

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 capacity. That one's easy for me. In my opinion, he has no claim for
2 lost earning capacity because of those other factors that I've said.

3 Other damages that he's going to be claiming require him to
4 meet that same burden, and if he can't meet that burden, you all
5 took an oath today saying you'd decide this case fairly and
6 impartially. While it may be difficult to award this man limited
7 damages, that's what you will have to do if you believe the
8 evidence does not meet the standards.

9 Our system works real well when the jurors listen to the
10 evidence and listen to the instructions that the Court gives, and I
11 suspect you're going to do that today.

12 I want to thank you all for taking the time to be here and
13 listening to what we have to say about it and letting us present the
14 case and letting me present the case on behalf of Fox of Oak Ridge
15 so that you can truly understand what's going on here. We'll try to
16 present this as clearly and concisely as possible so you can get to
17 the point where you can help us decide these issues. Thank you.

18 THE COURT: All right. Thank you, counsel. Members
19 of the jury, we're at the point now where we can begin taking
20 evidence in this case. Before we start taking evidence from any
21 witnesses, we're going to take a lunch break.

22 But I am going to tell you that there have been stipulations of
23 evidence or fact that have been made by the parties as part of the
24 preparation for this case. There are three stipulations of fact the
25 parties have agreed upon, and so I'm going to read these to you