

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF PRINCE WILLIAM

CHERI SMITH
Complainant

v.

WESLEY C. SMITH
Defendant

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Chancery No. 53360-00

MOTION FOR PENDENTE LITE RELIEF

COMES NOW the Complainant, Ms. Smith, by counsel, and moves this Court pursuant to Va. Code Ann § 20-103, for entry of an Order granting her *pendente lite* relief as requested below. In support of her MOTION the Complainant states as follows:

1. That a *Pendente Lite* Order was entered by this Court on October 2, 2003;
2. That the above-mentioned *Pendente Lite* Order granted sole legal and physical custody of the minor child, Liam R. Smith to the Complainant, Cheri Smith;
3. That the above-mentioned *Pendente Lite* Order granted the Defendant, Wesley C. Smith, visitation with the minor child;
4. That the above-mentioned *Pendente Lite* Order did not specify where the pick up for and return from visitation would take place;
5. That the Defendant has badgered the client at her residence on a number of occasions while picking up the minor child for visitation.
6. On Sunday, March 21, 2004, when the Complainant arrived at the Defendant's residence to pick up Liam, the Defendant opened the door and pushed a closed cardboard box out into the hallway and then closed the door without saying a word to the Complainant. Mrs. Smith stood

for a few moments then looked into the box whereupon she found Liam inside the box. This was especially distressing to Mrs. Smith as had almost left believing that Mr. Smith was keeping Liam. Her decision to look in the box was almost an afterthought.

7. That the Defendant has refused to meet the Complainant in a public place to pick up the minor child.

WHEREFORE the Complainant requests the following relief *pendente lite*:

1. That the Court amend the *Pendente Lite* Order dated October 3, 2003;.
2. That the Court establish an exchange point in a public arena for the exchange of the minor child;
3. An order awarding the Complainant's attorneys' fees incurred herein;
4. An order for such further relief as the nature of the case of the goals of equity require.

Respectfully submitted,

CHERI SMITH

By Counsel

Loretta Vardy

Loretta Vardy, Esquire
Virginia State Bar No. 26225
12388 Silent Wolf Drive
Manassas, Virginia 20112
(703) 791-6078
Counsel for Ms. Smith

CERTIFICATION OF NOTICE

This is to certify that on the 8th day of April 2004, a true copy of the foregoing MOTION FOR *PENDENTE LITE* RELIEF was hand delivered, postage prepaid, to the following:

Mr. Wesley Smith
3215 Ridge View Ct. #104
Woodbridge VA 22192

Loretta Vardy
Loretta Vardy

RECEIVED APR 10 2004

COPY

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Cheri Smith,
Complainant

v.

Chancery No.: 53360

Wesley C. Smith,
Defendant,

NOTICE AND MOTION

PLEASE TAKE NOTICE that on Friday, April 16, 2004, at 10:00 a.m. or as soon thereafter as this matter may be heard, the Plaintiff by Counsel will move this court to hear her MOTION For Pendente Lite Relief which is attached.

CHERI SMITH
By Counsel

Loretta Vardy
Loretta Vardy, Esq.
Counsel for the Plaintiff
VSB: 26225
12388 Silent Wolf Drive
Manassas, VA 20112
Telephone: 703-791-6078
Fax: 703-791-7957 (call first)