

**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,	:	<b>Jury Trial-Day 1</b>
	:	
Defendant.	:	

Transcript of proceedings before the Honorable H. Bruce Guyton,  
U. S. Magistrate Judge, on June 20<sup>th</sup>, 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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(865) 524-4590

1 now. These will be the first three items of evidence that you will  
2 take in this case.

3 Number one, the Plaintiff, Thomas Neely, was a citizen and  
4 resident of McCreary County, Kentucky, at all times material to  
5 this case. Number two, Defendant was a citizen of the State of  
6 Tennessee at all times material to this case. Number three, on July  
7 12, 2004, the Defendant's driver, Benjamin Curd, was operating a  
8 Chevrolet van as the agent of the Defendant, Fox of Oak Ridge,  
9 Incorporated. There was a motor vehicle collision between the  
10 Defendant's van and the automobile driven by the Plaintiff,  
11 Thomas Neely.

12 All right. Counsel, I feel like— it's past 11:45, and we should  
13 go ahead and take a lunch break rather than start with the first  
14 witness, unless you have one that's just going to be 15 minutes.

15 MR. ENGLISH: No, your Honor. My first witness is  
16 going to be sort of lengthy.

17 THE COURT: I thought so. All right. Let's go ahead  
18 and take our break. If everyone could be back in the courtroom at  
19 one o'clock, back at one o'clock. Does that give everyone enough  
20 time? Members of the jury, if you will come to the back with the  
21 deputy clerk, she wants to make sure you each have your juror tag  
22 to wear when you leave the building.

23 (Recess had 11:48 a.m.; reconvened without jury 1:01 p.m.)

24 THE COURT: All right. Counsel, are we ready to bring  
25 in the jury?