

VIRGINIA:

IN THE CIRCUIT COURT THE COUNTY OF PRINCE WILLIAM

Cheri Smith
Complainant

v.

Chancery No. 53360

Wesley C. Smith
Defendant

MOTION

Comes now the Complainant, Cheri Smith, who by counsel moves this Court to quash the Defendant's *Witness Subpoena* issued by the Defendant and served upon Loretta Vardy, the Counsel for the Complainant.

In support of this Motion, Complainant states:

1. That the abovementioned *Witness Subpoena* was served upon counsel by posting on the front door of her home on or about May 16,2006;
2. That as Counsel for the Complainant, it could be a violation of client confidentiality under Rule 1.6a of the Virginia Professional Rules of Conduct as well as a conflict of interest for Ms. Vardy to testify on the Defendant's behalf;
3. That as Counsel for the Complainant, it would be a violation of Rule 3.7a (3) of the Virginia Rules of Professional Conduct for Ms. Vardy to withdraw as Counsel to the Complainant at this late date.

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

Respectfully submitted,
Cheri Smith

By:

Loretta Vardy

Loretta Vardy, Esquire-
VSB No. 26225
12388 Silent Wolf Drive
Manassas, VA 20112
Phone: 703-791-6078
Fax: 703-791-7957
Counsel for Cheri Smith

By Counsel

CERTIFICATE OF SERVICE

This is to certify that on the 19th day of May 2006, a true copy of the foregoing Motion to Quash was mailed postage prepaid and sent electronically to:

Wesley Smith
5347 Landrum Rd APT 1
Dublin, VA 24084

This is to certify that on the 19th of May , 2006, a true copy of the foregoing Notice and Motion was hand delivered to the following:

Ronald Fahy, Esq.
9236 Mosby Street
Manassas, VA 20110

Loretta Vardy
Loretta Vardy, Esquire