

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

NOTICE AND MOTION

PLEASE TAKE NOTICE that on Wednesday June 23, 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 following MOTION FOR PERMISSION TO FILE A LATE PLEADING.

MOTION FOR PERMISSION TO FILE LATE PLEADING

COMES NOW the Complainant, Ms. Smith, by counsel, and moves this Court pursuant to Rule 1:9 of the Rules of the Supreme Court of Virginia, and respectfully moves for leave of the Court to file responsive pleadings in this matter. In support of her MOTION the Defendant states as follows:

1. That the Complainant was served with the Defendant's Amended Cross-Bill of Complaint on or about March 20, 2004.
2. That on March 22, 2004, while attending to her father's estate, Complainant's Counsel fell and sustained injuries : a cracked left ankle, sprained right ankle and cracked a bone in her right foot as well as bruises.
3. That the fall took place in New Jersey which left Complainant's Counsel stranded at her sister's home for the remainder of the week.
4. That upon returning home the Counsel for the Complainant was completely unable to work for another week and thereafter began working a portion of each day

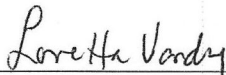
5. That on or about April 8, 2004, Complainant's Counsel did mail to the Defendant the Complainant's Answer's to the Amended Cross-Bill of Complaint.
6. That on April 9, 2004, Complainant's Counsel was using crutches and had air-casts on each ankle which caused her to try to make her brief case as light as possible. While emptying papers from her briefcase, she accidentally covered the Answers to the Amended Cross-Bill of Complaint on her desk.
7. That on or about April 9, 2004, Complainant's Counsel accidentally left the Answers to the Amended Cross-Bill of Complaint on her desk at her office when she left for court.
8. That Complainant's Counsel did not discover her mistake until more than a week had passed.
9. That there is no injury of disadvantage to the Defendant or his case as he had received the mailed copy of the Complainant's Answers.

WHEREFORE the Complainant requests the leave of Court to file late the Answers to the Defendant's Amended Bill of Complaint.

Respectfully submitted,

Cheri Smith

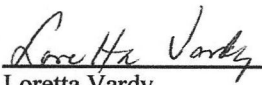
By Counsel



Loretta Vardy, Esquire
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(703) 791-6078
Counsel for Ms. Smith

CERTIFICATION OF NOTICE

This is to certify that on the 9th Day of June, 2004, a true copy of the foregoing Motion and MOTION FOR PERMISSION TO FILE LATE PLEADING was hand delivered to the Defendant, Wesley C. Smith, 3215 Ridge View St. #104, Woodbridge, VA 22192



Loretta Vardy