

**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:

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1 Q. Have you gone out, at my request, and measured how high that  
2 hump is that they have to turn over?

3 A. Yes, I did.

4 Q. How high is that?

5 A. It's seven inches.

6 Q. Okay. I'm going to show you a picture which has been marked  
7 Exhibit 5. I'm going to put it up on the screen, hopefully, and I  
8 need some help in adjusting this, I believe. Right side up. Does  
9 Exhibit No. 5 show the hump you're talking about?

10 A. Yes, it does.

11 Q. Can you see that, Tom?

12 A. Yes, I do.

13 Q. Can the members of the jury see that? Is this the hump you're  
14 talking about right—right here?

15 A. Yes, it is. There is a large hump there. The road is real  
16 straight, and you can see a good distance.

17 Q. When the car, the vehicle in front of you, slowed down, what  
18 did you do? How fast were you going when it started to turn?

19 A. The road was wet and everything, so I was going maybe 35  
20 miles an hour. It's a 45 zone through there.

21 Q. Okay. Four lanes?

22 A. Yes.

23 Q. And whenever the car stopped in front of you or slowed down  
24 to turn, what did you do?

25 A. I also slowed and come almost to a dead stop.