

VIRGINIA:

IN THE CIRCUIT COURT THE COUNTY OF PRINCE WILLIAM

Cheri Smith

Complainant

v.

Wesley Smith

Defendant

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Chancery No. 53360

MOTION

Comes now the Complainant, Cheri Smith, who by counsel moves this Court to quash the Defendant's *Subpoena Duces Tecum* issued by Defendant upon the Counsel for the Complainant, copy attach hereto.

In support of this Motion, Complainant states:

1. That there was not proper service of the Subpoena Duces Tecum.
2. That the items requested to be produced in request number 1,2,3,5,6 are attorney work products and/or protected by the attorney/client privilege
3. That the items requested in request number 1,2,3,4,5,6,7,8, are overly broad and burdensome;
4. That the items requested in request number 5, 6,7,8, are beyond the proper scope of discovery;
5. That the Defendant has been provided with items requested in request number 4, i.e. which have been properly sought through discovery. The current request is duplicative, overly broad and burdensome.
6. That the Defendant's requests are intended to harass Complainant's counsel

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

Respectfully submitted,

Cheri Smith
By Counsel

By: Loretta Vardy

Loretta Vardy, Esquire-
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Fax: 703-791-7957
Counsel for Cheri Smith

CERTIFICATE OF SERVICE

This is to certify that on the 27 day of May 2005, a true copy of the foregoing Motion to Quash was hand-delivered to:

Ronald Fahy, Esquire
Guardian *ad litem*
9236 A Mosby Street
Manassas, VA 20110
703-369-7991

and mailed postage prepaid to:

Wesley C. Smith, Pro Se Defendant
5347 Landrum Rd APT 1
Dublin, VA 24084

Loretta Vardy
Loretta Vardy, Esquire