

COURT OF ApPEALS OF VIRGINIA



109 NORTH EIGHTH STREET
RICHMOND, VIRGINIA 23219-2305
(804) 371-8428 (VITDD)

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JOHN T. TUCKER, III

May 26, 2005

Mr. Wesley C. Smith
5347 Landrum Road, Apt. #1
Dublin, Virginia 24084-5603

Re: Wesley Smith
v. Cheri Smith
Record Nos. 0916-05-4 & 0272-05-4

Dear Mr. Smith:

On May 25, 2005 the Court of Appeals of Virginia received and filed the opening brief and appendix in the cases above. The opening brief and appendix in the above-referenced cases do not comply with this Court's rules for the following reasons:

1. Fails to comply with subpart (c) and (d) of the rule. Specifically, as to subpart (c), the statement of the questions presented does not contain "a clear and exact reference to the page(s) of the transcript, written statement, record, or appendix where each question was preserved in the trial court." With regard to subpart (d), the statement of the facts does not contain "references to the pages of the transcript, written statement, record, or appendix."
2. It is not properly bound Rule 5A: 4(b).
3. It is not properly covered Rule 5A:24.

You must submit a replacement set of the opening brief and appendix for **both** cases in which you correct these errors, to be received at this office within 10 days of the date of this letter. The text of the replacements must not vary from that of the original brief except as may be necessary to correct the deficiencies noted. We will date-stamp the replacement briefs with the filing date of the originals.

May 26, 2005

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Please include the full name of the case and this Court's record numbers on your cover letter and any pleadings that you send in this case. Please be sure to always send a copy of all correspondence and pleadings to the lawyer representing your opponent.

Please note that the time for filing of any pleading due to be filed in this case is not suspended pending the Court's receipt of the documents required to be filed as set forth in this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "V Baehr George".

Vickie Baehr George
Deputy Clerk

cc: Loretta Vardy, Esq.
Ronald Fahy, Esq.

/dch