

SUMMARY OF 7/7/22 EMAIL

This email pertains to the case of Philip Kapusta v. Elaine Kapusta, et al. (CL 2018-11871) and includes a series of emails dated July 7, 2022. The emails discuss allegations of fraud and misconduct against Cary Cucinelli, including the filing of a baseless emergency petition and the concealment of critical medical evidence. Lynn Kay, who has been caring for her mother Elaine, details the neglect and lack of communication from the care manager and legal representatives, which nearly led to Elaine's death. The document highlights the ongoing legal and personal struggles surrounding Elaine's care and the alleged mishandling of her medical and legal affairs.

Overview: This email discusses allegations of legal misconduct and elder neglect related to the care of Elaine Kapusta.

Legal Misconduct Allegations

- Cary Cucinelli is accused of filing a fraudulent emergency petition without due diligence.
- The emergency petition hearing on 7/5/22 was not ever communicated to Lynn Kay being corruptly concealed to Lynn not only never being notified also never receiving the 7/5/22 Emergency Petition that was filed in failing to notify.
- Lynn Kay claims that Cary concealed all of the evidence which entirely disproved all of the “false and misleading allegations” in the emergency petition by terminating MYCHART ACCESS on 7/8/22 for ~4 MONTHS which told the truth of all that happened.

Elder Neglect Claims

- Lynn Kay reports that her mom, Elaine, was not properly cared for, leading to severe health deterioration since 5/18/22-7/7/22 without receiving antibiotics until 7/7/22.
- Elaine was admitted to the hospital on 6/30/22 and was gravely ill, showing signs of malnutrition and dehydration and bacterial infection, entirely ignored by Virginia Hospital for 8 days of “grossly abnormal labs”.
- Care manager ignored Lynn's concerns about Elaine's health for over a month since 5/18/22-UNWELLNESS REPORTED, contributing to her gravely critical condition.

Health Condition Updates

- Elaine was diagnosed with UROSEPSIS, OBSTRUCTIVE UROPATHY, TOXIC METABOLIC ENCEPHALOPATHY from U.T.I. suffered since 5/18/22 reported UNWELLNESS and was finally receiving Antibiotics treatment as of 7/7/22.
- Lynn Kay has been actively involved in her mother's care, advocating for her health and recovery.
- Elaine's condition improved slightly after Lynn's intervention, but she remained in a fragile state and was unable to walk due to ALL FIDUCIARIES ABANDONING MOM

WITHOUT MOM RECEIVING PROPER MEDICAL CARE AND MEDICAL TREATMENT DENIED SINCE MAY 2022 WITH ELAINE'S HEALTH BEING FULLY IGNORED FOR 2 MONTHS.

- **Emergency Petition Concealment:** The email accuses Cary Cucinelli of deliberately concealing the 7/5/22 emergency petition and filing a baseless petition without due diligence, which allegedly led to severe consequences for both Elaine and Lynn threatened in their own home and decimatedly destroyed by Cary Cucinelli and ALL CORRUPT AND IRRESPONSIBLE FIDUCIARIES FAILING TO PROTECT MOM FROM DOCUMENTED NEGLECT AND ABUSE ELDER CRUELTY OCCURRING BY ALL FIDUCIARIES FAILING TO INFORM THE AUTHORITIES AND THIS COURT.
- **Lack of Notification:** Lynn Kay claims she was never informed about the 7/5/22 emergency petition hearing through any means of communication and also did not ever receive the 7/5/22 emergency petition, EVER.
- **Mother's Health Condition:** Lynn Kay describes her mother's deteriorating health condition, including eating less and unresponsiveness at the hospital, and her efforts to get her mother to eat and receive medical care.
- **Care manager's Negligence:** Lynn Kay accuses the care manager of ignoring her repeated concerns about her mother's health, which she believes contributed to her mother's critical condition for needing "EMERGENT HOSPITALIZATION" as Elaine wokeup CRYING AND SCARED SHE WAS DYING-(NESTCAM VIDEO).
- **Legal Misconduct Allegations:** This email alleges legal misconduct and criminal concealment by Cary Cucinelli and others, accusing them of elder neglect and denial of care, which almost led to her mother's death.

