

Chancery Number: 53360

Cheri Smith v Wesley Smith

Re: Hearing on Aug 17 2004

Honorable Judge Farris,

I will not be able to attend as I am in Michigan with my son taking our vacation per the Pendente Lite order. I called Ms. Vardy and asked her to continue the hearing. Ms. Vardy denied my request. The Pendente Lite order states that the vacation periods are supposed to be uninterrupted time alone with our son, so it is inappropriate for my wife to interrupt my vacation with a hearing. It could even be construed as a violation of the order. I don't think she is putting our son first when she wants to disrupt our vacation plans which include activities he enjoys and spending time with cousins that he repeatedly asks to visit.

Ms. Vardy claims she worked out the hearing date with Mr Boge, my former attorney, but that differs from what he told me, that he was out sick and she did it without his input. While I can't say who is correct I can state that Mr Boge never checked with me or I would have pointed out the issue with vacation, and I can point to the many blatant lies Ms Vardy tells to the court, so her statements should not be taken as credible.

I think it would be inappropriate for the court to hear my wife's motion before hearing my motions that were skipped because my wife did not appear for the hearing. She failed to appear without giving me any prior notice whatsoever, not even the morning of the hearing.

In addition on Aug 13 2004 the court turned down my request for access to the escrow funds resulting in my ability to pay Mr Boge and he withdrew from the case. That leaves me to research the legal issues myself, such as first amendment rights and a recent ruling that I understood limits the ability of the court to grant the order requested, as well as documenting the negative and untrue statements my wife and her attorney have been spreading around, as well as to document the incidents where my wife as referred to me as "a sick man", "a lousy father", "feeling up the babysitter", etc with my son present -- all of which I would need more time for -- even if this wasn't supposed to be spending uninterrupted quality time with my son.

Wesley Smith
Defendant, pro se