

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Roanoke Division**

WESLEY C. SMITH
Plaintiff

v.

CHERI SMITH, et als
Defendants

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Case No: 7:07-CV-00117

#12 - INJUNCTION NEEDED TO PROTECT FREE SPEECH

A pdf copy of this document is available at: <http://www.liamsdad.org/court/civilrights>

The First Amendment is often inconvenient. But that is beside the point. Inconvenience does not absolve the government of its obligation to tolerate speech.

- Justice Anthony Kennedy

1. Defendant's Cheri Smith and Loretta Vardy are continuing to harass the Plaintiff with attempts to interfere with his First Amendment Right To Freedom Of Speech. The Plaintiff again asks for an injunction to prevent any of the Defendant's from imposing or attempting to impose any prior restraint on his exercise of his First Amendment Rights.
2. In September of 2004, Cheri Smith via Loretta Vardy asked the state court to issue an order to restrict the Plaintiff's First Amendment Right To Free Speech and the state court did issue such an 'order' in violation of the Constitution.
3. During questioning in May 2006 Loretta Vardy described her interpretation of the order as requiring the Plaintiff's website to be dismantled and that he could no longer post photo's of his son to share with others

Mr. Smith, are you aware that there was an order entered by this Court stating that you were to dismantle the website and that specifically no pictures of Liam -- no more pictures of Liam were to be put on the website and the ones that were there -- Official transcript May 23, 2006, page 517, lines 10-15

4. On August 17, 2007 Loretta Vardy again harassed the Plaintiff for exercising his First Amendment Right to Freedom Of Speech, and is claiming that the state court order prohibits him from posting information about the case on his personal website.

“You put all information about this case on the web-site; it is an invasion of everyone's privacy. You have been ordered by the Court to dismantle the web-site and you have refused to do so. Judge Potter never changed that Order.” - Loretta Vardy August 17, 2007

5. Loretta Vardy has even gone so far as to claim that the Plaintiff exercising his First Amendment Right as justification for her client to violate provisions of the Final Divorce Decree and to threaten Mr. Smith with a Rule To Show cause if he continues to ask her client to follow the Final Divorce Decree.

CONCLUSION

In order to protect the Plaintiff from further harassment and to prevent irreparable harm that comes from depriving him of his Constitutionally protected Right to Freedom Of Speech, the Plaintiff again requests an injunction barring the Defendants, or their successors, from taking any action to interfere with his First Amendment Rights and to bar them from enforcing any prior restraint of his free speech, and to bar the state courts and/or judges from any attempt to punish the Plaintiff for exercising his right of freedom of speech.

Respectfully Submitted,
Wesley C. Smith
August 20th, 2007

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CERTIFICATE OF SERVICE

I hereby certify that I have e-mailed copies of the foregoing to the following parties/counsel on August 20th 2007: Barry Tatel, James Ingold, Loretta Vardy, and Kevin Barnard. (and paper copy to Loretta Vardy)

Wesley C. Smith