The allegations against Cary Cucinelli include:

1. **Fraud Upon the Court:** Filing an entirely baseless emergency petition without conducting any due diligence.
2. **Concealment of Emergency Petition:** Deliberately concealing the 7/5/22 emergency petition and pretending it never existed.
3. **Concealment of Evidence:** Concealing MyChart evidence that disproved the allegations made in the emergency petition.
4. **Legal Misconduct:** Engaging in criminal concealment and elder neglect, which allegedly almost caused the death of Lynn Kay's mother.
5. **Failure to Inform:** Not informing Lynn Kay about the emergency petition hearing through any means of communication.
6. Cary Cucinelli is accused of concealing MyChart evidence since 7/8/22 until on or around November 2022 that disproved all of the allegations made in the emergency petition.

Cary Cucinelli's actions allegedly involved concealing Elaine's medical records and health information, which was against a court order stating that "Lynn shall not be denied Elaine's medical records and health information." This concealment lasted until around November 2022.

The legal misconduct accusations involved Cary Cucinelli, Liz Shifflett, Philip Kapusta, Laurie Kirkland, and Elizabeth Wildhack ALL SO DISRESPECTFULLY FAILING TO EVER NOTIFY LYNN KAY AND FAILING TO EVER DO ANY DUE DILIGENCE EVER PRIOR TO FILING AND ALL PERSONS THEREFORE HAVING A DIRECT MALFEASANT HAND IN FULLY “MATERIALLY BREACHING THE 2020 SETTLEMENT AGREEMENT” BASED SOLELY ON CONJECTURAL STATEMENTS WITH ABSUTELY NO SUPPORTIVE DOCUMENTS EVER VERIFYING ANY OF THE ENTIRELY FALSE AND MISLEADING 7/5/22 EMERGENCY PETITION ALLEGATIONS FILED AND THEN BEING FULLY CONCEALED FROM LYNN KAY.

Cary Cucinelli was accused of the following specific actions:

1. Filing an entirely baseless emergency petition without doing any due diligence.
2. Concealing the 7/5/22 emergency petition and pretending it never existed.
3. **CONCEALING EVIDENCE FROM MYCHART THAT ENTIRELY DISPROVED THE ALLEGATIONS.**
4. Wrongly terminating both Lynn’s guardianship and MYCHART on the same day as the 7/8/22 court order, defying the court order within the same hour.
5. Engaging in criminal concealment of criminal elder neglect and denial of care by Liz Shifflett, which almost caused Elaine's death.

Cary Cucinelli handled the emergency petition by:

1. Filing the petition without conducting any due diligence.
2. Concealing the existence of the 7/5/22 emergency petition.
3. Failing to inform Lynn Kay about the emergency petition hearing through email, text, phone call, mail, certified mail, or hand delivery service.
4. Concealing evidence from MyChart that disproved all of the allegations in the petition.
5. Terminating on the same day as the 7/8/22 court order, defying the court within the same hour.

The allegations made against Cary Cucinelli include:

1. Filing an entirely baseless emergency petition without conducting any due diligence.
2. Deliberately concealing the 7/5/22 emergency petition.
3. Failing to inform Lynn Kay about the emergency petition hearing through any form of communication.
4. Pretending that the 7/5/22 emergency petition never existed.
5. Concealing evidence from MyChart that disproved the allegations in the petition.
6. Terminating on the same day as the 7/8/22 court order, defying the court within the same hour.
7. Engaging in criminal concealment of criminal elder neglect and denial of care by Liz Shifflett, which almost caused Elaine's death.

