

**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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1 Q. Okay. And I hand you also what's previously been marked as  
2 Exhibit No. 2. Does this show some of the damage to the rear of  
3 your car in this impact?

4 A. Yes, it does.

5 Q. Okay. What kind of a car was this, Tom?

6 A. It was a Kia Sephia.

7 Q. And does this show the same car that was in the impact?

8 A. Yes, it does.

9 Q. What happened to that car? Do you still have it?

10 A. No, I do not.

11 Q. Was it damaged in the wreck?

12 A. It was totaled.

13 MR. WOODFIN: Your Honor, I'll object to that  
14 response. That requires the Plaintiff to give information from  
15 another source, which would be hearsay. There's no proof in the  
16 record that Mr. Neely owned the car, and he's not competent to give  
17 testimony about the value of it.

18 MR. ENGLISH: Let me clarify it a bit, your Honor.

19 THE COURT: Are you withdrawing your last question?

20 MR. ENGLISH: No, your Honor. I'm going to clarify  
21 it, if I may.

22 THE COURT: All right.

23 Q. Who was the titled owner of this car?

24 (Plaintiff's Exhibit No. 3, a photograph, on viewing screen.)

25 A. My wife.