

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

#5 – MOTION FOR LEAVE TO AMEND COMPLAINT

A pdf copy of this document is available at: http://www.liamsdad.org/court_case/vanderhye

COMES NOW the Plaintiff, Wesley C. Smith, and requests this Court, per § vs-cr-1:8, to enter an Order granting him leave to amend his Complaint, and states as follows:

1. The Plaintiff filed a Complaint on May 9th, 2006. The Plaintiff is not an attorney and is handling the case himself.
2. The Defendant has filed demurrers that seek to have counts and/or the case dismissed due to omissions and other issues with the Complaint that are a direct result of the Plaintiff being pro se.
3. The Plaintiff had planned to ask to non-suit and then re-file a new complaint, however it would be more efficient to simply amend the complaint in this case.
4. The Plaintiff has done some research and should be able to draft a somewhat better complaint.
5. Allowing the Plaintiff to amend his complaint should allow the case to be heard on its merits rather than dismissed due to the Plaintiff's lack of legal expertise.

WHEREFORE, Mr. Smith requests this court grant him leave to amend his complaint in all respects.

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 amended complaint was served to Hutton & Williams counsel for Mr. Vanderhye via U.S. mail, this 21st day of Dec 2006.

Wesley C. Smith

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ORDER FOR LEAVE TO AMEND COMPLAINT

IT APPEARING TO THE COURT that for the reasons stated in the Plaintiffs #5 – MOTION FOR LEAVE TO AMEND COMPLAINT, the Motion should be granted; it is therefore

ORDERED that the Plaintiff is granted leave to amend his Complaint, and the Defendant's responsive pleadings thereto shall be filed no later than twenty-one days from the date of the filing of the Amended Complaint.

This cause is continued.

ENTERED THIS ____ DAY OF _____, 2007

Judge

I ASK FOR THIS:

Wesley C. Smith, Plaintiff
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SEEN AND _____

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