The basis for the fraud allegations against Cary Cucinelli includes:

1. Filing an entirely baseless emergency petition without conducting any due diligence.
2. Deliberately concealing the existence of the 7/5/22 emergency petition.
3. Failing to inform Lynn Kay about the emergency petition hearing through any form of communication.
4. Concealing evidence from MyChart that disproved the allegations in the petition.
5. Pretending that the 7/5/22 emergency petition never existed.
6. Engaging in criminal concealment of criminal elder neglect and denial of care by Liz Shifflett, which almost caused Elaine's death.

According to the email, the care manager largely ignored Lynn Kay's concerns about her mother's health. Despite Lynn's repeated pleas and reports about her mother's deteriorating condition, as is documented via TEXTS TRANSCRIPT, the care manager dismissed these concerns and did not take appropriate action. It was only after Lynn yelled at the care manager on June 30, 2022, that the care manager finally called 911 as Lynn requested-(NESTCAM VIDEO) and took Elaine to the emergency room as Lynn had requested.

Lynn raised several specific concerns about her mother's health, including:

1. Her mother still not eating much at the hospital and appearing as a "literal shell of herself in July 2022" with noticeable protruding facial bones-(VIDEO TAKEN AT HOSPITAL)
2. Her mother being entirely unresponsive and wanting to sleep all the time.
3. The need for a feeding tube due to her mother's lack of energy, but there being an inability to cooperate in swallowing for placing the tube
4. Her mother not drinking enough fluids and needing IV fluids.
5. The possibility of her mother having a urinary tract infection (UTI), which was later confirmed and treated.

Lynn also mentioned that she had been calling multiple times a day, speaking with nurses and doctors, and monitoring her mother's condition through MYCHART.com at home safe from COVID. Despite Lynn's concerns for her mom, the care manager ignored her concerns until Lynn insisted on 911 taking her mother to the emergency room on June 30, 2022.

Lynn took several actions regarding her mother's health:

1. She spent time with her mother, in the hospital encouraging her to eat and monitoring her condition.
2. She spoke with doctors about the possibility of using a feeding tube to provide nutrients.
3. She called the hospital multiple times a day to speak with nurses and doctors and read all notes and lab results on MYCHART.com to stay informed about her mother's condition.
4. She repeatedly informed and begged the care manager until 6/30/22 to address her mother's health issues, including suggesting IV fluids and a urinary analysis (U/A) at the hospital

5. She finally yelled at the care manager on June 30, 2022, insisting that her mother be taken to the emergency room, which led to the care manager calling 911.

These actions demonstrate Lynn's persistent efforts to ensure her mother received the proper and necessary medical attention.

Lynn responded to her mother's deteriorating condition by:

1. Spending time with her mother, encouraging her to eat, and monitoring her condition closely.
2. Speaking with doctors about the possibility of using a feeding tube due to her mother's lack of energy and cooperation in swallowing.
3. Calling multiple times a day to speak with nurses and doctors and reading all notes and lab results on MYCHART.com to stay informed about her mother's condition.
4. Repeatedly informing and begging the care manager to address her mother's health issues, including suggesting IV fluids and a urinary analysis (U/A).
5. Yelling at the care manager on June 30, 2022, insisting that her mother be taken to the emergency room, which led to the care manager finally calling 911.-(NESTCAM VIDEO)
6. Staying with her mother in the hospital to ensure she received proper care and monitoring her progress, including her mother's small improvements in eating and restful sleep.

Lynn's actions show her dedication to her mother's well-being and her proactive approach in seeking medical attention.

The steps taken for mom's recovery included:

1. **Hospital Admission:** Mom was admitted to the hospital on June 30, 2022.
2. **Medical Monitoring:** Lynn stayed with her mother, encouraging her to eat and monitoring her condition closely.
3. **Feeding Tube Attempt:** Doctors attempted to use a feeding tube to provide nutrients, although mom was not cooperative in swallowing.
4. **Communication with Medical Staff:** Lynn frequently called and spoke with nurses and doctors, and read all notes and lab results on MYCHART.com to stay informed about her mother's condition.
5. **Emergency Room Visit:** After persistent urging and finally yelling at the care manager, the care manager called 911, leading to mom being taken to the emergency room.
6. **Diagnosis and Treatment:** Mom was diagnosed with a urinary tract infection (UTI) and began receiving medication for it.
7. **Continued Care:** Lynn stayed with her mother in the hospital to ensure she received proper care, monitored her progress, and reported small improvements in eating and restful sleep.

