

VIRGINIA:

IN THE CIRCUIT COURT OF PRINCE WILLIAM COUNTY

CHERI SMITH,)
Plaintiff)
)
v.) Chancery No. 53360
)
WESLEY C. SMITH,)
Defendant)

#33 - DEFENDANT'S MOTION FOR TRAVEL EXPENSES

A pdf copy of this motion is available at: http://www.liamsdad.org/court_case/

COMES NOW the Defendant, Wesley C. Smith, and requests the Court award him travel expenses for his unnecessary travel to attend Term Day on Dec 2, 2005 rather than scheduling an agreed date via telephone. In support of his MOTION the Defendant states as follows:

1. On November 28, 2005 the Defendant received a CIVIL TERM DAY PRAECIPE from the Plaintiff.
2. The Plaintiff and her Counsel, Loretta Vardy, are responsible for the case not being ready for trial. See #32 - DEFENDANT'S MOTION FOR TRIAL DATE AND SANCTIONS
3. The Defendant has been very flexible in offering dates to schedule a date to hold a hearing to get the case ready for trial as well as to hold the trial itself.
4. The Defendant has offered **ANY** date after Jan 15 to hold a $\frac{1}{2}$ hearing to get the case ready for trial.
5. The Defendant has offered **ANY** 4 days at least one month after the hearing in #4 for the final trial.
6. According to the Court's website a trial date may be set "You may obtain a trial date for a civil case by placing it on the Term Day docket or if agreed placing a call to chambers."
7. The Defendant lives about 250 miles away from the courthouse.
8. Traveling 500 miles for a unnecessary court appearance that could be handled via telephone puts an unnecessary financial and time burden on the Defendant.
9. The only reason for the trial date to be set via Term Day instead of via a call to chambers is the

refusal of Loretta Vardy to agree to a date. As such she should be personally responsible for all costs incurred by the Defendant for her refusal to set a trial date via a call to chambers. She also should not be billing her client for her spending more billable time on this than needed

WHEREFORE the Defendant asks that the Court:

1. Order Loretta Vardy personally, not the Plaintiff, to pay all reasonable and necessary travel and other expenses.
2. Issue any sanctions if appropriate for an attorney needlessly harassing the Defendant and delaying the trial rather than working to wrap things up efficiently for her client.

**Respectfully Submitted,
Wesley C. Smith**

Wesley C. Smith, Defendant
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no phone

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing motion was served to Loretta Vardy and Ronald Fahy (GAL) via first-class mail, this 29th day of November 2005.

Wesley C. Smith