

VIRGINIA:

IN THE COURT OF APPEALS OF VIRGINIA

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

APPELLANT’S MOTION FOR SUMMARY JUDGEMENT

1. On February 4th 2005 the Appellant filed an opening brief and appendix with the court and sent copies to all three other opposing attorneys.
2. § vscr-5A:19 (2) states “The brief of appellee shall be filed in the office of the clerk of the Court of Appeals within 25 days after filing of the opening brief.”
3. By March 15th 2005 well after the 25 day period expired the Appellant has not received any brief from the Appellee (or other two attorneys) and the Court of Appeals web site indicates none has been filed.
4. Due to their lack of filing a brief the Appellee (and/or other attorneys) are in violation of § vscr-5A:19 (2) and apparently are not interested in pursuing the matter.

WHEREFORE, the Appellant requests that this court issue a summary judgment in my favor without requiring a hearing on the matter, and order that the subpoena shall be upheld and enforced in its entirety.

**Respectfully submitted,
WESLEY C. SMITH**

Wesley C. Smith - Appellant / Defendant, pro se
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CERTIFICATE OF SERVICE

I hereby certify that on March 16th 2005 a true copy of the foregoing was mailed via first-class mail to:

Attorney for Plaintiff:	Loretta Vardy	12388 Silent Wolf Dr, Manassas VA 20112	(703) 919-1417
Attorney for SAIC:	Robert Sparks	6862 Elm St #360, McLean VA 22101	(703) 848-4700
Guardian Ad Litem:	Ronald Fahy	9236 Mosby St # A, Manassas VA 20110	(703) 369-7991

Wesley C. Smith