

V I R G I N I A

IN THE CIRCUIT COURT OF PRINCE WILLIAM COUNTY

CHERI SMITH,
Complainant,

v.

WESLEY SMITH,
Defendant.

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Chancery No. 53360

ORDER

THIS MATTER came before this Court on February 15, 2006 upon the several motions filed by the parties, a motion by the Guardian-ad-Litem, and motions by the Fairfax County School Board by its counsel; and

IT APPEARING TO THE COURT that the Complainant did appear, through counsel, the Defendant did appear, *pro se*; the Guardian-ad-Litem did appear, and Fairfax County appear, through counsel; that the Court proceeded to hear testimony, evidence and argument regarding the motions; and therefore, for the reasons set forth in court, it is hereby

ADJUDGED, ORDERED, and DECREED the following:

A. AS TO THE MOTIONS CONTAINED IN THE DEFENDANT'S PRAECIPE OF FEBRUARY 6, 2006:

1. The Defendant's Motion for *Pendente Lite* Relief filed on June 18, 2004 with respect to adultery is GRANTED IN PART, without making any finding as to the allegations of adultery which issues shall be reserved for trial, the Court admonishes both parties to comply with the laws of this Commonwealth and orders that the parties are not

to have sexual relations with any person in the presence of the child. The rest of the Motion is DENIED; and

2. The Defendant's Motion for *Pendente Lite* Relief filed on June 18, 2004 with respect to travel is GRANTED IN PART, the Court orders that neither party shall take the child outside of the United States without the prior approval of the Court. The Complainant shall take the necessary steps to see to it that the child shall be made available to appear at the trial of this matter in event that either party wishes to call the child as a witness. The rest of the Motion is DENIED; and

3. The Defendant's Motion for *Pendente Lite* Relief filed on August 13, 2004 with respect to the Complainant and her attorney's alleged harassment is GRANTED IN PART, the Court finds that there has been no harassment by the motions filed herein and orders that the parties shall proceed with additional Discovery as set forth in this Order only.

The Court notes that the original Bill of Complaint was filed on June 11, 2003 and that there has already been discovery in this matter and ample opportunity to complete the same. Therefore, this Court orders that the counsel for the Complainant shall finalize discovery in the following manner::

Counsel for the Complainant shall prepare the Equitable Distribution Worksheets using the forms provided by the Clerk of this Court, or any similar forms, and shall file the same with the Clerk of this Court and with the Defendant. These Worksheets shall include

1) a complete list of the Marital Property including title, value and proposed disposition

- 2) a list of the Separate Property of the Complainant,
- 3) a list of the Separate Property of the Defendant
- 4) a list of all Marital Debts, if any, to be addressed by the Court
- 5) a Monthly Income and Expense Statement for the Complainant,
- 6) a proposed Spousal Support Worksheet, if any is being sought, and
- 7) a proposed Child Support worksheet

The equitable distribution forms may be obtained from the Clerk of this Court.

The Complainant shall file her Worksheets with this Court on or before Friday, March 17, 2006.

The Defendant shall then utilize the Equitable Distribution Worksheets prepared by the Complainant, number 1,2,3 and 4 above, and file directly on the Complainants forms any additions, corrections or amendments he proposes in response.

The Defendant shall also file the following

- a) a monthly income and expense statement for the Defendant ,
- b) any spousal support calculation worksheet, if any he may seek and
- c) any child support calculation sheet he proposes.

The Defendant shall file his responsive Worksheets and other documents a,b and c on or before April 21, 2006 with the original to the Clerk of this Court and a copy to opposing counsel.until the final hearing.

There shall be no other discovery in this case except as ordered by this Court. The parties are free to present relevant evidence at the time of trial of this case and to make the appropriate objections they wish at the time of trial. In the event the parties fail

to disclose the information on their worksheets and exhibits they will not be permitted to present that evidence at the time of trial.

The rest of this Motion shall be DENIED; and

4. The Complainant's Motion to Set Trial Date and Dispense with the Commissioner's Hearing filed on April 29, 2005 is GRANTED IN PART, any Order entered by this Court referring the matter to a Commissioner in Chancery is hereby vacated.

This Court has already entered an order setting this matter on this date for a hearing on all Motions filed by the parties and setting a non-jury trial date of May 22 and 23, 2006.

On the trial date the parties may offer any relevant and admissible evidence they wish to present with regards to the relevant issues in this matter including:

- 1) grounds of divorce
- 2) spousal support
- 3) child custody
- 4) child visitation
- 5) child support
- 6) equitable distribution.
- 7) motions for sanctions sought by the parties for violation of prior pendent elite court orders and
- 8) any other relevant matters

The Complainant may proceed to present evidence of divorce on the grounds of constructive desertion, cruelty and/or one year separation as forth in the Amended Bill of

