

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

PETITION FOR FULL AND PERMANENT DISSOLUTION OF CONSERVATORSHIP AND
GUARDIANSHIP

BASED ON DR. EDWARD MALLORY-(MEDICAL EXPERT) TESTIFYING IN 2-7-25 NOTARIZED
AFFIDAVIT TO VIRGINIA CRIMINAL LAW ELDER CRUELTY-NEGLECT AND ABUSE SECTION
18.2-369-B-(CLASS 4 FELONY) COMMITTED AND OR SUPPORTED OR PERPETRATED BY ALL
FIDUCIARIES SINCE 2022 IN ORDER TO KEEP ELAINE MAE KAPUSTA INCAPACITATED WITHOUT
RECEIVING PROPER DENTAL AND MEDICAL CARE

2/10/25 8:30 AM

Lynn Kay,
Petitioner

v.

George W. Dodge,

Respondent

CASE #CL-2018-11871

RE: ELAINE MAE KAPUSTA

COMES NOW, PETITIONER, LYNN KAY, AND RESPECTFULLY SUBMITS THIS PETITION FOR FULL
AND PERMANENT DISSOLUTION OF THE CONSERVATORSHIP AND GUARDIANSHIP OF ELAINE
MAE KAPUSTA.

LYNN KAY, PETITIONER, ASSERTS WITH EVIDENCE AND MEDICAL EXPERT NOTARIZED
AFFIDAVIT THAT ALL FIDUCIARIES INVOLVED IN THIS MATTER HAVE ENGAGED IN GROSS
NEGLIGENCE, FRAUD, AND ELDER CRUELTY-(NEGLECT AND ABUSE), LEADING TO SEVERE
HARM TO ELAINE MAE KAPUSTA-(2022-2025).

LYNN KAY, PETITIONER, SEEKS IMMEDIATE TERMINATION OF THE CONSERVATORSHIP AND
GUARDIANSHIP, REINSTATEMENT OF HER LEGAL RIGHTFUL RIGHTS, BASED ON FIDUCIARIES
FRAUD AND CRIMES OF ATTESTED TO "ELDER CRUELTY-NEGLECT AND ABUSE BY
CONFINEMENT AND ISOLATION IN PLACE OF PROVIDING THE PROPER STANDARD OF BASIC
DENTAL AND MEDICAL CARE AND TREATMENTS FOR SEEKING FULL HEALTH RESTORATION TO
CAPACITY" AND SEEKING A FULL COURT-ORDERED INVESTIGATION INTO ALL 5+ YEARS OF
FIDUCIARY MALFEASANT CRIMES AND MISCONDUCT.

****END THIS "DEADLY, DANGEROUS, CORRUPT AND INHUMANE FRAUDULENT CRIMINAL
CONSERVATORSHIP/ GUARDIANSHIP TODAY WITH THE IMMEDIATE SUSPENSION OF ALL 2022-
2025 CRIMINALLY-IMPLICATED FIDUCIARIES.****

FACTUAL BACKGROUND

- 1. FRAUDULENT SETTLEMENT AGREEMENT (2020): THE COURT-ORDERED SETTLEMENT AGREEMENT IN JULY 2020, WAS OBTAINED FRAUDULENTLY, WITH FIDUCIARIES FAILING TO ADHERE TO ANY OF THE STATED TERMS, INCLUDING FINANCIAL REPORTING, ESTATE MANAGEMENT, AND PROPER MEDICAL AND DENTAL CARE FOR ELAINE MAE KAPUSTA AND PROTECTION FROM NEGLECT AND ABUSE AND EXPLOITATION.**
- 2. MEDICAL NEGLECT AND ELDER ABUSE (2022-2025): FIDUCIARIES WILLFULLY DENIED NECESSARY MEDICAL AND DENTAL CARE, LEADING TO SEVERE HEALTH DETERIORATION. DR. EDWARD MALLORY, A MEDICAL EXPERT, HAS PROVIDED AN AFFIDAVIT CONFIRMING THAT ELAINE MAE KAPUSTA HAS SUFFERED MYELODYSPLASTIC SYNDROME (MDS) SINCE 2022 WITHOUT RECEIVING NECESSARY HEMATOLOGICAL TREATMENT.**
- 3. FINANCIAL EXPLOITATION AND MISMANAGEMENT: FIDUCIARIES FAILED TO PROTECT ESTATE ASSETS, MISMANAGED FUNDS, AND ENGAGED IN FINANCIAL MISCONDUCT, IN VIOLATION OF FIDUCIARY DUTY.**
- 4. UNLAWFUL ISOLATION AND CONFINEMENT AND EMOTIONAL ABUSE: ELAINE MAE KAPUSTA HAS BEEN FORCIBLY SEPARATED FROM HER PRIMARY ONLY LOVING CAREGIVER OF 17 YEARS, PETITIONER, LYNN KAY FOR OVER 600 DAYS, CAUSING UNDUE AND UNCEASING EMOTIONAL AND PHYSICAL HARM TO ELAINE MAE KAPUSTA. CONFINEMENT AND ISOLATION AS ABUSIVE MEANS IN PLACE OF PROVIDING BOTH DENTAL AND MEDICAL CARE AND TREATMENTS.**

ALL FIDUCIARIES AND STEPHEN HALL AND ALL PERSONS INVOLVEMENT IN THE CRIMINAL BEHAVIOR OF COMMITTING AND OR SUPPORTING VIRGINIA CRIMINAL LAW SECTION 18.2-369-B NOW BEING ATTESTED TO BY DR. EDWARD MALLORY-(MEDICAL EXPERT) NOTARIZED AFFIDAVIT

NOW DEMANDS THE IMMEDIATE AND PERMANENT AND FULL DISSOLUTION OF BOTH CONSERVATORSHIP AND GUARDIANSHIP AS ONLY MALFEASANCE HAS OCCURRED BY 12+ PERSONS SINCE 2020.

****END THIS "DEADLY, DANGEROUS, CORRUPT AND INHUMANE FRAUDULENT CRIMINAL CONSERVATORSHIP/GUARDIANSHIP TODAY WITH THE IMMEDIATE SUSPENSION OF ALL 2022-2025 CRIMINALLY-IMPLICATED FIDUCIARIES.****

In this petition, Lynn Kay requests the revocation of the guardianship and conservatorship of her mother, Elaine Mae Kapusta, under the management of Cary Cucinelli and George W. Dodge and the removal of all of the other fiduciaries. The petition accuses the current guardian and fiduciaries of systemic and inhumane elder neglect and abuse, and confinement and isolation from her only home and daughter since 6/6/23, having been

inhumanely and wrongfully abducted while previously denying 8 months of both dental and medical care with criminal medical neglect and abuse causing injury, illness, infection, diseased conditions and diseases and grave injuries and mental, physical and psychological trauma along with gross financial mismanagement, and misconduct over several years. Being denied her “best interests of health, happiness, home and her daughter.

Key Facts and Allegations:

1. Medical Neglect and Abuse:

- **Elaine Mae Kapusta has been deliberately denied against doctor’s orders basic medical and dental care for over 30 months while collectively all 2022-2024 fiduciaries were aware of Elaine knowingly suffering since May 2022.**
- **As a direct result of medical abandonment of failing to provide dental and medical care and treatment, resulting in severe health complications, diseases, diseased conditions, infections and injuries and almost death 3 times with grave injuries and including neglect causing untreated Myelodysplastic Syndrome-“blood cancer”, dental infections, and near-fatal episodes unceasing harm since MAY 2022 ONGOING TO PRESENT DAY INHUMANENESS AND DISREGARD FOR THE LIFE AND HEALTH AND WELL-BEING OF ELAINE MAE KAPUSTA BY “ALL FIDUCIARIES AND STEPHEN HALL AND PHILIP KAPUSTA” “WILLFULLY AND KNOWINGLY SIMPLY NOT CARING!”**
- **Fiduciaries are accused of ignoring doctor’s written orders of 9/20/22-(DENTAL), 5/8/23-(DENTAL) and 5/22/23-(IRON & COQ10) and 1/5/24-(DENTAL) AND DENIAL OF SEEKING FULL HEALTH RESTORATION IN ORDER TO PREVENT CAPACITY IN KEEPING MOM SICK WITHOUT CARE, FOR WITHHOLDING CARE TO MAINTAIN ELAINE’S INCAPACITATED STATE.**

2. Financial Mismanagement:

- **Allegations include gross financial mismanagement, resulting in millions of dollars in estate losses since 2020.**
- **Fiduciaries cost “the estate” millions of dollars in lost rental income of \$1,000,000/3 years and lost REAL ESTATE VALUE and caused millions lost in taxes and failed to allocate funds for the 4136 estate home repair/replacement and upkeep and failed to provide funds for basic and necessary medical and dental treatments, along with failure to provide annual guardianship salary and fraud upon the court and breach of contracts, etc.**

3. Legal Misconduct:

- **Claims of knowingly filing and supporting the filing of malicious prosecutions with threats in order to conceal criminal neglect, criminal concealment of critical medical health information demonstrating the medical neglect and abuse occurring, failure to disclose to all authorities and**

to this court even prior to 10/16/22 the documented criminal elder cruelty medical abandonment and denial of care, obstruction of justice, and contempt of court orders by all fiduciaries erecting a **“WALL OF SILENCE”**.

- Fiduciaries are accused of using their positions to protect themselves from criminal prosecution, rather than acting in Elaine's best interests.

4. Psychological and Physical Harm:

- Lynn Kay details instances where she and her mother were forcibly separated and denied visits since 10/3/23, including Elaine being removed from her home under armed guard on 6/6/23 while ALL FIDUCIARIES WERE WILLFULLY AND KNOWINGLY denying both dental and medical care to Elaine since 10/16/22
- 9/29/23-GRAVE INJURIES AND COULD HAVE BEEN PARALYZED OR PERMANENTLY DEBILITATED FOR LIFE OR KILLED TWICE AWAY FROM HOME-8/2/24-CONCEALED BY ALL FIDUCIARIES WITH ELAINE NEEDING 911 PARAMEDICS FOR REVIVING MY MOM. WHILE ALL FIDUCIARIES “COWERED BEHIND THE WALL OF SILENCE” IN COLLUSION OF FAILING TO DISCLOSE AND FAILING TO INFORM ALL INVESTIGATING AUTHORITIES AND THIS COURT WHILE COMMITTING CRIMINAL CONCEALMENTS AND COVER-UPS OF “CRIMINAL ELDER CRUELTY CRIMES”
- 10/3/23-CRIMINAL EVIDENCE OF NEGLECT AND ABUSE AND PERMANENT DENIAL OF LYNN TO SEE HER OWN MOM WITH COBBDALE VERBAL THREAT TO LYNN’S LIFE AND WELL-BEING FOR INFORMING COBBDALE AND ALL FIDUCIARIES OF THEIR CRIMINAL MEDICAL ELDER NEGLECT AND ABUSE CRIMES COMMITTED.
- 1/4/24-EMERGENCY PETITION-LYNN KAY-(JOHN BURTON LAWYER) INFORMED THIS COURT OF “ELDER CRUELTY-NEGLECT AND ABUSE” AND THE COURT AND ALL FIDUCIARIES FAILED TO EVER INVESTIGATE 400 DAYS AGO!
- Lynn alleges severe emotional and psychological damage from being barred from caring for her mother and umpteen malicious prosecutions AND HARASSMENTS AND AND THREATS TO LIFE AND HOME AND WELL-BEING affecting her life and well-being and defaming her good character and her good name maliciously. WHILE ALL CRIMINAL AND FRAUDULENT FIDUCIARIES WERE FULLY CONCEALING “THEIR CRIMINAL BEHAVIOR” OF ELDER CRUELTY OF DENYING ELAINE MAE KAPUSTA DENTAL AND MEDICAL CARE FOR ~700 DAYS!

