V I R G I N I A:

IN THE CIRCUIT COURT OF PRINCE WILLIAM COUNTY

CHERI SMITH,	)	
Plaintiff,	)	
	)	
v.	)	**Chancery No. 53360**
	)	
WESLEY C. SMITH,	)	
Defendant	)	

#75 – MOTION TO CONTINUE

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      COMES NOW the Defendant, Wesley C. Smith, and due to the time required exceeding 30 minutes and the absence of Mr. Fahy, requests the court to continue the motions on today's docket for a date with sufficient time to be heard.. The Defendant states as follows:

    1. On Aug 15th Mr. Fahy the GAL in the case sent a letter stating he could not attend today. Certainly any ruling on facts contained in the proposed Statement Of Facts will affect the ruling on appeal. To rule without Mr. Fahy's presence is in effect denying our son significant input in the appeal of the case.

    2. The Defendant has scheduled several motions for today and the Plaintiff has also set several motions for today. The time limit for hearing all the motions today is 30 minutes, which is clearly insufficient time for any judge (other than a Kangaroo Court Judge), to hear the motions and make a ruling. The Plaintiff makes about 19 objections to about 36 claimed facts. At just one minute for fact, and skipping all other motions there still would be insufficient time allowed.

    3. The Defendant had contacted Ms. Vardy and requested her to agree to date certain to hear all the motions with sufficient time. She assured the Defendant that Judge Potter would rule without hearing the motions on the merits. The Defendant would like to think, although not optimistically, that the Plaintiff is wrong about Judge Potters intent to rule in such a hasty manner.

      WHEREFORE the Defendant requests all motions be continued to a date certain and Ms. Vardy be ordered to pay travel fees for the Defendant for her refusal to schedule a date certain when requested..

                                        Respectfully Submitted,

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Wesley C. Smith, Defendant
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Wesley C. Smith