

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 Friday, December 17, 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 accept her Objections to the Defendant's Statement of Facts for the Appeal of the Order to Quash a *Subpoena Duces Tecum* issued by the Defendant upon SAIC which was entered by this Court on September 24, 2004.

In support of this Motion, Complainant states:

1. That the abovementioned written Statement of Facts and the accompanying recording was either filed on or mailed to the Clerk for the Circuit Court for Prince William County on November 19, 2004.
2. That the Defendant mailed a copy of the Written Statement of Facts the counsel for the Complainant on November 20, 2004.
3. That the Defendant e-mailed a corrupt and unusable copy of the recording on either November 19, 2004 or November 20, 2004;
4. That counsel for the Complainant was out of the state of Virginia on business and then the Thanksgiving holiday from November 20, 2004 until very late November 27, 2004;
5. That a usable copy of the tape recording was sent via e-mail to counsel for the Complainant 11:24 p.m. on November 29, 2004;
6. That the tape recording was necessary to review the Defendant's Statement of

Facts.

**WHEREFORE**, the Complainant respectfully requests that the Court allow the Complainant's objections to Defendant's statement of facts be accepted.

Respectfully submitted,

Cheri Smith  
By Counsel

By: Loretta Vardy

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Counsel for Cheri Smith

**CERTIFICATE OF SERVICE**

This is to certify that on the 10<sup>th</sup> day of December 2004, a true copy of the foregoing Motion to Accept the Complainant's Objections to the Defendant's Statement of Fact was hand delivered to Wesley C. Smith, Defendant and to Ronald Fahy, Esquire, Guardian *Ad Litem*

Loretta Vardy  
Loretta Vardy, Esquire