5. Virginia Law Violations:

- The petition references Virginia Code § 18.2-369(B), which criminalizes neglect of incapacitated adults resulting in serious injury or disease, asserting

that fiduciaries' actions constitute a Class 4 felony attested to by Dr. Edward Malory-(Medical Expert)-2-7-25 NOTARIZED AFFIDAVIT

- **BASED ON DOCUMENTED AND ATTESTED TO BY MEDICAL EXPERT, CRIMINAL BEHAVIOR BY ALL FIDUCIARIES SINCE 2022, LYNN KAY IS NOW DEMANDING THE IMMEDIATE AND PERMANENT DISSOLUTION OF THE ENTIRE CONSERVATORSHIP/GUARDIANSHIP IMMEDIATELY AND SEEKING CRIMINAL AND FINANCIAL DAMAGES**

6. **Summary of Systemic Failures and Resultant Harm** The undersigned hereby asserts the failure of all relevant authorities, fiduciaries, and this Court to adequately protect Elaine Mae Kapusta and Lynn Kay. Despite multiple pleas for assistance, these failures have resulted in extensive and ongoing harm to both ELAINE MAE KAPUSTA AND LYNN KAY. The inability to secure competent legal representation, due to conflicts of interest and the pervasive reluctance of attorneys to litigate against other attorneys, has left Elaine Mae Kapusta and Lynn Kay entirely abandoned by “The Estate” and “this Court”. They have both been subjected to grave injustices and inhumane treatment, since the beginning in 2020 progressively worsening being **“UNDER THIS CORRUPT AND FRAUDULENT CRIMINAL CONSERVATORSHIP/ GUARDIANSHIP”** with no recourse to justice or accountability.
7. **Systemic Corruption and Failures of Oversight:** This situation reflects a deeply rooted corruption, underscored by the Court’s failure to exercise appropriate oversight or conduct necessary investigations of fiduciaries crimes committed.
8. **Repeated reports to Authorities:** Since 2023, Lynn Kay alerted Adult Protective Services (seven times) and law enforcement (five times) have all been ignored or disregarded, exacerbating the harm. This neglect underscores the urgent need for immediate intervention. The undersigned seeks the appointment of a unified, court-appointed attorney to represent Elaine Mae Kapusta and Lynn Kay in the pursuit of both criminal and financial justice. Such representation is essential to address the systemic fiduciary misconduct that has irreparably harmed their lives.
Compensatory and Punitive Damages: The fiduciaries and Philip Kapusta must be held accountable for full compensatory and maximum punitive damages resulting from their collective corruption, negligence, and inhumane actions. These actions have led to life-altering harm, including financial devastation and physical and emotional suffering. The Court must now today rectify this situation by restoring legal rights to Lynn Kay, including reinstatement as the rightful Power of Attorney, as Guardianship without Conservatorship and addressing the fiduciaries' material breaches of the Settlement Agreement and the Co-Guardian Agreement and the Guardianship Agreement without any just cause or any supporting documentation.
9. **Impact of Fiduciary Corruption:** Had even one fiduciary acted with integrity and humanity, Elaine Mae Kapusta and Lynn Kay would not have endured over 1000 days of egregious hardship.
10. **Under The Corrupt Conservatorship:** Elaine Mae Kapusta has faced multiple near-fatal incidents, exacerbating the suffering inflicted on both Elaine and Lynn.

11. The Systemic Failures of Fiduciaries and the Court: Caused Elaine Mae Kapusta and Lynn Kay to endure over 1000 days of unrelenting hardship, rendering their lives a state of pure decimated devastation.

Relief Sought:

LYNN KAY respectfully requests that the Court:

- 1. Appoint a unified attorney to pursue justice for Elaine Mae Kapusta and Lynn Kay.**
- 2. Mandate that all fiduciaries and Philip Kapusta pay compensatory and punitive damages.**
- 3. Restore Lynn Kay's legal rights as FULL AND SOLE GUARDIAN WITH THERE BEING NO RESTRICTIONS HOLDING Power of Attorney AND ADVANCE MEDICAL DIRECTIVE WITH THERE BEING NO RESTRICTIONS TO GUARDIANSHIP AND WITH THERE BEING NO CONSERVATORSHIP. AS THE 2020 SETTLEMENT AGREEMENT WAS MATERIALLY BREACHED WITH FRAUD AND THREATS TO LIFE AND HEALTH AND HOME SINCE 2020.**
- 4. Ensure The Protection of Elaine Mae Kapusta and Lynn Kay: moving forward. These actions are necessary to rectify the gross injustices perpetuated under the guise of fiduciary authority.**
- 5. THIS CASE WILL BE REMEMBERED AS "A SHOCKING CASE HISTORY OF THE DEADLY DANGERS OF CONSERVATORSHIP/ GUARDIANSHIP" WITH ALL FIDUCIARIES COLLECTIVELY NOT ONLY DENYING ELAINE MAE KAPUSTA 30 MONTHS OF MEDICAL CARE AND DENTAL CARE AND TREATMENTS, WHILE THREATENING BOTH ELAINE'S AND LYNN'S LIVES AND WELL-BEING RECKLESSLY AND UNCEASINGLY SUBJECTING ELAINE TO HORRENDOUS HARM IN SEPARATING AND SEVERING A 17 YEAR DEVOTED AND LOVING MOTHER-DAUGHTER RELATIONSHIP WHEN ELAINE MAE KAPUSTA WAS UNJUSTIFIABLY REMOVED BY "ARMED GUARDS" AND SUBJECTED ELAINE TO 615 DAYS OF "MEDICALLY TORTURING AND NEGLECTING AND SUBJECTING ELAINE TO MULTIPLE SEPSIS BACTERIAL INFECTIONS AND WITHOUT ANY MEDICAL MONITORING "MEDICALLY-FORCIBLY DETAINING ELAINE AGAINST HER WILL AND HER BEST INTERESTS" WHILE SCARED TO DEATH TWICE BEING GRAVELY INJURED AND ALMOST DEMISE ON 8/2/24 WITH ELAINE NEEDING 911 PARAMEDICS TO REVIVE ELAINE AND AT THE HOSPITAL BEGGING TO COME HOME, "PLEASE LET ME GO HOME, I WANT TO GO HOME" AND ALL FIDUCIARIES BEING SO CORRUPT AND SO INHUMANE DISREGARDING THE WISHES OF ELAINE BEGGING TO GO HOME AND ALL FIDUCIARIES ENTIRELY CONCEALING THIS FROM THE AUTHORITIES AND THIS COURT AND FROM LYNN WHILE THEY ALL CONTINUED IN GROSS NEGLIGENCE AND DISREGARD FOR HUMAN LIFE AND THE COMPLETE DISREGARD FOR VIRGINIA CRIMINAL LAW SECTION 18.2-369-B OF WHICH ALL CORRUPT AND INHUMANE**

FIDUCIARIES MUST BE INVESTIGATED AND PROSECUTED WITH BEING CHARGED AT THE MAXIMUM PENALTY FOR GROSS EGREGIOUS INHUMANENESS. AND AT THE SAME TIME "ABUSING THEIR POWER IN CONTEMPT OF COURT ORDER AND ABUSING THE COURT SYSTEM AND "MALICIOUSLY PROSECUTING LYNN" FOR LYNN BEING THE ONLY ONE TRYING TO SAVE HER OWN MOM'S LIFE.

****ANY OBJECTIONS TO LYNN KAY GUARDIANSHIP WITHOUT CONSERVATORSHIP WITH ONLY LYNN KAY HOLDING FULL LEGAL P.O.A AND ADVANCE MEDICAL DIRECTIVE-(LYNN KAY SOLELY HELD 2013-2020), MUST PROVIDE SUPPORTIVE MEDICAL HEALTH RECORDS AND DOCUMENTS FROM JULY 2022 SHOWING THAT THE GUARDIANSHIP REVOKING OF LYNN KAY WAS "JUST IN ANY WAY" AND BASED ON THIS DISASTROUS CONSERVATORSHIP "MUST SHOW THERE BEING ANY BENEFIT TO THE ESTATE UNDER CONSERVATORSHIP" AS IT HAS DOCUMENTEDLY FULLY HAVING "DECIMATED THE ESTATE FUNDS SINCE 2020 TO PRESENT DAY" AND "ENDANGERED THE LIFE OF ELAINE MAE KAPUSTA AND LYNN KAY IN 2022, 2023, 2024 AND NOW 2025" AS PER MEDICAL EXPERT NOTARIZED AFFIDAVIT- 2/7/25**

****WITH THIS FRAUDULENT CONSERVATORSHIP AND GUARDIANSHIP IMMEDIATELY BEING DISSOLVED FOR BEING CORRUPT AND INHUMANE WITH LYNNKAY BEING RIGHTFULLY REAPPOINTED AS FULL AND SOLE GUARDIANSHIP ALONE WITHOUT ANY CONSERVATORSHIP FOR A 90 DAY REVIEW OF THE RESTORATION OF ELAINE MAE KAPUSTA SOUGHT DURING THOSE 90 DAYS FOR A COURT STATUS HEARING TO OCCUR IN MAY 2025 FOR LYNN KAY'S FINAL APPOINTMENT.**

THREATS TO LIFE, WELL-BEING, HEALTH AND HOME:

- **1. Threats to Lives: Continual threats to our lives began in June 2022.**
- **2. Threats of Homelessness: There were multiple threats of homelessness, particularly directed at Lynn for providing care to her own mom in their own home while all fiduciaries were withholding care.**
- **3. Armed Police Presence: On October 2, 2022, armed police were present at Lynn's childhood bedroom door, which served as a form of intimidation and threat. This occurrence has been saved on NESTCAM VIDEO.**

Serious case involving fiduciaries and Philip Kapusta. Since May 2022, there have been ongoing issues of criminal medical elder neglect and abuse and denial of care, material breaches of 2 legal contracts, obstruction of justice, and continual threats, including threats of homelessness and armed police.

Continual defamation, slander, harassment and psychological abuse, with multiple attempts by all fiduciaries and by Philip Kapusta knowingly concealing the neglect and abuse for 3 years.

