

VIRGINIA:

IN THE COURT OF APPEALS OF VIRGINIA

WESLEY SMITH,)	
)	
APPELLANT / Defendant, pro se)	
)	
v.)	Record No. 2322-04-4
)	
CHERI SMITH,)	
)	
APPELLEE / Plaintiff)	

QUESTIONS PRESENTED:

Should a party be punished for showing restraint in filing a cross-bill, including only claims that were well founded rather than every claim that was suspected to have occurred?

Does a subpoena duces tecum, quashed due to a procedural/paperwork problem, prevent a new subpoena from being issued/upheld after the procedural/paperwork has be corrected, and if so does it also apply to documents not covered by the first subpoena?

Does a judge have the discretion to effectively refuse to hear a motion on its merits by stating he doesn't want to do anything different than another judge, without taking the time to find out what the other judge did and why and check to see that the reasoning is still valid, or that the defect has been corrected, and without citing a law or rule to support his ruling?

DESIGNATION OF CONTENTS OF APPENDIX:

The appendix will contain the following items:

- First subpoena served on SAIC
- Motion to Quash filed by Loretta Vardy
- Ruling quashing and granting leave to amend cross-bill
- Letter from SAIC indicating gathering records and agree to provide most records
- Section from amended cross-bill showing adultery is now claimed.
- Second subpoena served on SAIC
- Motion to Quash filed by SAIC
- Ruling quashing subpoena
- Recording of hearing on SAIC's motion
- Other documents as needed.

**Respectfully submitted,
WESLEY C. SMITH
Appellant / Defendant, pro se**

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CERTIFICATE:

I hereby certify that a true and accurate copy of the foregoing was mailed via U.S. Mail
to:

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