

VIRGINIA:

**IN THE JUVENILE AND DOMESTIC RELATIONS
COURT OF PRINCE WILLIAM COUNTY**

WESLEY C. SMITH,
Petitioner,

v.

CHERI SMITH,
Respondent.

IN RE: LIAM SMITH.
DOB: 7/22/97

Case No. J85021-01-00

MOTION FOR DISCOVERY

COMES NOW the Petitioner Wesley C. Smith (“the Father”), by counsel, and pursuant to Rule 8:15 of the Rules of the Supreme Court of Virginia, moves this Honorable Court to allow discovery in the above-styled matter, and in support thereof states as follows:

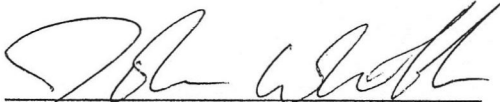
1. The Father has filed a Petition in this Court seeking permanent physical and legal custody of the parties' minor child Liam Smith ("the Child").
2. The Father has also filed a Motion seeking immediate visitation with the Child and requesting the Child's mother, Cheri Smith ("the Mother"), submit to a mental examination.
3. At issue in the aforesaid pleadings, is the mental health of the Mother as it pertains to the best interest of the Child pursuant to Virginia Code § 20-124.3.
4. The Father has repeatedly requested the Mother submit to a mental examination and comply with any recommended treatment but the Mother has refused to do so.
5. Upon information and belief, the Mother suffers from a severe mental illness that has severely impacted the emotional, mental and physical safety of the Child and the Father.

6. The Father cannot adequately prepare for trial in this matter without an assessment of the Mothers emotional and psychiatric condition to determine the extent, if any, to which said condition affects her ability to be a proper parent to the Child.

7. Discovery, in the form of interrogatories, document requests and a mental examination are necessary for this purpose.


WHEREFORE, the Father respectfully requests this Court to allow discovery in the above-styled matter.

**Respectfully submitted,
WESLEY C. SMITH
by Counsel**


John C. Whitbeck, Jr., Esquire
Kazem, Whitbeck, Seck & Kazem, PLC
15-D Loudoun Street, SW
Leesburg, VA 20175
(703) 777-1795
(703) 777-9079 (Facsimile)
Counsel for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of this pleading was sent via facsimile, this 3 day of January, 2003, to Loretta Vardy, Esquire 12388 Silent Wolf Drive, Manassas, Virginia 20112-7524, counsel for Respondent.


John C. Whitbeck, Jr.