The main allegations against Philip Kapusta and all fiduciaries include:

- **1. Supporting Criminal Medical Elder Neglect and Abuse: Concealing the reported by Lynn to all fiduciaries neglect and abuse since May 2022.**
- **2. Material Breach of Contracts: Involvement in breaches on 7/8/22 and 1/13/23.**
- **3. Obstruction of Justice and Fraud Upon the Court: Engaging in concealments, cover-ups, and lying by omission since July 2022.**
- **4. Continual Threats and Supporting Denial of Care: Participating in threats and denial of care starting in June 2022.**
- **5. Defamation, Slander, and Psychological Abuse: Engaging in defamation, slander, and psychological abuse, including threats of homelessness and armed police presence.**

Material breaches of contracts with “the tainting of each court hearing by failing to disclose” on all occasions: July 5, 2022 and July 8, 2022, 10/13/22 and January 13, 2023 and 1/4/24 and 4/5/24 and 4/18/24 and AUGUST 2024 AND 10/11/24 and 12/16/24 and 1/17/25 TO PRESENT DAY due to continual ongoing issues of concealment, cover-ups, and failure to provide care, related to these broader issues of neglect and abuse.

The threats made to LYNN KAY AND ELAINE MAE KAPUSTA include:

- **1. Threats to Our Lives: Continual threats to mom’s and my lives began in June 2022.**
- **2. Threats of Homelessness: Threats of homelessness were made, particularly in the context of Lynn providing care to my own mom.**
- **3. Armed Police Presence: Armed police were present at Lynn’s childhood bedroom door on October 2, 2022, which can be interpreted as a form of intimidation or threat.**

The reported concealments and cover-ups include:

- **1. Concealment of Criminal Medical Elder Neglect and Abuse: This began in June 2022 and continues to the present day.**
- **2. Failure to Disclose: There was a failure to disclose important medical and health information, which is large part of the broader concealment efforts, including for 3 years multiple times terminating MYCHART ACCESS, AGAINST COURT ORDERS IN ORDER TO CONCEAL CRIMES OCCURRING. PERMANENTLY TERMINATED IN CONTEMPT OF COURT ORDER SINCE 2/1/24 BY GEORGE W. DODGE AND ALL FIDUCIARIES CONCEALING THEIR YEARS OF “ELDER CRUELTY CRIMES” SINCE 2022!**
- **3. Lying by Omission: Authorities were lied to by omission, contributing to the cover-up.**

- 4. Fraud Upon the Court ALL 3 YEARS: This includes lying by omission, concealments, and cover-ups, CONSPIRACIES TO COLLUDE TO CONCEAL which have been occurring since July 2022.
- 5. Petition to Modify: 11 times, continual petitions to modify were CRIMINALLY SOUGHT TO CONCEAL CRIMINAL ELDER CRUELTY to conceal the criminal concealment of medical elder neglect and abuse.

THREATS

- 1. THREATS TO LIVES: CONTINUAL THREATS TO THE LIVES AND OF LYNN KAY AND ELAINE MAE KAPUSTA BEGAN IN JUNE 2022.
- 2. THREATS OF HOMELESSNESS: THERE WERE THREATS OF HOMELESSNESS, PARTICULARLY DIRECTED AT LYNN KAY SEEKING PROVIDING CARE TO MY OWN MOM IN OUR OWN HOME WHILE ALL FIDUCIARIES WERE NEGLECTING AND ABUSING MY MOM .
- 3. ARMED POLICE PRESENCE: ON OCTOBER 2, 2022, ARMED POLICE WERE PRESENT AT LYNN'S CHILDHOOD BEDROOM DOOR, WHICH SERVED AS A FORM OF INTIMIDATION OR THREAT.

ALL FIDUCIARIES AND STEPHEN HALL CRIMINAL BEHAVIOR DEMANDS THE IMMEDIATE AND PERMANENT AND FULL DISSOLUTION OF CONSERVATORSHIP AND GUARDIANSHIP AS ONLY MALFEASANCE HAS OCCURRED BY 12+ PERSONS SINCE 2020.

LYNN KAY'S CONTRACTS WERE BREACHED WHILE FIDUCIARIES WERE COMMITTING CRIMES OF 18.2-369-ELDER CRUELTY-MEDICAL ELDER NEGLECT AND ABUSE.

THIS 2020 SETTLEMENT AGREEMENT CONTRACT WAS AGREED TO UPON THE STATED TERMS AND ALL WAS MATERIALLY BREACHED BY FRAUD OCCURRING SINCE BEGINNING IN 2020 AND BOTH ELAINE MAE KAPUSTA'S LIFE AND LYNN KAY'S LIFE HAVE BEEN DECIMATEDLY DESTROYED DUE TO ALL FIDUCIARIES AND PHILIP KAPUSTA'S MALFEASANCE.

LYNN AND ELAINE WERE PROMISED FALSE PROTECTION AS THERE WAS NONE.

THE "ELDER CRUELTY" AND THE MATERIAL BREACH OF CONTRACT WITH NO JUST CAUSE GIVES LYNN THE FULLY JUST RIGHT TO RESUME HER PREVIOUS POSITION OF FULL AND SOLE GUARDIANSHIP AND WITH NO CONSERVATORSHIP AS IT HAS ONLY PROVEN TO BE DEADLY DANGEROUS TO BOTH ELAINE'S AND LYNN'S LIFE SINCE 2022.

LYNN AND ELAINE HAD PROTECTION PRIOR TO SETTLEMENT AGREEMENT WITH LEGAL P.O.A. AND FULL CONTROL OVER ALL THINGS WHEN ELAINE AND LYNN AND "THE ESTATE" THRIVED AND LYNN NOW RIGHTFULLY DEMANDS THE RESTORATION OF FULL AND SOLE GUARDIANSHIP WITH THE

ENTIRE PERMANENT DISSOLUTION OF CONSERVATORSHIP TODAY, BASED UPON ALL CRIMES COMMITTED AND CONCEALED CAUSING BOTH LYNN AND ELAINE PERMANENT PSYCHOLOGICAL DAMAGE IN BOTH OF THEM FEARING FOR THEIR LIVES SECOND BY SECOND SINCE 2020-2025.

Relief Requested:

- **Immediate and permanent revocation of the existing guardianship and conservatorship.**
- **Appointment of Lynn Kay as the sole guardian without conservatorship and without restrictions.**
- **A 90 DAY COURT HEARING STATUS REVIEW OF LYNN KAY FULL AND SOLE GUARDIANSHIP WITH NO RESTRICTIONS WHILE LYNN SEEKS “THE FULL HEALTH RESTORATION OF ELAINE MAE KAPUSTA” BEING PROVIDED ALL PROPER DENTAL AND MEDICAL CARE DENIED FOR 1000 DAYS SINCE 5/18/22.**
- **Court-ordered investigations into fiduciary misconduct and criminal negligence.**
- **FULL COMPENSATION FOR DAMAGES, INCLUDING FULL COMPENSATORY SINCE 2020 AND MAXIMUM PUNITIVE DAMAGES AGAINST THE FIDUCIARIES AND AGAINST PHILIP KAPUSTA FOR MATERIALLY BREACHING SETTLEMENT AGREEMENT CAUSING 1000 DAYS OF “HELL SUFFERED”!**

Supporting Evidence:

- **Testimony and notarized affidavit from medical expert, on 2/7/25 Dr. Edward Mallory, confirming the link between the fiduciaries’ neglect and abuse away from home and Elaine’s deteriorating health without Lynn’s devoted loving care of 18 years since 2006.**
- **DEMANDING PERMANENT DISSOLUTION OF CONSERVATORSHIP/GUARDIANSHIP WITH A timeline of events documenting alleged neglect, financial losses, and violations of court orders AND DOCUMENTED WRITTEN AND VERBAL TAPE RECORDED THREATS**
- **EVIDENCE OF LEGAL MISCONDUCT AND BREACH OF FIDUCIARY DUTY BY ALL FIDUCIARIES SINCE 10/16/22**

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THIS HEALTH DECIMATION OF ELAINE MAE KAPUSTA WAS ENTIRELY PREVENTABLE.

AS THE 30 CLEARLY LABELED SUBJECT FILES REVIEWED BY DR. EDWARD MALLORY STATE AND CONFIRMS THAT ALL FIDUCIARIES WERE INFORMED OF BOTH DENTAL AND MEDICAL CARE NEEDED FOR ELAINE MAE KAPUSTA SINCE OCTOBER 2022 AND EVEN PRIOR AS LIZ SHIFFLETT WAS INFORMED THAT ROOT CANALS WERE NEEDED TO BE EVALUATED PRIOR TO 2022. THIS DENTAL CARE WAS DENIED TO ELAINE.

DR. MALLORY-(MEDICAL EXPERT)-AFFIDAVIT TESTIFYING TO-ELAINE HAS SUFFERED DETRIMENTAL HARM BEING AWAY FROM HOME AND BEING AWAY FROM LYNN'S

COMPETENT AND CARING CARE FOR OVER 600 DAYS BEING FULLY ISOLATED IN PLACE OF PROVIDING BOTH “MEDICALLY PROPERLY REQUESTED BY LYNN” DENTAL AND MEDICAL CARE.

HISTORY:

2020-SETTLEMENT AGREEMENT WAS FRAUDULENTLY OBTAINED UNDER OATH ON 7/13/20 AS CARY CUCINELLI NEVER INTENDED TO ABIDE BY ANY OF THE COURT-ORDERED STATED TERMS ALL BEING NEVER ADHERED TO-(LYNN KAY RECEIVED NO ANNUAL GUARDIANSHIP SALARY, RECEIVED NO QUARTERLY FINANCIAL REPORTS, RECEIVED NO REAL ESTATE APPRAISAL, JULY 2022, CONSERVATORS AND ALL FIDUCIARIES FRAUDULENTLY CONCEALED SEEKING TO TERMINATE LYNN KAY’S GUARDIANSHIP WITH NO JUST CAUSE AND NO SUPPORTIVE DOCUMENTS GIVING ANY JUST CAUSE WHILE CONCEALING THE MEDICAL EVIDENCE OF THERE BEING NO JUST CAUSE, FAILED TO ENSURE BOTH DENTAL AND MEDICAL CARE, FAILURE TO PROTECT FROM NEGLECT AND ABUSE AND FINANCIAL EXPLOITATION, FAILURE TO CARE FOR THE ESTATE HOME AND FAILURE TO PROVIDE ADEQUATE MONTHLY FUNDS, FAILURE TO SEEK “BEST INTERESTS”, GROSS FINANCIAL MISMANAGEMENT AND THE DECIMATION OF THE ESTATE FUNDS BY FIDUCIARY ELDER CRUELTY CRIMES COMMITTED AND CONCEALED BY ALL FIDUCIARIES HIDING BEHIND “THE WALL OF SILENCE”-(COURT SUPPLEMENT OF ABUSE AND WRITTEN THREATS TO BOTH LYNN KAY AND ELAINE MAE KAPUSTA)

NOW PROVEN BY DR. MALLORY MEDICAL EXPERT NOTARIZED AFFIDAVIT TESTIMONY-2/7/25

CRIMINAL ELDER CRUELTY-(VIRGINIA CRIMINAL LAW SECTION 18.2-369-B) AGAINST ALL 2022-2024 FIDUCIARIES IN 2022, 2023, 2024 TO PRESENT DAY WITH 27+ MONTHS FAILING TO PROVIDE PROPER DENTAL AND MEDICAL CARE.

