

VIRGINIA:

IN THE CIRCUIT COURT THE COUNTY OF PRINCE WILLIAM

Cheri Smith
Complainant

v.

Wesley Smith
Defendant

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Chancery No. 53360

NOTICE

PLEASE TAKE NOTICE that on Wednesday, November 3, 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 October , 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

Respectfully submitted,

Cheri Smith
By Counsel

By: Loretta Vardy

Loretta Vardy, Esquire-
VSB No. 26225
12388 Silent Wolf Drive
Manassas, VA 20112
Phone: 703-791-6078
Fax: 703-791-7957
Counsel for Cheri Smith

CERTIFICATE OF NOTICE

This is to certify that on the 29TH day of October, 2004, a true copy of the foregoing Notice and Motion was mailed, postage prepaid to Wesley Smith, Pro Se Defendant 3215 Ridge View Ct. Apt. 104, Woodbridge, VA 22192 and Hand-delivered to Ronald Fahy, Esquire, Guardian Ad Litem,

Loretta Vardy
Loretta Vardy