

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

WESLEY C. SMITH  
Plaintiff

v.

ROGER D. VANDERHYE  
Defendant

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CASE NO: CL 2006-0007859

**#3 - Notice and Motion for Nonsuit**

A pdf copy of this document is available at: [http://www.liamsdad.org/court\\_case/vanderhye](http://www.liamsdad.org/court_case/vanderhye)

PLEASE TAKE NOTICE THAT ON Friday, December 1, 2006 at 10:00 a.m., Plaintiff will request that this Court to permit him/ to take a nonsuit in this action pursuant to Virginia Code § 8.01-380, and as grounds says as follows:

1. On March 31, 2006 Plaintiff filed #1 – COMPLAINT AND DEMAND FOR JURY TRIAL
2. Defendant had not filed a counterclaim or crossclaim to Plaintiff’s claim.

WHEREFORE, Plaintiff moves that this action may stand dismissed without prejudice to the bringing of another action concerning any of the matters involved therein.

**Respectfully Submitted,  
Wesley C. Smith**

\_\_\_\_\_  
Wesley C. Smith, Plaintiff  
5347 Landrum Rd APT 1  
Dublin, VA 24084-5603  
liamsdad@liamsdad.org  
no phone

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing was served to Hutton & Williams counsel for Mr. Vanderhye via U.S. mail, this 20th day of Nov 2006.

\_\_\_\_\_  
Wesley C. Smith

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**ORDER**

THIS CAUSE CAME upon the motion of the Plaintiff, Wesley Smith, for a nonsuit, pursuant to Virginia Code, § 8.01-380;

UPON CONSIDERATION WHEREOF, it is ORDERED that Plaintiff be and is hereby nonsuited without prejudice.

ENTERED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2006

\_\_\_\_\_  
Judge

I ASK FOR THIS:

\_\_\_\_\_  
Wesley C. Smith, Plaintiff  
5347 Landrum Rd APT 1  
Dublin, VA 24084-5603  
liamsdad@liamsdad.org  
no phone

SEEN AND \_\_\_\_\_

\_\_\_\_\_  
Thomas J. Cawley (VSB No. 04612)  
Sona Rewari (VSB No. 47327)  
HunTON & WILLIAMS LLP  
1751 Pinnacle Drive, Suite 1700  
McLean, Virginia 22102  
(702) 714-7400