CRIMES BY ALL 2022-2025 FIDUCIARIES:

WILLFUL FAILURE TO ATTEND TO MEDICAL AND DENTAL CARE SINCE 2022

WILLFUL FAILURE OF ALL FIDUCIARIES TO REPORT THIS “ELDER CRUELTY CRIME ON 1/13/23 COURT HEARING- *ELDER CRUELTY OCCURRING SINCE OCTOBER 2022-DENIAL OF DENTAL AND MEDICAL CARE* AS PER ALL SUPPORTIVE FILES REVIEWED BY DR. MALLORY

1/13/23-GUARDIANSHIP COURT HEARING-(GEORGE W. DODGE)-LYING BY OMISSION FRAUDULENTLY SOUGHT GUARDIANSHIP WHILE INHUMANELY COMMITTING THE CRIME OF ELDER CRUELTY SINCE OCTOBER 2022-(18.2-369) NOW TESTIFIED TO FOR THIS GUARDIANSHIP AND CONSERVATORSHIP ALL BEING MADE ENTIRELY NULL AND VOID FOR ALL OF THE SHOCKING CRIMES COMMITTED AND SUPPORTED BY ALL NAMED FIDUCIARIES DENYING CARE TO ELAINE MAE KAPUSTA SINCE EVEN PRIOR TO OCTOBER 2022.

WILLFUL FAILURE OF ALL FIDUCIARIES TO ENSURE AND PRVIDE CARE AS IS “THEIR FIDUCIARY DUTY”

WILLFUL FAILURE TO PROTECT FROM NEGLECT AND ABUSE AND FINANCIAL EXPLOITATION AS IS “THEIR FIDUCIARY DUTY”

ALL FIDUCIARIES CRIMINAL BEHAVIOR WILLFULLY CONCEALED BY ALL FIDUCIARIES SINCE OCTOBER 2022 ENTIRELY VOIDS ALL CURRENT FIDUCIARIES EMPLOYMENT BY “THE ESTATE OF

ELAINE MAE KAPUSTA” DUE TO THEIR CRIMINAL CONCEALMENT OF THEIR ELDER CRUELTY CRIMES COMMITTED DECIMATING BOTH LIVES OF ELAINE MAE KAPUSTA AND LYNN KAY AS A DIRECT RESULT SINCE EVEN PRIOR TO 10/16/22 1ST BEING INFORMED OF ELAINE’S PHYSICAL SUFFERING AND NOT 1 FIDUCIARY EVER CARED, EVER.

6-5-23-EMAIL STATING SUBSTANTIAL LIKELIHOOD MOM WILL DETERIORATE!

There is a substantial likelihood that Ms. Kapusta will deteriorate quickly with outside care, due to the shock of this turn of events for her and her complete separation from her daughter. You're separating a mother and daughter of almost 17 years living together, despite the fact that only a few weeks ago the guardian was claiming that Ms. Kapusta was doing well at home and recommending eliminating nighttime aides. Despite our attempts to resolve this in a way that would address your primary concerns, you insist upon this traumatic and risky action. In our opinion this is in no way what is in the best interest of Elaine Kapusta.

GEORGE W. DODGE AND ALL FIDUCIARIES HAD NOT ONLY IGNORED THE 2022 REPORTED DESTRUCTION OF ELAINE'S BLOODCELLS AND PLATELETS AND THE NEED FOR A HEMATOLOGIST, ALL FIDUCIARIES ALSO IGNORED "TEETH PAIN OCCURRING SINCE 10/16/22 REPORTED TO ALL FIDUCIARIES ON 10/16/22.

ATTESTATION BY DR. MALLORY:

3. It is my medical opinion that after reviewing the medical records you sent me, Ms. Elaine Kapusta was diagnosed with Myelodysplastic Syndrome-(MDS) by Dr. William Ershler, MD. in February 2024.

4. These values are consistent with Myelodysplastic Syndrome-(MDS) according to hematologist Dr. Ershler:

From September 2022 to August 2024, Ms. Lynn Kay reported that Ms. Elaine Kapusta received no medical care and medical treatment for Myelodysplastic Syndrome(MDS) from a physician. If a patient has Myelodysplastic Syndrome-(MDS), that patient needs a bone marrow biopsy and treatment by a hematologist. Treatment options include blood transfusions, growth factors, medications to suppress the immune system, and possibly bone marrow transplants. This would require numerous outpatient visits, and possibly an inpatient stent in hospital.

5. Based on the review of the medical records, and testimony from Ms. Lynn Kay, Ms. Elaine Kapusta went nearly two years with the disease of Myelodysplastic Syndrome-(MDS) and did not receive any medical treatment. It is my opinion, that this meets the criteria for medical elder neglect as per Virginia Criminal law under section 18.2-369-B.

6. I have further reviewed numerous emailed medical records sent to me from Ms. Lynn Kay regarding her mother and her medical care. Below are my opinions after reviewing them that I attest to.

a. I have reviewed all 30 emails or articles numbered on the associated pages.

- b. I agree Ms. Lynn Kay was correct in requesting an anemia workup looking for the possible diagnosis of Myelodysplastic Syndrome-(MDS) in her mother in 2023 and 2024.
- c. I agree that Ms. Kay was correct in requesting a dental evaluation in 2022 and 2023 to look for a dental abscess in her mother's mouth. Dr. Cusumano eventually diagnosed Ms. Kapusta with one on 5/8/23. Also Dr. Cusumano recommended sedation dentistry, Comprehensive Evaluation and follow-up Treatment.
- d. I agree that Ms. Kay was correct in requesting blood cultures be drawn on Ms. Kapusta when Ms. Kapusta was suffering from multiple recurring urinary tract infections in 2022 and 2023.
- e. I agree that in 2023 and 2024 and 2025, Ms. Kay was correct in requesting an iron panel testing for evaluation for Ms. Kapusta being evaluated for receiving an iron infusion as she has suffered since December 2022 with Myelodysplastic Syndrome-(MDS) and was eventually diagnosed with iron deficiency anemia on 5/22/23. Additionally, she was eventually diagnosed with Myelodysplastic Syndrome-(MDS) in February 2024 by both Dr. Dappen and Dr. Ershler.
- f. I agree that Ms. Kay correctly and necessarily informed all fiduciaries since 1/28/23, including Dr. Dappen and Jeanne Blue- Eldertree regarding this very concerning occurrence of platelets and red blood cell destruction. This request for a hematologic evaluation should not have been ignored.
- g. I agree that Myelodysplastic Syndrome-(MDS) is a "blood cancer" recognized by Cancer.org as being so.
7. These were Ms. Kapusta's last normal CBC values on 10/24/22. The lab results since then have all been abnormal in one way or another. WBC-3.3 RBC-4.60 HGB-14.1 HCT-43.6 PLT-167
8. Ms. Kapusta has a history of Myelodysplastic Syndrome-(MDS) since December 2022. If she has not had an evaluation for red blood cell transfusion, and iron infusion to treat this disease, I recommend that she have this evaluation by a hematologist. The evaluation should include a bone marrow biopsy for confirming Myelodysplastic Syndrome-(MDS), and then beginning the proper treatment .
9. Ms. Kapusta has a history of a dental abscess requiring a dental evaluation and antibiotics. However, an oral surgeon has to perform an incision and drainage procedure to fully treat the dental abscess properly. If Ms. Kapusta has not had this evaluated by a dentist or oral surgeon, to fully resolve the abscess diagnosed in May 2023, I recommend she have this done. She may require sedation for the evaluation and treatment to be done.
10. In both 2023 and 2024 Ms. Lynn Kay had concerns regarding her mother needing to be evaluated for "blood cancer and immunodeficiency". Ms. Kapusta was eventually diagnosed with "immunodeficiency" on 2/7 /24 by Dr. Ershler, and Myelodysplastic Syndrome-(MDS) on 2/9/24 by Dr. Dappen.

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III: CONCLUSION:

1. Finally, there is a downward trend in comparing laboratory results from September 27, 2022 to August 2, 2024. Ms. Kapusta maintained lower hemoglobin, lower hematocrit, and lower platelet levels during this period. Although the white cell count remained normal, this trend is consistent with her diagnosis of Myelodysplastic Syndrome-(MDS).
2. Ms. Elaine Kapusta received antibiotics for a dental infection on May 9, 2023, from Dr. Cusumano.
3. Based on lab values, Elaine Kapusta has only deteriorated outside of her home from 6/5/23 to 8/2/24, the last available lab values, and without receiving any medical care suffering myelodysplastic syndrome since December 2022.
4. Ms. Kapusta failed to ever be provided any proper medical care. This shows that elaine living away from the care of Ms. Lynn Kay and being away from home has been detrimental to Elaine's health.

AS HAS NOW BEEN TESTIFIED TO IN THE 2/7/25 NOTARIZED AFFIDAVIT BY DR. EDWARD MALLORY-(MEDICAL EXPERT-CRIMES WERE AND STILL ARE BEING COMMITTED BY ALL CURRENT FIDUCIARIES DECIMATING AND DESTROYING THE LIFE AND HEALTH AND WELL-BEING OF ELAINE MAE KAPUSTA SINCE 5/18/22 TO PRESENT DAY!

AND WITH CONTINUAL UNCEASING THREATS TO OUR LIVES, WHILE ALL FIDUCIARIES WERE IGNORING ALL OF ELAINE'S BASIC DENTAL AND MEDICAL CARE FOR ELAINE WHILE SHE WAS REPORTEDLY SUFFERING IN 2022 AND 2023 AND 2024 AND 2025 WITHOUT ANY MEDICAL CARE AND WITHOUT ANY DENTAL CARE, DENIED SINCE 9/20/22 DENTAL CLEANING BY ALL OVERSEEING FIDUCIARIES. "WILLFULLY AND KNOWINGLY FAILING TO EVER CARE", GEORGE W. DODGE WAS ALSO "THREATENING BOTH OF OUR LIVES WITH **THE 5/24/23 EMAIL THREATENING THE LIVES OF BOTH ELAINE AND LYNN, WHILE GEORGE W. DODGE AND ALL FIDUCIARIES WERE ALL ENTIRELY CRIMINALLY COMMITTING "ELDER CRUELTY" IN**

****WILLFULLY AND KNOWINGLY DENYING ALL REQUESTED MEDICAL AND DENTAL CARE AND TREATMENTS TO ELAINE MAE KAPUSTA** AGAINST DOCTOR'S ORDERS IN ENTIRELY DEFYING DR. CUSUMANO'S WRITTEN DOCTOR'S ORDERS-(9/20/22, 5/8/23...)**

*******VIRGINIA CRIMINAL LAW 18.2-369-B IS A CRIME!**

§ 18.2-369. Abuse and neglect of vulnerable adults; penalties.

A. It is unlawful for any responsible person to abuse or neglect any vulnerable adult. Any responsible person who abuses or neglects a vulnerable adult in violation of this section and the abuse or neglect does not result in serious bodily injury or disease to the vulnerable adult is guilty of a Class 1 misdemeanor. Any responsible person who is convicted of a second or subsequent offense under this subsection is guilty of a Class 6 felony.

