

VIRGINIA:

IN THE CIRCUIT COURT OF THE COUNTY OF PRINCE WILLIAM COUNTY

Cheri Smith,
Complainant/Cross-Defendant,

v. Chancery No.: 53360-~~00~~

Wesley C. Smith,
Defendant/Cross-Complainant.

ANSWER TO CROSS BILL OF COMPLAINT

COMES NOW the Complainant/Cross-Defendant, Cheri Smith, ("the wife") by counsel, and in response to Defendant/Cross-Complainant, Wesley Smith's ("the Husband") Cross-Bill of Complaint respectfully states as follows:

1. The allegations contained in Paragraph 1 of the Cross-Bill of Complaint are admitted.

2. The allegations contained in Paragraph 2 of the Cross-Bill of Complaint are admitted.

3. The allegations contained in Paragraph 3 of the Cross-Bill of Complaint are admitted.

4. The allegations contained in Paragraph 4 of the Cross-Bill of Complaint are denied.

5. The allegations contained in Paragraph 5 of the Cross-Bill of Complaint are admitted.

6. The allegations contained in Paragraph 6 of the Cross-Bill of Complaint are admitted.

7. The allegations contained in Paragraph 7 of the Cross-Bill of Complaint are admitted.

8. The allegations contained in Paragraph 8 of the Cross-Bill of Complaint are admitted.

9. The allegations contained in Paragraph 9 of the Cross-Bill of Complaint are denied. Although living in the same house, the Parties have not cohabited since on or about September 17, 2002. They have separated bedrooms, maintain separate bank accounts. The Wife has performed the normal family tasks such as doing laundry, bathing, food shopping and preparation for herself and her son only. Defendant has provided for his needs.

10. The allegations contained in Paragraph 10 of the Cross-Bill of Complaint are admitted.

11. The Wife can neither deny or admit the allegations concerning the Husband's state of mind; however, since September

17, 2002, it has been the intention of the Wife that the Parties live separately and apart.

12. The allegations contained in Paragraph 12 of the Cross-Bill of Complaint are denied.

13. The allegations contained in Paragraph 13 of the Cross-Bill of Complaint are denied.

14. The allegations contained in Paragraph 14 of the Cross-Bill of Complaint are denied.

15. The allegations contained in Paragraph 15 of the Cross-Bill of Complaint are denied: the child has lived with both parents or with the Wife.

16. The allegations contained in Paragraph 16 of the Cross-Bill of Complaint are denied.

17. The allegations contained in Paragraph 17 of the Cross-Bill of Complaint are denied in part and admitted in part, specifically,

Sub-paragraph 17A, the allegations are admitted;

Sub-paragraph 17B., the allegations are denied;

Sub-paragraph 17C., the allegations are neither

denied nor admitted;

Sub-paragraph 17D., the allegations are denied;

Sub-paragraph 17E., the allegations are denied;

Sub-paragraph 17F., the allegations are denied.

18. The allegations contained in Paragraph 18., Sub-paragraphs A,B,C,D,E,F, of the Cross-Bill of Complaint are denied.

Count 1

Desertion

The Wife denies the allegation of Desertion. In support of her denial, the Wife states that:

1. The Husband by his conduct has been guilty of cruelty and constructive desertion thereby justifying the Wife's exit from the marital home.
2. Beginning around 1996 and continuing intermittently to the present, the Husband has harassed the Wife with false allegations of mental illness. Such allegations have been made not only to the Wife but to third parties and the Parties' child.
3. The Wife has sought counseling with and without the husband and has undergone mental health evaluations, yet the Husband is not satisfied. He has stated that only when he is convinced that there is no mental

illness will he stop making the allegations.

4. In about mid-June 2002, the Husband issued an ultimatum: that the Wife either get treatment for the alleged mental illness or leave the home. In response to this ultimatum and for her personal safety, the Wife, removed herself from their shared bedroom in the marital home and slept in the guest room.
5. On or about September 17, 2002, after an altercation, the Wife did leave the marital home and go to a neighbor's home. During her absence, the Husband did place her belongings in plastic bags and put them in the driveway in an effort to force the Wife from the home.
6. Since September 2002, the Parties have been involved in court actions for custody of their minor child.
7. As a hearing date of July 10, 2003 in the Juvenile and Domestic Relations Court for Prince William County approached, the Husband became more verbally abusive and aggressive towards the Wife. In reaction to the Husband's conduct the Wife removed herself and her son on or about the first weekend in June 2003.
19. The Wife neither denies or admits the allegations

contained in Paragraph 19 of the Cross-Bill.

20. The Wife denies the allegations contained in Paragraph 20 of the Cross-Bill of Complaint; the Husband by his verbal harassment of the Wife and false allegations of mental illness as well as other verbal and physical abuse have rendered her decision to leave the marital home as justified.

21. The Wife denies the allegations contained in Paragraph 21 of the Cross-Bill of Complaint. The date of Separation was September 17, 2002.

22. The Wife admits the allegations contained in Paragraph 22 of the Cross-Bill of Complaint.

COUNT II

Constructive Desertion

The Wife denies the allegation of Constructive Desertion. In support of this denial, the Wife states that

1. The Husband has abused, threatened, humiliated, and degraded the Wife and subjected her to his acts of cruelty. The Husband has many false allegations that the Wife suffers from a mental illness. He has made these

allegations not only to the wife but to third parties and the Parties' minor child.

2. On or about the first week in June 2002, the Husband issued an ultimatum to the Wife that she either get treatment for her alleged mental illness or move out of the house.
3. Since June 2002, the Husband has repeatedly attempted to force the Wife out of the marital home.
4. Since September 2002, the Husband has avoided being in the same room as the Wife.
5. The conduct of the Husband has resulted in the practical destruction of the Parties' home life and has rendered the marriage intolerable and impossible for the Wife to endure to a level constituting the constructive desertion of the marriage.

23. The Wife neither admits nor denies the allegations contained in Paragraph 23, of the Cross-Bill of Complaint.

24. The Wife denies the allegations contained in Paragraph 24, of the Cross-Bill of Complaint.

25. The Wife neither admits nor denies the allegations contained in Paragraph 25, of the Cross-Bill of Complaint.

26. The Wife admits the allegations contained in Paragraph 26, of the Cross-Bill of Complaint.

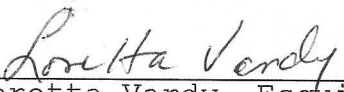
WHEREFORE, the Complainant/Cross-Defendant requests:

1. That this Court deny the Defendant/Cross-Complainant's requests as set forth in his Cross-Bill;

2. That the Court grant the Complainant/Cross-Defendant the relief she has sought in her Bill of Complaint;

3. That the Court grant the Complainant/Cross-Defendant such further relief as to the nature of the case or the goals of equity require.

Respectfully submitted,
Cheri Smith
by Counsel



Loretta Vardy, Esquire
12388 Silent Wolf Drive
Manassas, Virginia, 20112
Telephone: 703-791-6078
Fax: 703-791-7957
VSB# 22625

Counsel for complainant/Cross-Defendant

CERTIFICATION OF SERVICE

I hereby certify that a true and accurate copy of this pleading was sent via facsimile and first class mail postage prepaid, this 1st day of October, 2003 to John C. Whitbeck, Jr., Esquire, Kazem, Whitbeck, Seck & Kazem, PLC, 15-D Loudoun Street, SW, Leesburg, VA 20175

Lore Ha Vardy