These steps were crucial in addressing mom's health issues and aiding her recovery.

For mom's urinary tract infection (UTI), the treatment initiated was the administration of medication specifically for the UTI. This was mentioned in Lynn's email where she noted that her mother was diagnosed with a UTI and started receiving medicine for her healing finally on 7/7/22.

Before her UTI diagnosis, mom showed the following symptoms:

1. **Extreme Tiredness:** Lynn reported that mom was suddenly very tired.
2. **Reduced Fluid Intake:** Mom was drinking very little fluids.
3. **Lack of Appetite:** Mom was not eating much at the hospital and was almost comatose, refusing to eat for several days.
4. **Physical Deterioration:** Mom appeared as a literal shell of herself, with her upper face bones noticeably protruding.
5. **Unresponsiveness:** Mom was entirely unresponsive and just wanted to sleep.
6. **General Weakness:** Mom had no energy and was not cooperative in swallowing for a feeding tube.

These symptoms indicated a severe decline in her health, leading to the eventual diagnosis of a UROSEPSIS.

The care manager largely ignored Lynn's concerns about her mom's health. Despite Lynn's repeated reports and pleas about her mom's deteriorating condition, the care manager dismissed these concerns and did not take appropriate action. It was only after Lynn yelled at the care manager on June 30, urging her to take mom to the emergency room, that the care manager finally called 911.

The timeline of Lynn's mother's health deterioration is as follows:

1. **5/18/22 REPORTED UNWELLNESS:** LYNN REPORTED VIA TEXT THAT "MOM IS NOT FEELING WELL"
2. **Early June 22:** Lynn noticed her mother's sudden tiredness and reduced fluid intake. She suggested to the care manager that her mother might need another U/A (urinalysis), but the care manager ignored this suggestion.
3. **June 2, 2022:** Lynn began texting the care manager, reporting that her mother was not normal and expressing concerns about her health.
4. **June 30, 2022:** After a month of ignored concerns, Lynn finally yelled at the care manager to take her mother to the emergency room. The care manager called 911, and her mother was admitted to the hospital. Upon admission, Elaine's labs were grossly abnormal, but were wrongly ignored and within days her mother was found to be almost comatose, entirely unresponsive, and wasting away without receiving any Antibiotics from UROSEPSIS.
5. **July 7, 2022:** Lynn's mother was diagnosed with a UTI and started receiving medicine for her condition. She also began eating some food after five days of refusal and was having restful sleep with the help of a catheter.

Throughout this period, Lynn had been the primary person caring for her mother and advocating for her health needs.

In the email, Lynn described her mother's condition in the hospital as follows:

1. **Physical Appearance:** Mom was a "shocking literal shell of herself" with her upper face bones noticeably protruding.
2. **Unresponsiveness:** Mom was entirely unresponsive and just wanted to sleep.
3. **Lack of Energy:** Mom had absolutely no energy and was not cooperative in swallowing for a feeding tube.
4. **Lack of Appetite:** Mom had been eating very little since her hospital admission on June 30 and had refused to eat for five days.
5. **Severe Weakness:** Mom was almost comatose and had been wasting away.
6. **Improvement:** By the afternoon of July 7, mom was finally eating some food because she wanted to go home.

Lynn emphasized that her mom's condition had been deteriorating significantly, leading to her being on the brink of death before showing small signs of recovery.

Upon admission and days after admission to the hospital on June 30, 2022, Lynn's mother was in a severely deteriorated condition. She was described as being almost comatose, entirely unresponsive, and wasting away. She had not been eating much, and her physical appearance was described as a "shocking literal shell of herself" with her upper face bones noticeably protruding-(VIDEO TAKEN AT HOSPITAL).

xSince her hospitalization, Lynn's mother has made the following progress:

1. **Eating:** After refusing to eat for five days, she finally started eating some food.
2. **Restful Sleep:** She has been having restful sleep with the help of a catheter.
3. **Diagnosis and Treatment:** She was diagnosed with a UTI and is now receiving medicine for her healing.

