

COPY

VIRGINIA:

IN THE CIRCUIT COURT THE COUNTY OF PRINCE WILLIAM

Cheri Smith)	
Complainant)	
)	
v.)	Chancery No. 53360
Wesley Smith)	
Defendant)	

NOTICE

PLEASE TAKE NOTICE that on Tuesday October 5m 2004 at 10:00 A.M. in the above captioned court I will make an appearance and make the following motion:

MOTION

Comes now the Complainant, Cheri Smith, who by counsel moves this Court to quash the Defendant's *Witness Subpoena* issued by the Defendant and served upon Loretta Vardy, the Counsel for the Complainant.

In support of this Motion, Complainant states:

1. That the abovementioned *Witness Subpoena* was served upon counsel by posting on the front door of her home on or about September 28, 2004;
2. That as Counsel for the Complainant, it could be a violation of client confidentiality under Rule 1.6a of the Virginia Professional Rules of Conduct as well as a conflict of interest for Ms. Vardy to testify on the Defendant's behalf;
3. That as Counsel for the Complainant, it would be a violation of Rule 3.7a (3) of the Virginia Rules of Professional Conduct for Ms. Vardy to withdraw as Counsel to the Complainant at this late date.

WHEREFORE, the Complainant respectfully requests that the Defendant's *Witness Subpoena* be quashed

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Respectfully submitted,

Cheri Smith
By Counsel

By: Loretta Vardy

Loretta Vardy, Esquire-
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12388 Silent Wolf Drive
Manassas, VA 20112
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Fax: 703-791-7957
Counsel for Cheri Smith

CERTIFICATE OF SERVICE

This is to certify that on the 3rd day of October 2004, a true copy of the foregoing Motion to Quash was hand delivered to Wesley C. Smith, Defendant, at 3215 Ridge View Ct. Apt 104, Woodbridge, VA 22192.

Loretta Vardy
Loretta Vardy, Esquire