

**VIRGINIA:**

**IN THE CIRCUIT COURT FOR THE COUNTY OF PRINCE WILLIAM**

CHERI SMITH	)	
Plaintiff	)	
	)	
v.	)	Chancery No. 53360-00
	)	
WESLEY C. SMITH	)	
Defendant	)	

**MOTION FOR PENDENTE LITE RELIEF**

**COMES NOW** the Plaintiff, Ms. Smith, by counsel, and in support of her MOTION FOR *PENDENTE LITE RELIEF*, states as follows:

1. That the above matter is styled Cheri Smith v. Wesley C. Smith;
2. That a *PENDENTE LITE* Order was entered by this court on October 2, 1003;
3. That according to the terms of Paragraph 3.4 of said Order the Plaintiff is to have the first of her two week uninterrupted summer vacation starting at 7:00 P.M. on the third Friday in June through 7:00 P.M. on the until 7:00 P.M. on the Friday two weeks thereafter;
4. That according to Paragraph 3.7 of said Order, the Defendant is to have visitation with the minor child on Father's Day Weekend;
5. That the third Friday in June and the Friday of Father's Day Weekend are the same day;
6. That this constitutes a conflict the rulings contained in said Order;
7. That also in Paragraph 3.4 of said Order, the Plaintiff is granted summer visitation from 7:00 P.M. on the fourth Friday in July through 7:00 P.M. on the second Friday in August;
8. That in 2004, this would result in the Plaintiff having three consecutive weeks during her second summer vacation period;
9. That according to Paragraph 3.2A of said Order, the Defendant is to have weekday visitation "on Tuesday evenings beginning at 7:00 P.M. and ending Wednesday morning when he shall return the child to school";
10. That the Defendant has interpreted this Paragraph to mean that his weekday visitation ends at the point on Wednesday morning when he decides to bring the child to school not necessarily at the time when school begins;
11. That the Defendant has interpreted Paragraph 3.2A literally;
12. That school shall end within the next few weeks;
13. That the Plaintiff is willing to allow the Defendant additional time on Wednesdays during the summer as long as the Defendant will bring the child to the child's activities which are scheduled for Wednesday mornings, including but not limited to therapeutic horseback riding, speech therapy and occupational therapy;
14. That in the alternative, if the Defendant is unwilling to accompany the child to these activities, the Plaintiff is willing to allow the Defendant additional visitation on Wednesday mornings when the child does not have any activity other than regularly scheduled daycare;
15. That clarification about the summer schedule is requested;

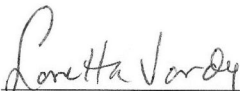
**WHEREFORE**, the premises considered, Plaintiff, prays as follows:

- A. That the Court amend the *Pendente Lite* Order of October 2, 2003 so that Plaintiff's first two week period, now scheduled from 7:00 p.m. on the third Friday in June through 7:00 p.m. on Friday two weeks thereafter, is scheduled from 7:00 p.m. on the fourth Friday in June through 7:00 p.m. on the Friday two weeks thereafter;
- B. That the Court confirm that the Defendant shall have visitation on Father's Day Weekend from after school on Friday through 7:00 p.m. on Sunday;
- C. That the Court confirm that the Plaintiff's second summer visitation period is a two week period
- D. That the Court clarify the *Pendente Lite* Order of October 2, 2003, concerning the Weekday Visitation Wednesday morning schedule;
- E. Any other relief which this Court deems proper.

Respectfully submitted,

**CHERI SMITH**

By Counsel



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

This is to certify that on the 4<sup>TH</sup> day of June 2004, a true copy of the foregoing Notice and Motion was mailed first class postage prepaid to :

Wesley C. Smith  
3215 Ridge View St. #104  
Woodbridge, VA 22192

Loretta Vardy  
Loretta Vardy

RECEIVED JUN - 5 2004

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF Prince William

Cheri Smith,  
Complainant

v.

Chancery No.: 53360

Wesley C. Smith,  
Defendant,

**NOTICE AND MOTION**

**PLEASE TAKE NOTICE** that on Friday, June 11, 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)