Lynn notes that her mother is making very small progresses in her eating and overall condition

**** THIS EMAIL DOES NOT INCLUDE THE 7/5/22-EMERGENCY PETITION "FALSE ALLEGATIONS" WHICH WAS DELIBERATELY CONCEALED BY CARY CUCINELLI FOR HER COMMITTING "FRAUD UPON THE COURT" FILING AN ENTIRELY BASELESS EMERGENCY PETITION WITHOUT EVER DOING ANY DUE DILIGENCE EVER AND ENTIRELY ABANDONING MOM TO DIE IN VIRGINIA HOSPITAL WHILE SEEKING TO**

"MALICIOUSLY PROSECUTE ME WITH THREATS TO MY LIFE AND MOM'S LIFE AND WELL-BEING-7/8/22**

IF IT WERE NOT FOR CARY CUCINELLI AND LIZ SHIFFLETT AND PHILIP KAPUSTA, AND LAURIE KIRKLAND AND WILFHACK, OUR LIVES NEVER WOULD HAVE BEEN DECIMATEDLY DESTROYED TODAY.

CONVENIENTLY NEVER WAS I INFORMED BY EMAIL, TEXT, PHONE CALL OR MAIL OR CERTIFIED MAIL OR BY HAND DELIVERY SERVICE FOR THE 7/5/22 EMERGENCY PETITION HEARING AND NEVER DID I EVER TO THIS DAY RECEIVE THE 7/4/22 EMERGENCY PETITION EVER.

CARY CUCINELLI CORRUPTLY PRETENDED AS THOUGH THE 7/5/22 EMERGENCY PETITION NEVER EXISTED AND THEN CONCEALED ALL OF THE MYCHART DISPROVING EVIDENCE TO ALL OF THE ALLEGATIONS AND SHE TERMINATED ON THE SAME DAY AS THE 7/8/22 COURT ORDER DEFYING THE COURT EITHIN THE SAME HOUR-LYNN SHALL NOT BE DENIED ELAINE'S MEDICAL RECORDS AND HEALTH INFORMATION****

AND SHE CONCEALED IT UNTIL NOVEMBER 2022

AND SHE IS GUILTY TO THIS DAY FOR LEGAL MISCONDUCT OF CRIMINAL CONCEALMENT OF CRIMINAL ELDER NEGLECT-DENIAL OF CARE BY LIZ SHIFFLETT ALMOST CAUSING MOM'S DEATH FOR THE VERY 1ST TIME!

To: Lynn Kay <tweetery7@yahoo.com>, "lynnkay7@gmail com" <lynnkay7@gmail.com>
Subject: 7/7/22-EMAILS-Philip Kapusta v. Elaine Kapusta, et al. CL 2018-11871 - Courtesy Copies

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----- Forwarded Message -----

From: Lynn Kay <tweetery7@yahoo.com>
To: Cary Cucinelli <cary@cucinelliger.com>
Cc: lkirkland@bklawva.com <lkirkland@bklawva.com>; jberger@haleball.com <jberger@haleball.com>; Valerie Geiger <valerie@cucinelliger.com>
Sent: Thursday, July 7, 2022 at 09:01:20 PM EDT
Subject: Re: Philip Kapusta v. Elaine Kapusta, et al. CL 2018-11871 - Courtesy Copies

Cary, I just this afternoon at 3 PMish received your entirely shocking emails.

I have been with mom all day encouraging her to eat as I found her today as just being a shocking literal shell of herself with her upper face bones noticeably protruding out when I arrived earlier this morning and she has been entirely unresponsive and just wanting to sleep.

