

UNITED STATES COURT OF APPEALS FOR THE
FOURTH CIRCUIT

Docket No. 07-2146

WESLEY C. SMITH

Appellant-Plaintiff,

v.

CHERI SMITH, et al.,

Appellee-Defendant.

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U.S. COURT OF APPEALS
FOURTH CIRCUIT

From the United States District Court for the
Western District of Virginia
Roanoke Division

**APPELLEE-DEFENDANTS CHERI SMITH'S AND IGOR BAKHIR'S
RESPONSE TO APPELLEE-DEFENDANT RONALD FAHY'S
MOTION TO DISMISS**

COME NOW, Appellee-Defendants Cheri Smith and Igor Bakhir, by
counsel, and for their Response to Appellee Ronald Fahy's Motion to Dismiss (the
"Motion"), state as follows:

1. Ms. Smith and Mr. Bakhir concur with and adopt the reasoning set forth in the Motion.
2. Furthermore, under Federal Rule of Appellate Procedure 4(a)(5), the Appellant-Plaintiff Wesley C. Smith was required to file a motion for extension of

