

VIRGINIA:

IN THE CIRCUIT COURT OF PRINCE WILLIAM COUNTY

CHERI SMITH,

Complainant,

v.

WESLEY SMITH,

Respondent.

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IN CHANCERY NO. 53360

**FAIRFAX COUNTY SCHOOL BOARD'S MOTION TO QUASH
SUBPOENA DUCES TECUM**

The Fairfax County School Board ("School Board"), by counsel and pursuant to Rule 4:9(c) of the Supreme Court of Virginia, moves this Court to quash the subpoena *duces tecum* served upon the Fairfax County Public Schools¹ by Respondent Wesley Smith ("Mr. Smith").

INTRODUCTION AND STATEMENT OF PERTINENT FACTS

1. This is a divorce case involving Mr. Smith and Complainant Cheri Smith ("Mrs. Smith"). The School Board is not a party.

2. On September 26, 2005, Mr. Smith caused the School Board to be served with a subpoena *duces tecum* directed to the "Custodian of Records – Fairfax County Public Schools." A copy of the Subpoena *Duces Tecum* is attached as Exhibit "A." The subpoena directed the documents to be served upon Mr. Smith on Saturday, October 1, 2005.

3. Exhibit 1 to Mr. Smith's Subpoena *Duces Tecum* states that Mr. Smith seeks documents in 12 separately described categories. With rare exception, the documents sought by Mr. Smith appear to relate not to this case, but rather, to Mr. Smith's pending criminal case in the

¹ The Fairfax County Public Schools are operated by the School Board and are not an entity separate from the School Board itself.

