

**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 Q. Okay. And when you came almost to a dead stop, what
2 happened to you?

3 A. I looked into my rearview mirror and seen a van was coming,
4 and I knew he wasn't going to be able to stop.

5 Q. Is that the van that hit you, the big van that hit you?

6 A. Yes, I presume. It was a white van coming at me.

7 Q. Okay. Show you another photograph which has previously
8 been marked as Exhibit 4, and does that show the direction that you
9 were coming from?

10 A. Yes. It shows the road where we were approaching, where he
11 was approaching, the area right there.

12 Q. There is a car in the background here that I'm pointing to?

13 A. Yes.

14 Q. Is that the direction you were going?

15 A. Yes. I was coming.

16 Q. Or coming towards you? Okay.

17 A. Yes.

18 Q. And this is a four-lane road running generally east and west in
19 Clinton; is it not?

20 A. Yes, it is.

21 Q. Okay. And where did you measure the curb to see that it was
22 seven inches, the bump?

23 A. Right there is— does it show up?

24 Q. Is this where you measured?

25 A. Yes, sir, just a little bit this way of that, uh-huh.