year and
21 a half.

22 He lived in Kentucky, drove near 100 miles to work one way,
23 because he loved the job and it was the best job he had ever had. He
24 had worked at Scott County Hospital for about 12 years, security
25 and orderly, doing hard work.