****B. Any responsible person who abuses or neglects a vulnerable adult in violation of this section and the abuse or neglect results in serious bodily injury or disease to the vulnerable adult is guilty of a Class 4 felony. Any responsible person who abuses or neglects a vulnerable**

adult in violation of this section and the abuse or neglect results in the death of the vulnerable adult is guilty of a Class 3 felony.

C. For purposes of this section: "Abuse" means (i) knowing and willful conduct that causes physical injury or pain or (ii) knowing and willful use of physical restraint, including confinement, as punishment, for convenience or as a substitute for treatment, except where such conduct or physical restraint, including confinement, is a part of care or treatment and is in furtherance of the health and safety of the vulnerable adult. (iii) a severe burn or laceration, (iv) mutilation, (v) maiming, or (vi) life-threatening internal injuries or conditions, whether or not caused by trauma.

"Vulnerable adult" means any person 18 years of age or older who is impaired by reason of mental illness, intellectual or developmental disability, physical illness or disability, or other causes, including age, to the extent the adult lacks sufficient understanding or capacity to make

"Neglect" means the knowing and willful failure by a responsible person to provide treatment, care, goods, or services which results in injury to the health or endangers the safety of a vulnerable adult.

"Responsible person" means a person who has responsibility for the care, custody, or control of vulnerable adult by operation of law or who has assumed such responsibility voluntarily by contract or in fact.

****"Serious bodily injury or disease" includes but is not limited to (i) disfigurement, (ii) a fracture, (iii) a severe burn or laceration, (iv) mutilation, (v) maiming, or (vi) life-threatening internal injuries or conditions, whether or not caused by trauma****

THE 3 YEARS OF THE FIDUCIARIES CRIMINAL CONCEALMENT OF THESE "ELDER CRUELTY CRIMES" BY ALL FIDUCIARIES CAUSED THE DECIMATION TO ELAINE'S AND TO LYNN'S LIVES AND WELL-BEING FOR OVER 1000 DAYS SINCE EVEN PRIOR TO 5/18/22 MEDICAL ABANDONMENT BEGAN-(SEE TEXT TRANSCRIPT AND 7/7/22-7/8/22 SUMMARY OF EMAILS).

ALL FIDUCIARIES TRYING TO PRETEND THAT ELAINE HAS NOT BEEN DESTROYED BY THEIR HANDS OF INACTION UNDER CONSERVATORSHIP/ GUARDIANSHIP IS FALSELY ASSUMED AND MISTAKEN NOW BASED ON ALL FACTS AND BASED ON DR. MALLORY STATING OTHERWISE.

THE GROSS INCOMPETENCE AND THE PERMEATED CORRUPTION OF THE GUARDIAN AND ALL FIDUCIARIES HAS DESTROYED BOTH ELAINE'S AND LYNN'S LIVES FOR 3+ CONTINUAL YEARS OF FIDUCIARIES MALFEASANCE OCCURRING SINCE 2020.

AND THE INHUMANENESS IS SADISTICAL!

AND THE CONTINUAL DEFAMATION AND DISPARAGEMENT AND HARRASSMENT BY ALL FIDUCIARIES IN PUBLIC RECORDS OF LYNN KAY HAS ALSO DIRECTLY PLAYED INTO THE EGREGIOUS GROSS MALFEASANCE FOR COMMITTING THESE CRIMES.

ALL FIDUCIARIES FAILURE TO DISCLOSE ELDER CRUELTY CRIMES OCCURRING AND FAILURE TO PROVIDE CARE NEVER "SEEKING BEST INTERESTS FOR ELAINE MAE KAPUSTA.

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ALL FIDUCIARIES & PHILIP KAPUSTA CORRUPTION CASE:

GROSS MALFEASANCE AND BREACH OF CONTRACTS AND CONTEMPT OF THE COURT-ORDERED TERMS IN 2020-2025

CRIMINAL MEDICAL ELDER NEGLECT AND ABUSE HAS BEEN CONCEALED BY "ALL FIDUCIARIES AND BY PHILIP KAPUSTA" AND STEPHEN HALL. COLLECTIVELY BEGINNING IN MAY 2022 WHEN UNWELLNESS WAS 1ST REPORTED ON 5/18/22 AND IGNORED AND MOM DENIED CARE TO PRESENT DAY.

THEN CONCEALMENTS AND COVERUPS AND FAILING TO DISCLOSE BEGAN IN JUNE 2022 TO PRESENT DAY.

CONSPIRING TO CONCEAL AND ABUSE OF COURT SYSTEM.

MATERIAL BREACH OF CONTRACTS-7/8/22 & 1/13/23

WITH MALICIOUS PROSECUTIONS WITH THREATS BEGAN IN JULY 2022 TO PRESENT DAY.

"THE WALL OF SILENCE" BEGAN IN JULY 2022 AND OBSTRUCTION OF JUSTICE UNTIL PRESENT DAY.

CONTINUAL THREATS TO BOTH OF OUR LIVES BEGAN IN JUNE 2022 WITH DENIAL OF CARE AND THREATS OF OUR HOMELESSNESS.

FRAUD UPON THE COURT OCCURRING SINCE JULY 2022 WITH FAILURE TO DISCLOSE AND LYING BY OMISSION AND CONCEALMENTS AND COVERUPS AND FAILURE TO PROVIDE AND CRIMINAL BEHAVIOR OF ALL FIDUCIARIES KNOWINGLY NOT CARING THAT MOM WAS REPORTEDLY BEING NEGLECTED AND ABUSED.

NEVER SEEKING BEST INTERESTS.

SADISTICAL CRUELTY AND INHUMANENESS

DEFAMATION AND SLANDER AND THREATS AND CRIMINAL BEHAVIOR & PSYCHOLOGICALLY BEING SHACKLED UNDER THREAT OF HOMELESSNESS FOR MY GIVING CARE TO MY OWN MOM(ARMED POLICE AT MY CHILDHOOD BEDROOM DOOR-10/3/22).

11 TIMES PETITION TO MODIFY AND COURT FILINGS AND COURT HEARINGS SOUGHT TO CONCEAL CRIMINAL CONCEALMENT OF CRIMINAL MEDICAL ELDER NEGLECT AND ABUSE-CONFINEMENT IN PLACE OF PROVIDING MEDICAL CARE AND MEDICAL TREATMENT.

LYING TO AUTHORITIES-NEED SUBPOENAS FOR 12 POLICE AND A.P.S. REPORTS OF NEGLECT AND ABUSE****

Detailing allegations of gross malfeasance, breach of contract, and criminal neglect and abuse in a corruption case involving fiduciaries and Philip Kapusta.

- **1. Criminal Medical Elder Neglect and Abuse: Collectively and continually concealed by all fiduciaries, Philip Kapusta, and Stephen Hall since May 2022, with the first report of unwellness on 5/18/22 being ignored and care denied to the present day.**
 - **2. Material Breach of Contracts with No Just Cause While Failing to Disclose and Concealments and Cover-ups: Occurred 1ST on 7/5/22 and 7/8/22 and 1/13/23, with malicious prosecutions and threats beginning in July 2022 and continuing to the present day.**
 - **3. Obstruction of Justice and Fraud Upon the Court: Since July 2022, there has been a failure to disclose, lying by omission, concealments, and cover-ups, with fiduciaries knowingly neglecting and abusing Elaine Mae Kapusta.**
 - **4. Continual Threats and Denial of Care: Began in June 2022, including threats of homelessness and armed police presence at Lynn's childhood bedroom door on 10/2/22.**
 - **5. Defamation, Slander, and Harrassment and Psychological Abuse: Involves threats, criminal behavior, and psychological shackling under the threat of homelessness for providing care, with multiple petitions to modify sought to conceal the criminal neglect and abuse.**
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THREATS TO LIFE WELL-BEING, HEALTH AND HOME:

- **1. Threats to Lives: Continual threats to our lives began in June 2022.**
- **2. Threats of Homelessness: There were threats of homelessness, particularly directed at Lynn for providing care to her own mom.**
- **3. Armed Police Presence: On October 2, 2022, armed police were present at Lynn's childhood bedroom door, which served as a form of intimidation or threat. This occurrence has been saved on NESTCAM VIDEO.**

Serious case involving fiduciaries and Philip Kapusta. Since May 2022, there have been ongoing issues of criminal medical elder neglect and abuse and denial of care, material breaches of 2 contracts, obstruction of justice, and continual threats, including threats of homelessness and armed police.

Continual defamation, slander, and psychological abuse, with multiple attempts to conceal the neglect and abuse for 3 years.

The main allegations against Philip Kapusta and ALL FIDUCIARIES include:

- **1. Supporting and Perpetrating Criminal Medical Elder Neglect and Abuse: Concealing the reported by Lynn to all fiduciaries neglect and abuse since May 2022.**
- **2. Material Breach of Contracts: Involvement in breaches on 7/8/22 and 1/13/23.**
- **3. Obstruction of Justice and Fraud Upon the Court: Engaging in concealments, coverups, and lying by omission since July 2022.**

- **4. Continual Threats and Denial of Care: Participating in threats and denial of care starting in June 2022.**
- **5. Defamation, Slander, and Psychological Abuse: Engaging in defamation, slander, and psychological abuse, including threats of homelessness and armed police presence.**

Material breaches of contracts on two occasions: July 8, 2022, and January 13, 2023 due to continual ongoing issues of concealment, coverups, and failure to provide care, related to these broader issues of neglect and abuse.

The threats made include:

- **1. Threats to Our Lives: Continual threats to mom’s and my lives began in June 2022.**
- **2. Threats of Homelessness: Threats of homelessness were made, particularly in the context of Lynn providing care to my own mom and in our own home as our lives were hijacked by ALL FIDUCIARIES INCOMPETENCE AND CORRUPTION AND INHUMANENESS. WITH BOTH MOM AND I BEING “PSYCHOLOGICALLY SHACKLED AND ABUSED SINCE JULY 2022 TO PRESENT DAY,”.**
- **3. Armed Police Presence: Armed police were present at Lynn’s childhood bedroom door on October 2, 2022, which can be interpreted as a form of intimidation or threat.**

The reported concealments and cover-ups include:

- **1. Concealment of Criminal Medical Elder Neglect and Abuse: This began in June 2022 and continues to the present day.**
- **2. Failure to Disclose: There was a failure to disclose important information, which is part of the broader concealment efforts.**
- **3. Lying by Omission: Authorities were lied to by omission, contributing to the cover-up.**
- **4. Fraud Upon the Court: This includes lying by omission, concealments, and cover-ups, which have been occurring since July 2022.**
- **5. Petition to Modify: 7 times, continual petitions to modify were sought to conceal the criminal concealment of medical elder neglect and abuse.**

THREATS

- **1. Threats to Lives: Continual threats to our lives began in June 2022.**
- **2. Threats of Homelessness: There were threats of homelessness, particularly directed at Lynn providing care to my own mom.**
- **3. Armed Police Presence: On October 2, 2022, armed police were present at Lynn’s childhood bedroom door, which served as a form of intimidation or threat.**

ALL FIDUCIARIES AND STEPHEN HALL CRIMINAL BEHAVIOR DEMANDS THE IMMEDIATE AND PERMANENT AND FULL DISSOLUTION OF CONSERVATORSHIP AND GUARDIANSHIP AS ONLY MALFEASANCE HAS OCCURRED BY 12+ PERSONS SINCE 2020.

