

ALL FIDUCIARIES, PHILIP KAPUSTA, AND LAWYERS MISREPRESENTING FACTS AND CONCEALING INFORMATION TO HARM YOU AND INFRINGE UPON OUR RIGHTS.

Fraud upon the court occurs when a party, such as a fiduciary or lawyer, intentionally deceives the court through actions like concealing evidence, providing false statements, or disregarding court orders, thereby undermining the judicial process.

Fraud on the court occurs when the judicial machinery itself has been tainted, such as when an attorney, who is an officer of the court, is involved in the perpetration of a fraud or makes material misrepresentations to the court. Fraud upon the court makes void the orders and judgments of that court.

This can taint court decisions, potentially leading to remedies like voiding judgments.

Malicious prosecution, however, is a separate legal claim that arises when someone initiates or continues a legal proceeding (civil or criminal) against another person with malice, without probable cause, and with the intent to harm, resulting in damage to the targeted individual, such as financial loss or emotional distress.

In Virginia, malicious prosecution typically applies to wrongful lawsuits or prosecutions that are baseless and pursued for improper motives.

Fraud upon the court can contribute to a claim of malicious prosecution if the fraudulent conduct is used to initiate or sustain a legal action without legitimate grounds and with malicious intent.

For example, if fiduciaries in a conservatorship case knowingly used fabricated evidence or concealed critical information to secure or maintain the conservatorship, and did so to harass or harm the individual under the conservatorship, their actions could potentially escalate to malicious prosecution.

However, this requires proving that the legal action (e.g., actions taken by the conservatorship or fiduciary or lawyer or person) lacked probable cause, was driven by malice, and caused specific harm, such as loss of liberty or financial damage, beyond the fraud's impact on the court.

To address this in Fairfax County Circuit Court, you would need to file a motion detailing the fraud upon the court and, if applicable, pursue a separate claim for malicious prosecution, supported by evidence of the fraudulent acts, lack of probable cause, and malicious intent.

Fraud upon the court can occur when the judicial process is tainted by deliberate deception, such as when a lawyer, as an officer of the court, engages in material misrepresentations, conceals critical facts, or violates court orders to mislead the court. In Virginia, such actions could render court orders and judgments void if it is demonstrated that the deception significantly impacted the judicial outcome. For instance, falsifying documents, hiding evidence, or failing to disclose contempt of court could constitute fraud upon the court. Courts consider such misconduct gravely, as it undermines judicial integrity, and can set aside affected judgments if clear evidence is presented.

Fraud upon the court rises to malicious prosecution when harm is caused by misrepresentation and concealment, with the intent to secure a judicial outcome that harms you by taking away your rights.

Fraud upon the court and malicious prosecution are distinct, but they can overlap in certain scenarios.

Malicious prosecution in Virginia involves initiating or continuing a legal proceeding without probable cause, with malice, and resulting in harm, such as loss of rights or financial damage.

Fiduciaries or lawyers, including also Philip Kapusta, used fraudulent misrepresentations or concealment to pursue or maintain a conservatorship and guardianship with the intent to harm you, their actions could potentially form the basis for a malicious prosecution claim.

This would require showing that the filings and legal proceedings lacked a legitimate basis, was pursued with malicious intent, and caused specific harm, such as the loss of your autonomy or rights.

All fiduciaries, Philip Kapusta, and all lawyers committed fraud upon the court through misrepresentation, concealment, and failure to disclose facts, tainting the judicial outcome and threatening your previously held rights.

These allegations, if supported by evidence, constitutes fraud upon the court.

To address this in Fairfax County Circuit Court, you can file a motion, such as a "Motion to Void Judgments and Dissolve Conservatorship Due to Fraud Upon the Court," outlining specific instances of misrepresentation and concealment by each party.

Evidence like documents, communications, or records showing how these actions misled the court and harmed you could be included.

You can request a hearing to present this evidence and ask the court to void tainted judgments and dissolve the conservatorship.

If you consider the fraud was used to maliciously pursue the conservatorship to harm you, a separate malicious prosecution claim could be explored, though proving no probable cause and malicious intent for harm.