

VIRGINIA:

IN THE CIRCUIT COURT OF PRINCE WILLIAM COUNTY

**CHERI SMITH,
Plaintiff,**

v.

**WESLEY C. SMITH,
Defendant**

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Chancery No. 53360

#53 – REPLY – FILING MOTIONS

A pdf copy of this motion is available at: http://www.liamsdad.org/court_case/

COMES NOW the Defendant, Wesley C. Smith, and moves this Court pursuant to § 8.01-271 and files this reply. In support of his REPLY the Defendant states as follows:

1. On Feb 13th 2006, the Plaintiff filed a motion asking the court to order “requiring the Court’s written permission for either party to file any additional pleadings prior to the trial date”
2. In her motion the Plaintiff makes several misleading and outright blatant lies to support her motion. The Plaintiff is once again attempting to commit fraud upon the court and should be sanctioned according to § 8.01-271
3. The Plaintiff claims that the Defendant filed 52 motions in this case in an attempt to paint the Defendant in a bad light, while at the same time Ms. Vardy is also aware that the Defendant has only filed 37 motions until Judge Potter asked him to re-file his unheard motions. The Defendants 37 Motions compares similarly to the Plaintiff’s 30 motions, and it should be noted that most of the Defendants motions are because the Plaintiff’s filed harassing motions causing the Defendant to file a reply motion. Thus the Defendant should not have been maligned for complying with Judge Potters request.
4. The Plaintiff then moves on to a blatant lie: “The Plaintiff has filed approximately fifteen motions in this case”. When in fact the Plaintiff has filed over twice that many or in other words just about the same number as the Defendant prior to Judge Potter asking the Defendant to resubmit motions.
5. Excluding the Bill of Complaint, amended Bill, etc, The Plaintiff has filed the following 30 motions (not 15 as claimed) (see appeals transmittal sheets and/or

http://www.liamsdad.org/court_case/pwc_circuit/pwc_circuit_file.shtml for specific details)

1. 06/20/03 Motion For Custody Evaluation
2. 09/02/03 Motion For Pendente Lite Relief
3. 01/15/04 Notice & Motion To Amend The Bill Of Complaint
4. 01/23/04 Notice & Motion For Pendente Lite Relief
5. 02/25/04 Notice & Motion To Quash Defendant's Subpoena Duces Tecum
6. 04/09/04 Notice & Motion For Pendente Lite Relief
7. 04/09/04 Notice & Motion To Set A Scheduling Conference
8. 06/04/04 Notice & Motion For Pendente Lite Relief
9. 06/11/04 Motion For Pendente Lite Relief
10. 06/11/04 Notice & Motion For Permission To File Late Pleading
11. 08/06/04 Motion For Pendente Lite Relief
12. 08/10/04 Notice & Motion For Pendente Lite Relief
13. 09/22/04 Notice & Motion To Quash Or Modify Subpoena
14. 10/04/04 Notice & Motion To Quash Witness Subpoena
15. 10/06/04 Notice & Motion To Dispense Commissioner's Hearing & Set A Date For A Final Hearing
16. 10/29/04 Notice & Motion To Quash (Witness) Subpoena
17. 10/29/04 Notice & Motion To Release Certain Marital Funds
18. 11/04/04 Petition For Rule To Show Cause Filed By Complainant With Attachments
19. 12/10/04 Notice & Motion To Deny Certification Of Defendant's Statement Of Facts For The Appeal Of The Order To Quash Subpoena Duces Tecum
20. 12/10/04 Notice & Motion To Accept Objections To Defendant's Statement Of Facts
21. 12/28/04 Complainant's Emergency Motion To Amend Visitation And Issue A Rule To Show Cause
22. 01/18/05 Notice & Motion To Enter Proposed - Nov 3, 2004 ruling
23. 04/29/05 Notice/Motion Dispense Comissioners Hearing
24. 05/27/05 Motion To Quash
25. 12/13/05 Notice & Motion - Set Date, Commissioner
26. 01/27/06 Notice & Motion - Set Date, Commissioner
27. 20/13/06 Notice & Motion - Contempt, free speech, "child support"
28. 20/13/06 Notice & Motion - not file any more motions
29. 20/13/06 Notice & Motion - quash
30. 20/13/06 Notice & Motion - VDOT funds

WHEREFORE the Defendant requests the Court issue appropriate sanctions against Ms. Vardy and the Plaintiff to discourage them from making any more false and misleading statements to the court, and such further relief as the nature of the case or the goals of equity require.

**Respectfully Submitted,
Wesley C. Smith**

Wesley C. Smith, Defendant
5347 Landrum Rd APT 1, Dublin, VA 24084-5603
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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing motion was served to Loretta Vardy and Ronald Fahy (GAL) via e-mail and/or fax and/or website, this 15th day of February 2006.

Wesley C. Smith