

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

1 Q. Right in there?

2 A. Yes, uh-huh.

3 Q. Okay. And how fast were you going, approximately, Tom,  
4 when you got impacted by the van?

5 A. I was almost to a stop.

6 Q. Okay. Did you have any trouble stopping and avoiding the car  
7 that you were following?

8 A. Oh, yeah, I wasn't— it made the turn successfully.

9 Q. Okay. You didn't hit it?

10 A. No.

11 Q. You weren't knocked into it?

12 A. No, sir.

13 Q. Okay. When you were hit, what happened to the car that you  
14 were in and what happened to you?

15 A. I presume I rolled forward. I was looking up at the ceiling of  
16 the vehicle after the impact.

17 Q. Why were you doing that?

18 A. After the impact I was slung forward, and then my seatbelt  
19 caught me, and I was ejected backwards, and I ended up in the back  
20 seat after the seat broke, and I was laying in a flat position, looking  
21 up at the top of the car.

22 Q. I'll show you Exhibit No. 1. Does that show the seat of your  
23 car that you were in when this wreck happened, in its broke  
24 position?

25 A. Yes. That appears to be it, yes.