LYNN KAY'S CONTRACT WAS BREACHED.

THIS 2020 SETTLEMENT AGREEMENT CONTRACT WAS AGREED TO UPON THE STATED TERMS AND ALL WAS MATERIALLY BREACHED SINCE BEGINNING IN 2020 AND BOTH ELAINE MAE KAPUSTA'S LIFE AND LYNN KAY'S LIFE HAVE BEEN DECIMATEDLY DESTROYED DUE TO ALL FIDUCIARIES AND PHILIP KAPUSTA'S MALFEASANCE.

LYNN AND ELAINE WERE PROMISED FALSE PROTECTION AS THERE WAS NONE.

THE MATERIAL BREACH OF CONTRACT WITH NO JUST CAUSE GIVES LYNN THE FULLY JUST RIGHT TO RESUME HER PREVIOUS POSITION OF FULL AND SOLE GUARDIANSHIP AND WITH NO CONSERVATORSHIP AS IT HAS ONLY PROVEN TO BE DEADLY DANGEROUS TO BOTH ELAINE'S AND LYNN'S LIFE SINCE 2022.

LYNN AND ELAINE HAD PROTECTION PRIOR TO SETTLEMENT AGREEMENT WITH LEGAL P.O.A. AND FULL CONTROL OVER ALL THINGS WHEN ELAINE AND LYNN AND "THE ESTATE" THRIVED AND LYNN NOW RIGHTFULLY DEMANDS THE RESTORATION OF FULL AND SOLE GUARDIANSHIP WITH THE ENTIRE PERMANENT DISSOLUTION OF CONSERVATORSHIP TODAY, BASED UPON ALL CRIMES COMMITTED AND CONCEALED CAUSING BOTH LYNN AND ELAINE PERMANENT PSYCHOLOGICAL DAMAGE IN BOTH OF THEM FEARING FOR THEIR LIVES SECOND BY SECOND SINCE 2020-2025.

MOM'S BEST INTERESTS ARE NOT BEING ADHERED TO AND NEVER HAVE BEEN SINCE MAY 2022.

AS SUCH MOM HAS ONLY DETERIORATED WITHOUT 27 MONTHS OF PROPER DENTAL AND MEDICAL CARE WITH ALL IRRESPONSIBLE AND INFORMED FIDUCIARIES FAILURE TO PROVIDE BOTH THE PROPER DENTAL AND MEDICAL CARE AND THE INHUMANE 20 MONTHS ELAINE BEING FULLY ISOLATED AWAY FROM LYNN WITHOUT HER GUARDING AND PROTECTING AND PROVIDING LOVING AND PROPER CARE TOO HER MOM AS ELAINE HAS ONLY EVER THRIVED UNDER LYNN'S CARE AS HAS NOW BEEN ENTIRELY ATTESTED TO BY DR. MALLORY-(MEDICAL EXPERT)-2/7/25-NOTARIZED AFFIDAVIT

LYNN, SINCE TAKING "THIS 9/29/23 BLACK EYE INJURY FROM FALL COLLAPSING ONTO THE FLOOR" CRIMINAL EVIDENCE ON 10/3/23 AT COBBDALE ASSISTED LIVING HAS EVER SINCE NEVER BEEN ALLOWED TO SEE MY MOM, WHO LYNN HAS SOLELY SACRIFICED HER LIFE FOR HER MOM DEVOTEDLY, SINCE 2006.

THE ISOLATION AND ABANDONMENT ARE BOTH DEFINED UNDER VIRGINIA CRIMINAL LAW SECTION 18.2-369-B DEFINED AS "ELDER ABUSE".

AND ELAINE BEING ABDUCTED-KIDNAPPED BY "ARMED GUARDS" AWAY FROM HER HOME ON 6/6/23 FOR "ISOLATION AND CONFINEMENT IN PLACE OF PROVIDING DENTAL AND MEDICAL CARE AND TREATMENT" IS ALSO CRIMINAL ELDER ABUSE-(18.2-369-B) AND ELAINE HAS BEEN DECIMATEDLY DESTROYED BY THE DETRIMENTAL BEHAVIOR SHOWN TO HER SINCE 5/18/22.

MY HEALTHY AS ME MOM HEALTH ATTESTED TO BY DR. MALLORY ON 10/24/22 TELLS THE ENTIRE STORY VERY CLEARLY AND IS NOW FULLY ATTESTED TO AND DOCUMENTED BY FACTS AND A NOTARIZED AFFIDAVIT STATING VIRGINIA CRIMINAL LAW CRIME OF MEDICAL ELDER NEGLECT AND ABUSE WITH THE DENIAL AND ABANDONMENT AND ISOLATION IN PLACE OF PROVIDING CARE AND TREATMENTS FOR NOT SEEKING "FULL HEALTH RESTORATION"

SUMMARIZED AS THIS ALSO 18.2-369-B IN ENTIRELY DETAILING STATING THE CRIMINAL LAW VIOLATED BY FIDUCIARIES.

THE 1/13/23 FRAUDULENT GUARDIANSHIP NOW JUDICIALLY NEEDS TO BE FULLY REVOKED BASED ON BEING FRAUDULENT IN FAILING TO DISCLOSE THE ONGOING CRIMINAL ELDER CRUELTY OCCURRING SINCE 10/16/22 MEDICAL ABANDONMENT DENIAL OF CARE AS SHOWN BY FACTS AND BY NOTARIZED AFFIDAVIT FROM DR. EDWARD MALLORY-MEDICAL EXPERT.

WITH ALL FIDUCIARIES FAILING TO INFORM THE CRIMES OCCURRING WHILE ELAINE WAS SUFFERING CRIMINAL CONCEALMENT OF THE CRIMES OF CRIMINAL ELDER CRUELTY-NEGLECT.

DR. MALLORY ATTESTS TO MYELODYSPLASTIC SYNDROME SUFFERED SINCE DECEMBER 2022.

THE 1/13/23 ONGOING CRIMES BY GEORGE W. DODGE AND BY ALL FIDUCIARIES AS ALL FIDUCIARIES "AS OFFICERS OF THE COURT HAD A "DUTY TO INFORM" OF THIS "CRIME OCCURRING" AND THIS SHOULD HAVE BEEN DISCLOSED TO "THIS COURT" THAT THESE CRIMES WERE OCCURRING AND THAT ALL FIDUCIARIES CONCEALED CRIMES.

THIS STATEMENT FROM MEDICAL EXPERT NOW ENTIRELY VOIDS THE ENTIRE FRAUDULENTLY SOUGHT CONSERVATORSHIP/GUARDIANSHIP AS BEING CRIMINALLY PRACTICED FRAUDULENTLY OBTAINED SINCE 2020 BEING VOIDED BY ALL OF THE FAILING TO ABIDE BY COURT-ORDERED STATED TERMS SINCE 2020 TO PRESENT DAY.

THE CONSERVATORSHIP AND GUARDIANSHIP IS SUMMED UP AS THE DUTY OF "SEEKING BEST INTERESTS" FOR "THE FIDUCIARY DUTY OF CARE".

FIDUCIARY DUTY OF CARE

A FIDUCIARY, WHETHER ACTING AS A GUARDIAN, CONSERVATOR, TRUSTEE, OR LEGAL REPRESENTATIVE, IS LEGALLY BOUND TO EXERCISE THE HIGHEST STANDARD OF CARE, DILIGENCE, AND LOYALTY IN MANAGING THE AFFAIRS OF THE INDIVIDUAL OR ESTATE TO WHOM THEY OWE A DUTY. THE FIDUCIARY DUTY OF CARE MANDATES THAT THE APPOINTED PARTY MUST ACT IN GOOD FAITH, MAKE INFORMED DECISIONS BASED ON REASONABLE DUE DILIGENCE, AND AVOID CONFLICTS OF INTEREST THAT MAY COMPROMISE THE BEST INTERESTS OF THE INDIVIDUAL UNDER THEIR CARE. FAILURE TO EXERCISE PRUDENT JUDGMENT, MISMANAGEMENT OF ASSETS, OR WILLFUL NEGLECT OF THE WARD'S MEDICAL,

FINANCIAL, OR PERSONAL NEEDS CONSTITUTES A BREACH OF FIDUCIARY DUTY AND SUCH MALFEASANCE AND MISCONDUCT SUBJECTS THE OFFENDING PARTY TO IMMEDIATE REMOVAL, LEGAL LIABILITY, AND POTENTIAL CRIMINAL PENALTIES. COURTS HAVE CONSISTENTLY HELD THAT A FIDUCIARY WHO FAILS TO PROPERLY SUPERVISE THE WELL-BEING OF THEIR WARD, RESULTING IN FINANCIAL MISMANAGEMENT OR MEDICAL NEGLIGENCE, ARE HELD PERSONALLY LIABLE FOR DAMAGES ARISING FROM THEIR NEGLIGENCE OR INTENTIONAL MISCONDUCT AND MALFEASANCE.

THE DUTY OF CONSERVATORS, LAWYERS, AND GUARDIANS AD LITEM TO REPORT NEGLECT AND ABUSE

UNDER ESTABLISHED LEGAL PRINCIPLES AND STATUTORY REQUIREMENTS, CONSERVATORS, ATTORNEYS, AND GUARDIANS AD LITEM ARE MANDATED REPORTERS OF ANY SUSPECTED OR KNOWN INSTANCES OF ELDER NEGLECT, FINANCIAL EXPLOITATION, OR ABUSE. THE DUTY TO REPORT REQUIRES THAT ANY INDICATIONS OF PHYSICAL, EMOTIONAL, OR FINANCIAL ABUSE BE IMMEDIATELY DISCLOSED TO THE APPROPRIATE COURT, STATE ADULT PROTECTIVE SERVICES, OR LAW ENFORCEMENT AUTHORITIES. WILLFUL FAILURE TO REPORT SUCH ABUSE CONSTITUTES A BREACH OF PROFESSIONAL AND ETHICAL RESPONSIBILITIES AND RESULTS IN CIVIL LIABILITY, DISCIPLINARY ACTION BY THE STATE BAR AND PROFESSIONAL LICENSING BOARD, AND, IN SEVERE CASES, CRIMINAL CHARGES. THE LAW RECOGNIZES THAT

**A FIDUCIARY OR LEGAL REPRESENTATIVE WHO REMAINS SILENT IN THE FACE OF ABUSE OR NEGLECT IS "COMPLICIT IN THE HARM INFLICTED UPON THE VULNERABLE INDIVIDUAL UNDER THEIR SUPERVISION". THUS, STRICT COMPLIANCE WITH MANDATED REPORTING REQUIREMENTS SERVES NOT ONLY TO PROTECT THE RIGHTS AND WELL-BEING OF THE WARD BUT ALSO ENSURES ACCOUNTABILITY FOR THOSE WHO FAIL TO UPHOLD THEIR LEGAL AND ETHICAL OBLIGATIONS.

