

CIVIL WORKSHEET

DATE: 02-15-2006 **CH53360**

JUDGE: RBP **COURT REPORTER:**
Andrea Blakley

ATTORNEY(S):

PLAINTIFF: **CHERI SMITH**
present **LORETTA VARDY**
present

DEFENDANT: **WESLEY C SMITH**
present **pro se**

RONALD FAHY
present **Guardian ad litem**

Court in session 10:00 am

Parties are sworn and background information taken.

CHERI (nmn) SMITH:

(NMN), born 2/4/69, 37 years old, Master's Degree, employed with Science Application International Inc. as Associate Program Manager for 5 years, sole source of income, no other employment or income, health insurance with Aetna through employer, covers family – self, son, and husband, cost is \$50 bi-weekly, good physical and mental health, takes no medications, married 11/23/1988, first marriage, son born of marriage, Liam Raleigh, born 7/22/1997, 8 years old, 2nd grade in Springhill Elementary School, below average student – down's syndrome, child in special education programs, good physical condition except low muscle tone and small for age, good mental health, no learning disabilities other than downs syndrome, takes medication - maintenance laxative, mother is capable of taking care of son without assistance, son receives occupational therapy, both private and school, in after-school care program with Fairfax County, no other children, son has regular pediatrician and geneticists, receives no physical therapy, receives speech and occupational therapy only, takes therapeutic horse riding in Fauquier at The Phoenix Rising Equestrian Center, there is no PSA, separated 9/22/2002, wife moved out in June 2003, had temporary protective order through J&DR and they ordered boundaries among the marital home, wife then moved out of marital home on June 6, 2003, marital address was 1411 Huntsman Drive, Manassas, VA 20112, marital home purchased in January 1997 for \$214,000, when wife moved from marital home, lived with friends for a short period of time then moved to apartment for 1 year, eventually moving to current residence at 1533 Lincoln Circle, apt. 104, Mclean, VA, 2 bedroom apartment, lives with self and son since June 2004, employer located in Mclean, Liam first attended Bennett Elementary, the Round Elementary when wife moved from marital home, owns no real estate, house was sold, settled in December of 2003, proceeds escrowed \$180,000, \$55,000 drawn down for debt of defendant to mother, also drawn down were payments for Mr. Fahy, GAL, approximately \$125,000 is being held by Mr. Smith's former attorney, auto – 2002 Mazda 626, title in own name, not paid, no other vehicles, name may be on Saturn, which husband has possession of, did not take any furniture from marital home when sold, owns stocks in SAIC (employer), believes she has joint stock with husband with his former employer, employee stock not retirement, retirement with employer (401k), no CDs, bonds, mutual funds, has checking and savings account, son has no separate accounts (saving or trust), life insurance through employer Signet, \$350,000, beneficiary is defendant. Has no family in area, closest relative is a brother in Ohio, which Liam has a relationship with and visits, parents live in Salt Lake City, UT, visitation with Liam is limited.

Issues:

1. Divorce – constructive desertion and cruelty, one-year separation-to be determined at trial

