

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA

Roanoke Division

WESLEY C. SMITH, )  
Plaintiff )  
 )  
v. )  
 )  
CHERI SMITH, et. al., )  
Defendants )

**MOTION TO DISMISS**

Defendant, Loretta Vardy, *pro se* and pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6), respectfully move this Court, to dismiss this complaint because it fails to state a claim upon which relief can be granted. This Defendant incorporates by reference all the reasons stated in the memoranda filed by the Office of the Attorney General on behalf of the Defendant Judges Lon Farris, Leroy Millette, Jr., Rossie Alston, Jr., William Hamblen, Richard Potter and H. Lee Chitwood and the Prince William Circuit Court as well as the reasons stated in the memoranda filed on behalf of the Defendants, Cheri Smith and Igor Bahkir by Barry Tatel, Esquire., Mark D. Cummings, Esquire and Kevin J. Shehan, Esquire, counsel for Defendants Cheri Smith and Igor Bahkir.

Respectfully submitted,

Loretta Vardy, *pro se*

  
Loretta Vardy  
12388 Silent Wolf Drive  
Manassas, VA 20112  
Tel: 703-791-6078  
Fax: 703-791-7957  
VSB # 26225

CERTIFICATE OF SERVICE

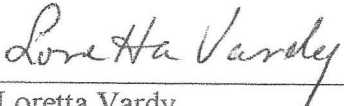
I hereby certify that a true and correct copy of the foregoing Motion to Dismiss was sent by first-class mail prepaid on this 19<sup>th</sup> day of June 2007 to the following parties:

Ronald Fahy, Esq.  
9236 Mosby Street, Suite A  
Manassas, VA 20110  
Defendant

James V. Ingold  
Senior Assistant Attorney General  
Office of the Attorney General  
900 East Main Street  
Richmond, VA 23219  
Counsel for the Defendant Judges  
Lon Farris, Leroy Millette, Jr.,  
Rossie Alston Jr., William Hamblin,  
Richard Potter and H. Lee Chitwood,  
And the Prince William Circuit Court

Wesley C. Smith  
5347 Landrum Rd.  
Dublin, VA 24084  
Plaintiff

Mark D. Cummings, Esq  
Kevin J. Shehan, Esq.  
SHER, CUMMINGS AND ELLIS  
3800 North Fairfax Dr. Suite 7  
Arlington, VA 22203  
Counsel for Cheri Smith and  
Igor Bakir

  
\_\_\_\_\_  
Loretta Vardy