

VIRGINIA:

IN THE CIRCUIT COURT THE COUNTY OF PRINCE WILLIAM

Cheri Smith  
Complainant )  
 )  
v. ) Chancery No. 53360  
Wesley Smith )  
Defendant )

NOTICE

PLEASE TAKE NOTICE that on Friday August 18, 2006, at 10:00 A.M. in the above captioned court I will make an appearance and make the following Objections to the Defendant's Statement of Facts and Motion to Reject the Defendant's Statement of Facts:

OBJECTIONS AND MOTION

Comes now the Complainant, Cheri Smith, who by counsel objects to the Statement of Facts submitted by the Defendant on August 3, 2006, and moves this Court to reject the Statement of Facts submitted to the Court by the Defendant

In support of this Motion, Complainant states her objections as follows:

- 1.
2. **Defendant's Fact #12:** The Defendant misstates the statement of Judge Potter during the September 10, 2003, *Pendente Lite* Hearing for Chancery case 53360. To paraphrase Judge Potter's statements, he said that he saw that the Appeal on the Child Custody Case, Chancery 53810, was set for September 11, 2003. Since the *Pendente Lite* hearing was taking place the day before, he suggested that we merge the hearing on the appealed case with the Final Divorce Hearing. Neither attorney raised any objections to this merger.
3. **Defendant's Fact 17:** This is an opinion not fact.
4. **Defendant's Fact # 19:** The *Pendente Lite* Order entered by Judge Smith was not a significant change from the Final Order entered by the Juvenile and

