

**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
800 Market Street, Suite 132
Knoxville, Tennessee 37902
(865) 524-4590

1 So the only thing we're suing for now is for the damages that this—
2 and the effect that these damages had on Tom.

3 We ask you to listen carefully and give us adequate
4 compensation. Thank you.

5 THE COURT: Okay. Thank you, counsel. Mr. Woodfin?

6 MR. WOODFIN: Good afternoon, everybody. Thank
7 you for being patient in listening to us as we make these opening
8 statements regarding what we think the evidence is going to prove
9 in this case. Judge Guyton will tell you also, what we say to you
10 here is not evidence. It's our role as an advocate for our client, and
11 also is a role as an advocate for the legal system itself.

12 What I mean by that is, it's my goal to make sure that you all
13 understand all of the evidence in this case, use the evidence and the
14 instructions that are given to you by the Court, and decide this case
15 in a fair and reasonable way. That's all that we're asking today.

16 You understand, as we've talked about during the initial
17 meetings that we've had, that the Plaintiff has the burden of
18 proving all of these things to you by that preponderance of the
19 evidence standard. The Defendant, Mr. Fox and I, we don't have to
20 prove anything. We don't even have to put any evidence on.

21 But what we do do is take a look at their evidence and bring
22 out points which reflect against the weight of that evidence. And
23 after doing that in this case, it's my opinion that it's very clear that
24 the Plaintiff has not met his burden of proving these things by any
25 measure whatsoever.