

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 AND MOTION

PLEASE TAKE NOTICE that on Wednesday, February 15, 2006, at 10:00 a.m., or as soon thereafter as this matter may be heard, the Plaintiff by Counsel will move this Court to hear her MOTION

MOTION

Comes now the Complainant, Cheri Smith, who by counsel, moves this Court to find the Defendant, Wesley C. Smith in contempt, by his failure to obey the Orders entered by this Court and dated, October 2, 2003, and September 23, 2004. In support of this Petition, Complainant states:

1. That in the *Pendente Lite* Order dated October 2, 2003, the Court ordered the Defendant to pay child support in the amount of eight hundred and twenty-three dollars per month to the Complainant.
2. That in *Pendente Lite* Order dated October 2, 2003, the Court further ordered that the Defendant was to begin paying child support as of November 1, 2003 and to continue on the first of each month thereafter.
3. That the Defendant has ceased paying Child Support as of July 2004;
4. That the Defendant is in arrears for approximately fifteen thousand, six hundred and thirty seven dollars (\$15,637.00)
5. That in the *Pendente Lite* Order dated September 23, 2004, the Court ordered that: "The Defendant shall cease and desist from any and all conduct by which he publicly displays or promulgates, or causes to be

displayed or promulgated, whether by speech, print (including but not limited to printing on T-shirts or other items of clothing, electronic mail, or on the internet), television, radio or otherwise, negative or disrespectful or denigrating statements about Mrs. Smith.”

6. The Court further ordered that “The Defendant shall cease and desist from any and all conduct by which he publicly displays or promulgates, or causes to be publicly displayed or promulgated, whether by speech and/or print (including but not limited to printing on T-shirts or other items of clothing, electronic mail, or on the internet), and or via television or radio, allegations that Mrs. Smith has abused or is presently abusing Liam Smith.”
7. The Court further ordered that “The Defendant shall remove or cause to be removed any negative, disrespectful, derogatory or denigrating statements about Mrs. Smith and any allegations that Mrs. Smith has abused or abuses Liam Smith, which Defendant has heretofore publicly displayed, promulgated, or caused to be publicly displayed or promulgated, whether by speech, print (including but not limited to printing on T-shirts or other items of clothing, electronic mail, or on the internet) or otherwise.”
8. The Defendant has continued to wear T-shirts which allege that Ms. Smith has abused Liam or is a bad mother or is an adultress.
9. The Defendant has not removed allegations of abuse or adultery by Ms. Smith nor any allegations of mental illness from the website he has created at Liamsdad.org.

WHEREFORE, the Complainant respectfully requests that Court:

1. Find the Wesley C. Smith in contempt.
2. Impose an appropriate sanction pursuant to Va Code Ann. §20-115 and other such relief as the case and goals of equity require.
3. Grant an award of attorney fees.

Respectfully submitted,
Cheri Smith
By Counsel

By: _____

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Counsel for Cheri Smith

CERTIFICATE OF SERVICE

This is to certify that on the 13th day of February, a true copy of the foregoing Motion to Find the Defendant in Contempt was hand-delivered to:

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

and e-mailed to:

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

Loretta Vardy, Esquire