

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF Prince William

Cheri Smith,  
Complainant

v.

Chancery No.: 53360

Wesley C. Smith,  
Defendant,

**PRAECIPE**

The CLERK OF THE COURT will please remove the Plaintiff's *Pendente Lite* Motion Requesting a Public Exchange of the minor child, a copy of which is attached, from the docket of June 23, 2004.

Respectfully submitted,

**Cheri Smith**

By Counsel

*Loretta Vardy*

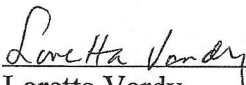
\_\_\_\_\_  
Loretta Vardy, Esquire  
Virginia State Bar No. 26225  
12388 Silent Wolf Drive  
Manassas, Virginia 20112  
(703) 791-6078  
Counsel for Ms. Smith

FILED  
2004 JUN 11 PM 12:07  
CIRCUIT COURT CLERK'S OFFICE  
PRINCE WILLIAM COUNTY VA.  
DAVID C. HABLE  
DEPUTY  
BY \_\_\_\_\_

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

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

And hand-delivered to Ronald Fahy, ESQ.  
9236 A Mosby Street  
Manassas, VA 20110

  
\_\_\_\_\_  
Loretta Vardy

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF PRINCE WILLIAM

CHERI SMITH )  
Complainant )

v. )

WESLEY C. SMITH )  
Defendant )

Chancery No. 53360-00

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CIRCUIT COURT CHANCERY OFFICE  
PRINCE WILLIAM COUNTY VA.  
DAVID C. JARBLE  
DEPUTY  
BY \_\_\_\_\_

**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

COPY

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

COPY

CERTIFICATION OF NOTICE

This is to certify that on the 8<sup>th</sup> 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

1/8/  
Loretta Vardy

