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1 calculate the date of separation. And if necessary,
2 I will make a verbal motion today to go forward on
3 the grounds of a one-year separation.

4 THE COURT: It's my understanding that's
5 what you did earlier.

6 MS. VARDY: Yes.

7 THE COURT: All right. Given the totality
8 of the circumstance in this Court's review of the
9 file and pleadings in this case, the facts and law
10 in Virginia, I'm going to deny the motion with
11 regards to lack of jurisdiction.

12 MR. SMITH: I'm going to have to object.
13 And I will make a proffer --

14 THE COURT: I note your exception. I'll
15 note your exception, Mr. Smith.

16 **MR. SMITH: -- for the Appeals Court. And**
17 **I will make a proffer at this time.**

18 **THE COURT: No, sir. There will be no**
19 **proffer.**

20 MR. SMITH: There will be a proffer.

21 THE COURT: I'll note your exception.

22 Mr. Smith, I'm going to --