THIS PROPER AND HUMANE FIDUCIARY DUTY OF CARE HAS NEVER OCCURRED!

ALL FIDUCIARIES FOR 3 CONTINUAL YEARS HAVE DISREGARDED THE LIFE AND HEALTH AND WELL-BEING OF ELAINE MAE KAPUSTA IN THEIR ALL ENTIRELY DISCARDING HER LIFE TO DIE WITHOUT RECEIVING ANY PROPER RESTORATIVE MEDICAL CARE AND TREATMENT IN ALL FIDUCIARIES FAILING IN NEVER SEEKING "FULL HEALTH RESTORATION TO CAPACITY AND THRIVING."

"ELAINE MAE KAPUSTA HAS BEEN DISCARDED LIKE TRASH TO JUST SHRIVEL UP AND DIE"!

MY MOM PRIOR TO 10/24/22 AND ALL FIDUCIARIES "ELDER CRUELTY CRIMES COMMITTED WAS PREVIOUSLY AN ENTIRELY VIBRANT HEALTHY AND HAPPY AND THRIVING MOM.

NOW REDUCED TO A MUMBLING DOPED UP WOMAN BEGGING TO COME HOME AND GRAVELY INJURED AND DECIMATEDLY DESTROYED IN MIND;, BODY AND SPIRIT OF DISEASED CONDITIONS AND "BLOOD CANCER" INJURED BY ALL FIDUCIARIES ELDER CRUELTY CRIMES OF NEGLECT AND ABUSE.

ELAINE MAE KAPUSTA IS NOT A COMMODITY, SHE IS A WOMAN WITH A BEATING HEART AND A PULSE WHO DESSERVES LOVE AND RESPECT AND FULL HEALTH RESTORATION AS SHE HAD ENJOYED THIS GOD-GIVEN RIGHT TO RECEIVE PRIOR TO CONSERVATORSHIP/GUARDIANSHIP ELDER CRUELTY CRIMES COMMITTED BY ALL FIDUCIARIES AND PHILIP KAPUSTA SUPPORTING ELDER CRUELTY OCCURRING SINCE 2022!

AS STATED BY DR. EDWARD MALLORY-(MEDICAL EXPERT)

3. Based on lab values, Elaine Kapusta has only deteriorated outside of her home from 6/5/23 to 8/2/24, the last available lab values, and without receiving any medical care suffering Myelodysplastic Syndrome-(MDS) since December 2022.

4. Ms. Kapusta failed to ever be provided any proper medical care. This shows that Elaine living away from the care of Ms. Lynn Kay and being away from home has been detrimental to Elaine's health.

A FRAUDULENTLY SOUGHT AND FRAUDULENTLY PERFORMED CONSERVATORSHIP AND GUARDIANSHIP NOW ENTIRELY VOIDS BOTH THE CONSERVATORSHIP AND THE GUARDIANSHIP WHICH BOTH DUTIES WERE NOT EVER PERFORMED AS COURT-ORDERED TERMS AND FIDUCIARY DUTY OF CARE WERE BREACHED AND THEREFORE SOUGHT BY DECEITFUL AND FRAUDULENT MEANS ON BOTH IN JULY 2020 AND ON 1/13/23 WITH NO INTENTION OF PERFORMING THE FIDUCIARY DUTY OF CARE FOR "SEEKING BEST INTERESTS OF ELAINE MAE KAPUSTA" FOR "THE ESTATE OF ELAINE MAE KAPUSTA".

****ALL PRESENTED EVIDENCE NOW ENTIRELY INVALIDATES BOTH THE CONSERVATORSHIP AND THE GUARDIANSHIP AS FRAUDULENTLY PRACTICED AS "NEVER SEEKING RESTORATION FOR CAPACITY FOR ELAINE MAE KAPUSTA" HAS OCCURRED AS ATTESTED TO BY 2/7/25 NOTARIZED AFFIDAVIT.****

THIS AFFIDAVIT NOW DEMANDS A COURT-ORDERED INVESTIGATION TO OCCUR INTO ALL OF THE CRIMINAL MALFEASANCE OCCURRING ENTIRELY TEMPORARILY SUSPENDING THIS CONSERVATORSHIP AND GUARDIANSHIP WHILE LYNN BEING REAPPOINTED AS GUARDIAN FOR ELAINE IS SEEKING FULL MEDICAL HEALTH RESTORATION AND RECOVERY WHICH HAD BEEN DENIED TO ELAINE FOR OVER 1000 DAYS SINCE MAY 2022.

THIS AFFIDAVIT NOW GIVES LYNN KAY THE RIGHT TO DEMAND THE IMMEDIATE SUSPENSION OF ALL FIDUCIARIES INVOLVED IN THESE "ELDER CRUELTY CRIMES OCCURRING SINCE 2022" AND ALSO GIVES LYNN KAY "THE INVESTIGATIVE RIGHT TO DEMAND BOTH OF THE MYCHART PPASSWORDS" AS THIS IS WHERE ALL OF THE CRIMES HAVE BEEN CONCEALED BY ALL FIDUCIARIES KNOWINGLY FAILING TO DISCLOSE THE MEDICALLY NEGLECTED ELAINE MAE KAPUSTA'S HEALTH RECORDS AND MEDICAL INFORMATION OF ALL 2022-2025 LABS AND ALL MEDICAL REPORTS UNREDACTED BASED UPON THIS FRAUD UPON THE COURT OCCURRING SINCE 2022 WITH ALL FIDUCIARIES CRIMES CONCEALED WITH CRIMINAL CONCEALMENTS AND COVERUPS.

THE NOW EVIDENCED DISQUALIFICATION OF GEORGE W DODGE AND ALL FIDUCIARIES FOR "ELDER CRUELTY CRIMES COMMITTED OF MEDICAL ABANDONMENT DENIAL OF CARE-

NEGLECT AND ABUSE AND ISOLATION AND CONFINEMENT IN PLACE OF DENTAL AND MEDICAL CARE AND TREATMENT. AND PRIOR TO 1/13/23, HAVING BEEN CONCEALED BY GEORGE W. DODGE AND ALL 2022 FIDUCIARIES, IMMEDIATELY FULLY AND PERMANENTLY TERMINATES BOTH CONSERVATORSHIP AND GUARDIANSHIP BEING FRAUDULENTLY PRACTICED IN SEEKING TO KEEP ELAINE MAE KAPUSTA INCAPACITATED TO SUFFER AND DIE WITHOUT ,”THE PROPER MEDICAL AND DENTAL STANDARD OF CARE EVER PROVIDED SINCE 2022”!

AND THIS EVIDENCED AS BEING DECEITFULLY PERFORMED GIVES LYNN KAY THE RIGHT WITH ONLY LYNN KAY ONCE AGAIN BEING THE ONLY RIGHTFUL GUARDIANSHIP AND WITHOUT CONSERVATORSHIP AS HAS DECIMATEDLY DESTROYED OUR LIVES EVER SINCE 2020 TO PRESENT DAY.

LYNN KAY IS NOW RIGHTFULLY SEEKING A 90 DAYS GUARDIANSHIP REVIEW OF LYNN KAY HAVING FULL AND SOLE GUARDIANSHIP HAVING ALL POWER ONCE AGAIN FOR MAKING ALL HEALTH AND MEDICAL DECISIONS AND HOLDING LEGAL P.O.A AND ADVANCE MEDICAL DIRECTIVE FOR ELAINE MAE KAPUSTA AS HELD FOR 8 YEARS OF OUR THRIVING AND HAPPY LIVES.

WITH A CARE MANAGER AND A DAYTIME WEEKDAY AIDE HELPING LYNN KAY IN SEEKING ELAINE’S FULL HEALTH RESTORATION BY RECEIVING ALL PROPER DENTAL AND MEDICAL CARE DENIED TO ELAINE SINCE 5/18/22.

DR. MALLORY STATING THAT AWAY FROM LYNN’S CARE AND TESTIFYING TO AND SUMMARIZED:

***LYNN WAS CORRECT FOR SEEKING ALL PROPER MEDICAL CARE REQUESTS SINCE 2022 WAS PROPER AND WAS DENIED BY ALL FIDUCIARIES TO PRESENT DAY.* SHOWS NOT ONLY THE CAPABILITY TO CARE FOR HER MOM, BUT ALSO “THE MEDICAL ASTUTENESS TO ENSURE THAT ALL PROPER MEDICAL CARE IS RECEIVED” AS ELAINE HAD ONLY EVER THRIVED UNDER ONLY LYNN’S FULL AND SOLE CARE AS NOT 1 FIDUCIARY EVER TOOK 15 MIN. TO MAKE A PHONE CALL TO SCHEDULE A DENTAL APPOINTMENT FOR A DENTAL CLEANING AND DENTAL X-RAYS BEING DONE IN 2022 AND 2023 AND 2024 UNTIL 8/1/24 DENTAL CLEANING AND DENTAL X-RAYS DENYING 681 DAYS OF BASIC DENTAL CARE WITH 883 DAYS DENIAL OF DENTAL X-RAYS-(3/2/22-8/1/24) WHILE ELAINE MAE KAPUSTA WAS SUFFERING SINCE 9/20/22-LAST DENTAL CLEANING.**

THIS OCCURRED WITH ALL FIDUCIARIES BREACHING FIDUCIARY DUTY OF CARE WITH ALL FIDUCIARIES CORRUPTLY CONCEALING THIS OCCURRING TO ELAINE.

THESE DOCUMENTED AND ATTESTED TO “ELDER CRUELTY CRIMES BY ALL FIDUCIARIES HAS NOW ENTIRELY FULLY DISQUALIFIED EVERY SINGLE 2022-2025 FIDUCIARY FROM EVER SERVING AS A FIDUCIARY, BASED ON ELDER CRUELTY CRIMINAL BEHAVIOR COMMITTED AND SUPPORTED BY ALL FIDUCIARIES SINCE 2022-2025.

THIS ENTIRELY EVIDENCED, FULLY DISQUALIFYING ALL FIDUCIARIES FROM ANY FURTHER EMPLOYMENT TO ELAINE MAE KAPUSTA.

ALL FIDUCIARIES AND STEPHEN HALL AND ALL PERSONS INVOLVEMENT IN THE CRIMINAL BEHAVIOR OF COMMITTING AND OR SUPPORTING VIRGINIA CRIMINAL LAW SECTION 18.2-369-B NOW BEING ATTESTED TO BY DR. EDWARD MALLORY-(MEDICAL EXPERT) NOTARIZED AFFIDAVIT

NOW DEMANDS THE IMMEDIATE AND PERMANENT AND FULL DISSOLUTION OF BOTH CONSERVATORSHIP AND GUARDIANSHIP AS ONLY MALFEASANCE HAS OCCURRED BY 12+ PERSONS SINCE 2020.

ALL EMAIL INFORMED 2022-2025 FIDUCIARIES ARE NOW HEREBY FOUND BY CLEAR AND CONVINCING EVIDENCE AND ATTESTATION BY A MEDICAL EXPERT FOR THIS COURT TODAY TO FULLY DISQUALIFY ALL FIDUCIARIES AS EVER BEING A PROPER FIDUCIARY UNDER CRIMINAL LAW 18.2-369 VIOLATED ELDER CRUELTY LAWS.

