

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 on July 26, 2004, an IEP meeting was held with the Fairfax County Public Schools
The purpose of this meeting was to determine what educational supports Liam would need in the coming school year. Mr. Smith attended this meeting and behaved in a disruptive manner. He arrived wearing a T-shirt with writing upon it which referred to what a "good" mother did and did not do. The inappropriateness of his behavior was such that there was an overall feeling of discomfort among the participants. At one point, Ms. MaryAnn Parenelli, the resource specialist who lead the meeting, threatened to end the meeting.

5. That the above-mentioned *Pendente Lite* Order also specified two summer vacation periods for _____ each parent;
6. That the Complainant's second vacation period was to begin on the fourth Friday of July;
7. That on July 23, 2004 and July 24, 2004, the Defendant refused to return the minor child to the Complainant;
8. That on July 23, 2004 and July 24, 2003, the Defendant told the Complainant he would return the minor child to her if she agreed in writing that he would have visitation on Tuesday, July 27th and the weekend of July 30th. Mrs. Smith refused to sign such a document.
9. That sometime during the night-early morning of July 27th and July 28th, Mr. Smith posted flyers on the doors of the neighbors of Mrs. Smith. These posters contained a picture of Liam and stated that Liam's mother was abusive to him. It requested that the neighbors report any bruising which they might notice on Liam or any other suspicious acts.
10. That sometime during the night-early morning of July 27th and July 28th, Mr. Smith posted the same above-mentioned flyers at Mrs. Smith's place of employment.
11. On the morning of July 28th, Mr. Smith arrived at the facility where Liam takes therapeutic riding lessons. He was wearing another T-shirt which displayed a picture of Cheri Smith and stated that he had supported her while she obtained her M.B.A. and that she had slept with a co-worker.
12. That none of the above-mentioned actions are in the best interest of the minor child, Liam.

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

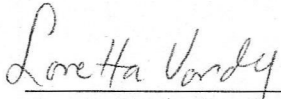
1. That the Court issue a *Pendente Lite* Order prohibiting the above-mentioned acts and conduct; specifically that Court Order Mr. Smith to refrain from saying, printing or otherwise displaying or promulgating negative statements about Mrs. Smith.
2. That the Court enter an Order which specifically prohibits Mr. Smith from saying, printing or otherwise displaying or promulgating negative, disrespectful or denigrating statements about Mrs. Smith in Liam's presence or hearing or to anyone who might repeat such statements to Liam.

3. That the Court enter an Order prohibiting Mr. Smith from saying, printing or otherwise displaying or promulgating negative, disrespectful or denigrating statements about Mrs. Smith in any public venue, including but not limited to Television, the internet or newspapers.
4. An order awarding the Complainant's attorneys' fees incurred herein;
5. An order for such further relief as the nature of the case or 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

CERTIFICATION OF NOTICE

This is to certify that on the 6th day of August 2004, a true copy of the foregoing MOTION FOR *PENDENTE LITE* RELIEF was hand delivered, to the following:

Mr. Ronald Fahy, Esq.
Guardian Ad Litem
9236 A Mosby Street
Manassas, VA 20110
703-369-7991

William Boge, Esquire
9315 Center Street, Suite 103
Manassas, VA 20110
Ph:703-367-9636
FAX: 703 -367-9635

Loretta Vardy

Loretta Vardy

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF Prince William

Cheri Smith,
Complainant

v.

Chancery No.: 53360

Wesley C. Smith,
Defendant,

PRAECIPE

This will confirm to the CLERK OF THE COURT that the above matter has been placed on the docket for August 17, 2004 @ 10:00 a.m., for a *Pendente Lite* hearing by agreement of all the parties.

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

8/17/04
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2004 AUG 10 AM 10:53
CLERK OF COURT
PRINCE WILLIAM COUNTY VA.
VIA CHIEF
DEPUTY

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF PRINCE WILLIAM

CHERI SMITH
Plaintiff

v.

WESLEY C. SMITH
Defendant

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NOTICE AND MOTION

PLEASE TAKE NOTICE that on Tuesday, August 17, 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 RELIEF which had been hand delivered to you on August 6, 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

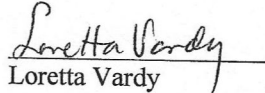
211 F.D.
2004 AUG 10 AM 10:53
CLERK'S OFFICE
PRINCE WILLIAM COUNTY VA.
DAVID C. MAGIE
DEPUTY
BY _____

CERTIFICATION OF NOTICE

This is to certify that on the 6th day of August 2004, a true copy of the foregoing Notice and Praeipce was mailed first class, postage prepaid, to the following:

Ronald Fahy , Esquire
9236 A Mosby Street
Manassas, VA 20110
703-369-7991
Guardian Ad Litem

William Boge, Esquire
9315 Center Street, Suite 103
Manassas, VA 20110
Ph:703-367-9636
FAX: 703 -367-9635
Counsel for Respondent/Cross-petitioner


Loretta Vardy