

VIRGINIA: IN THE COURT OF APPEALS

WESLEY SMITH,)	
)	
Appellant)	
)	Record No. 0916-05-4
v.)	
)	
CHERI SMITH,)	
)	
Appellee)	

MOTION TO DISMISS APPELLANT'S APPEAL

Ronald Wayne Fahy, Guardian ad Litem for Liam Smith, the child of Wesley and Cheri Smith, moves the Court to dismiss this appeal and states as follows:

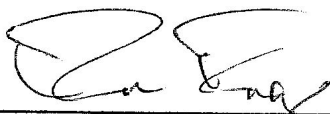
1. In this appeal appellant contests an Order entered in the Circuit Court of Prince William County on January 18, 2005.

2. The case in the Circuit Court is one brought by the parties for divorce, custody and equitable distribution of property.

3. The Circuit Court Order of January 18 (Appendix p. 29) was by its own terms a Pendente Lite Order temporarily suspending the father's visitation with his son pending further action by the father and the Court.

4. Accordingly, the Order of January 18 was interlocutory in nature, neither addressing an injunction nor adjudicating the principles of the cause.

6. The Order of January 18 is not appealable under Va. Code Section 17.1-405.



Ronald Wayne Fahy