ALL FIDUCIARIES 3 YEARS OF FIDUCIARY BREACHES AND PHILIP KAPUSTA'S GROSS MALFEASANCE AND CONCEALMENTS HAVE CAUSED ELAINE'S DENIAL OF CARE SINCE EVEN PRIOR TO OCTOBER 2022, EVIDENCED AND DISQUALIFIES ALL OF THEM FROM EVER HAVING ANY FURTHER INVOLVEMENT AND DECISION MAKING ABILITY OVER ELAINE MAE KAPUSTA, EVER.

****I, RESPECTFULLY, REQUEST THAT THIS COURT TODAY NOW FINALLY RECOGNIZE AND ACKNOWLEDGE THESE ELDER CRUELTY CRIMES OCCURRING AND TERMINATE ALL FIDUCIARIES TODAY FOR BEGINNING THE COURT-ORDERED INVESTIGATION TO OCCUR WITHIN THE 90 DAYS OF LYNN KAY SEEKING THE FULL HEALTH RESTORATION OF ELAINE MAE KAPUSTA FOR A 90 DAY GUARDIANSHIP STATUS COURT HEARING TO OCCUR IN MAY 2025 WHILE LYNN SEEKS AND PROVIDES ALL OF THE DENIED 1000 DAYS OF MEDICAL AND DENTAL CARE FOR SEEKING HER MOM'S FULL HEALTH RESTORATION FOR A 90 DAY COURT HEARING REVIEW IN MAY 2025.**

LYNN KAY SEEKS THIS COURT TODAY TO ISSUE THIS REQUESTED COURT ORDER TODAY AS ELAINE MAE KAPUSTA HAS SUFFERED FOR 1000 DAYS WITHOUT RELIEF!

AND SUFFERED FOR 615 DAYS AWAY FROM OUR HOME AND MY CARE FOR MY MOM AS ELAINE HAS ONLY EVER THRIVED UNDER LYNN'S CARE AS NOW ATTESTED TO BY DR. EDWARD MALLORY-(MEDICAL EXPERT).

AS STATED BY DR. EDWARD MALLORY-(MEDICAL EXPERT)

3. Based on lab values, Elaine Kapusta has only deteriorated outside of her home from 6/5/23 to 8/2/24, the last available lab values, and without receiving any medical care suffering Myelodysplastic Syndrome-(MDS) since December 2022.

4. Ms. Kapusta failed to ever be provided any proper medical care. This shows that Elaine living away from the care of Ms. Lynn Kay and being away from home has been detrimental to Elaine's health.

A FRAUDULENTLY SOUGHT AND FRAUDULENTLY PERFORMED CONSERVATORSHIP AND GUARDIANSHIP NOW ENTIRELY VOIDS BOTH THE CONSERVATORSHIP AND THE

GUARDIANSHIP FOR ELAINE MAE KAPUSTA UNDER VIRGINIA CRIMINAL LAW SECTION 18.2-369-B-(CLASS 4 FELONY).

I, RESPECTFULLY REQUEST THIS COURT NOW BEING PROVIDED WITH CRIMINAL EVIDENCE OF ELDER CRUELTY OCCURRING SINCE 2022, TO ACT JUDICIALLY NOW TODAY BEING PRESENTED WITH CRIMINAL EVIDENCE ATTESTED TO BY DR. EDWARD MALLORY-(MEDICAL EXPERT) NOTARIZED AFFIDAVIT TO SAVE THE LIFE OF ELAINE MAE KAPUSTA FROM ALL CRIMINAL FIDUCIARIES WHO HAD AHAND IN THE 1000 DAYS OF CRIMINAL ELDER CRUELTY SINCE 5/18/22.

****END THIS "DEADLY, DANGEROUS, CORRUPT AND INHUMANE FRAUDULENT CRIMINAL CONSERVATORSHIP/GUARDIANSHIP TODAY WITH THE IMMEDIATE SUSPENSION OF ALL 2022-2025 CRIMINALLY-IMPLICATED FIDUCIARIES.****

THE DUTY TO SEEK RESTORATION OF HEALTH FOR REGAINING CAPACITY IS A FUNDAMENTAL OBLIGATION IMPOSED UPON GUARDIANS, CONSERVATORS, AND OTHER FIDUCIARIES CHARGED WITH THE CARE OF INDIVIDUALS WHO HAVE BEEN DETERMINED TO LACK CAPACITY. SUCH DUTY REQUIRES THAT EVERY REASONABLE MEASURE BE TAKEN TO FACILITATE THE WARD'S PHYSICAL, MENTAL, AND EMOTIONAL RECOVERY, INCLUDING BUT NOT LIMITED TO ENSURING ACCESS TO APPROPRIATE MEDICAL TREATMENT, REHABILITATION, AND PSYCHIATRIC OR COGNITIVE THERAPY, WHERE APPLICABLE. FIDUCIARIES ARE REQUIRED TO ACTIVELY PURSUE ALL AVAILABLE OPTIONS THAT MAY CONTRIBUTE TO THE WARD'S IMPROVEMENT IN HEALTH AND FUNCTIONAL CAPACITY, THEREBY POTENTIALLY RESTORING THEIR LEGAL COMPETENCE AND AUTONOMY. WILLFUL FAILURE TO EXPLORE OR PROVIDE ADEQUATE CARE, THEREBY PERPETUATING INCAPACITY THROUGH NEGLIGENCE OR INDIFFERENCE, CONSTITUTES A BREACH OF FIDUCIARY DUTY AND MAY RESULT IN SANCTIONS, REMOVAL, OR LEGAL LIABILITY. FURTHERMORE, SHOULD THE WARD SHOW SIGNS OF RECOVERED CAPACITY, THE FIDUCIARY IS LEGALLY OBLIGATED TO PETITION THE COURT FOR RESTORATION OF RIGHTS AND AUTONOMY, AS CONTINUED RESTRICTIONS WITHOUT JUST CAUSE WOULD CONSTITUTE AN UNLAWFUL DEPRIVATION OF LIBERTY AND SELF-DETERMINATION.

LEGAL ARGUMENTS

- 1. VIOLATION OF VIRGINIA CRIMINAL LAW (18.2-369-B)**
 - FIDUCIARIES FAILED IN THEIR DUTY TO PROVIDE MEDICAL CARE AND PROTECT ELAINE MAE KAPUSTA FROM HARM.**
 - THE COURT-ORDERED CONSERVATORSHIP/ GUARDIANSHIP HAS RESULTED IN SYSTEMATIC "ELDER CRUELTY"-ELDER NEGLIGENCE AND ABUSE SINCE 2022.**
- 2. BREACH OF FIDUCIARY DUTY**

- GUARDIANSHIP AND CONSERVATORSHIP DUTIES REQUIRE SEEKING THE WARD’S BEST INTERESTS, WHICH HAS NOT OCCURRED.
 - FIDUCIARIES HAVE CONCEALED MEDICAL NEGLIGENCE AND FINANCIAL MISMANAGEMENT.
- 3. FRAUD UPON THE COURT**
- THE GUARDIANSHIP AND CONSERVATORSHIP WERE BOTH OBTAINED AND PERFORMED UNDER FALSE PRETENSES.
 - COURT ORDERS HAVE BEEN MANIPULATED TO DELAY MEDICAL CARE AND PREVENT LEGAL OVERSIGHT.
- 4. DUE PROCESS VIOLATIONS**
- PETITIONER WAS DENIED PROPER LEGAL RECOURSE TO CHALLENGE THE FRAUDULENT APPOINTMENT OF FIDUCIARIES.
 - ATTEMPTS TO OBTAIN MEDICAL TREATMENT AND REGAIN CUSTODY WERE IGNORED OR OBSTRUCTED BY THE COURT.

RELIEF REQUESTED

WHEREFORE, PETITIONER RESPECTFULLY REQUESTS THAT THIS COURT:

- 1. IMMEDIATELY TERMINATE AND DISSOLVE THE CONSERVATORSHIP AND GUARDIANSHIP OF ELAINE MAE KAPUSTA, BASED ON “ELDER CRUELTY OCCURRING SINCE 2022 AS NOW FULLY ATTESTED TO BY DR. EDWARD MALLORY-(MEDICAL EXPERT)”**
- 2. ORDER AN INDEPENDENT INVESTIGATION INTO FIDUCIARY MISCONDUCT AND CRIMINAL ELDER CRUELTY-NEGLECT AND ABUSE-(VIRGINIA CRIMINAL LAW SECTION 18.2-369-B) BY ALL 2022-2025 FIDUCIARIES.**
- 3. RIGHTFULLY REINSTATE FULL GUARDIANSHIP RIGHTS TO LYNN KAY WITH LEGAL AUTHORITY OVER ELAINE MAE KAPUSTA’S HEALTH AND FINANCIAL DECISIONS.**
- 4. ORDER AN IMMEDIATE MEDICAL EVALUATION AND TREATMENT PLAN FOR ELAINE MAE KAPUSTA, AS RECOMMENDED BY DR. MALLORY.**
- 5. DISQUALIFY ALL FIDUCIARIES INVOLVED DUE TO DOCUMENTED NEGLIGENCE, FRAUD, AND ELDER CRUELTY-(CLASS 4 FELONY CRIMES COMMITTED SINCE 2022).**
- 6. GRANT LYNN KAY THE RIGHT TO SEEK FULL COMPENSATORY AND MAXIMUM PUNITIVE DAMAGES AGAINST ALL PERSONS IMPLICATED AND ANY ADDITIONAL RELIEF DEEMED JUST AND PROPER BY THIS COURT FOR 5 YEARS SUFFERED UNDER THIS CRIMINALLY FRAUDULENT CONSERVATORSHIP/ GUARDIANSHIP.**
- 7. **END THIS “DEADLY, DANGEROUS, CORRUPT AND INHUMANE FRAUDULENT CRIMINAL CONSERVATORSHIP/ GUARDIANSHIP TODAY WITH THE IMMEDIATE**

SUSPENSION OF ALL 2022-2025 CRIMINALLY-IMPLICATED FIDUCIARIES, WHILE LYNN KAY IS APPOINTED AS FULL AND SOLE GUARDIAN FOR LYNN "MEDICALLY PROPERLY" SEEKING THE FULL HEALTH RESTORATION OF ELAINE MAE KAPUSTA'S GOD-GIVEN RIGHT TO RENJOY HER HEALTH AND HAPPINESS AND HER DAUGHTER AND HOME, ENJOYED SINCE 2006 LIVING TOGETHER.**

RESPECTFULLY SUBMITTED,



LYNN KAY, PETITIONER

TWEETERY7@YAHOO.COM

571-421-6813

DATE: 2/10/25-

NOTICE OF SERVICE

I hereby certify that on the below date OF 2/10/25, a copy of the foregoing pleading was EMAILED TO ALL PERSONS INCLUDING counsel for George W. Dodge-(ALONG WITH Alexis Smith-(Judge Tran's Court Clerk)

Dated: February 10, 2025

Respectfully,

A handwritten signature in black ink that reads "Lynn Kay". The signature is written in a cursive, flowing style.

Lynn Kay