I spoke with the doctor asking if they could do a feeding tube so she can receive nutrients since she was seemingly, almost comatose and so they tried to do it today, for the first time, but she had absolutely no energy and mom was not at all cooperative in swallowing which was required for a feeding tube through her nose.

Since mom was admitted on 6/30, I have been calling multiple times a day, speaking with nurses and doctors and reading all of the notes and labs, etc. on mom on MYCHART.com to see how mom was doing and they said to me that she hasn't been eating too much, but they never said that mom was entirely wasting away.

Cary, I have been the only one who has cared about mom's life for the past 15+ years, sacrificing 1/4 of my life now to care for mom since 2006 when

she begged me to move back home for me to do so for mom since 2004.

I am fighting to keep my mom alive as she is basically now just a shell of herself from the day of her 6/30 hospital admission, just 8 days ago. That is a very long time not to basically eat! She ate very little for just the 1st few days.

I had been begging the caretaker for over a month via texts since 6/2/22 telling her that Mom was not normal.

The caretaker just ignored most everything that I have been reporting to her of mom's condition until I finally yelled at her on 6/30 as she was dismissing my concerns with her just walking away, once again with her entirely dismissing mom's health condition, entirely. Even though the day before, I had informed her that mom needs IV Fluids and sleep for mom to be admitted to the hospital.

The caretaker absolutely refused to listen to my increasingly worrisome pleas for over a month as mom just got worse and worse which the caretaker was being informed of as it occurred.

This afternoon, my mom was finally eating some after 5 days of her absolutely refusing to do so and just because mom wants to be able to go home.

I will email you all of the texts of my begging the caretaker for this last month.

The caretaker only finally listened to me because I yelled at her on 6/30 to take mom to the E.R. as she was walking away. Then she finally called 911.

I will be here with mom until she recovers as she desperately wants to go home. She definitely has a ways to go, but mom is now making very small progresses in her eating and having restful sleep with mom having a catheter.

On 6/22, I had informed the caretaker that maybe mom should have another U/A since mom was drinking so little and she, once again, entirely ignored it.

Mom was finally diagnosed today with a UTI and is receiving medicine now for her healing.

If only in early June, the caretaker had properly heeded mom's sudden tiredness, and mom's drinking of less fluids, I can assure you that mom wouldn't have been on death's door as I had found her just 10 hours ago in this hospital.

Mom is, hopefully, nearing the road of recovery now.

Lynn

On Thursday, July 7, 2022 at 03:04:01 PM EDT, Cary Cucinelli <cary@cucinelligeiger.com> wrote:

Dear Lynn, CARY CUCINELLI LIED TO THE COURT AS SHE NEVER NOTIFIED ME EVER WITH THE EMERGENCY PETITION-SHE HAD MY PHONE NUMBER AND 1 MONTH EARLIER TEXTED AND CALLED ME AND SENT 1 MONTH EARLIER A CERTIFIED MAIL. AND NEVER DID ANY "DUE DILIGENCE" BEFORE FILING BASELESS EMERGENCY PETITION OF ALL KNOWN FALSE ALLEGATIONS AS SHE CONCEALED THE TRUTH-THIS WAS FRAUD LYING TO THE COURT IN ORDER TO ILLEGALLY SEEK PREDATORY CONTROL OVER OUR LIVES TO CAUSE FORCED INCAPITATION WITH DEPRIVATION OF CARE"

I was just made aware that you are using this email (tweeter7@yahoo.com). Please see below and attached.

Having not received a response from you to my emails of Tuesday (and an "undeliverable" message today), I have had the attached letter and copy of the petition sent to you.

Kind regards,

Cary

Cary Z. Cucinelli

Cucinelli Geiger PC

4084 University Drive, Suite 202A

tel: 703-481-6464

fax: 703-991-0609

From: Laurie Kirkland <lkirkland@bklawva.com>

Date: Thursday, July 7, 2022 at 2:13 PM

To: "Aimee.Solano@fairfaxcounty.gov" <Aimee.Solano@fairfaxcounty.gov>

Cc: Cary Cucinelli <cary@cucinelligeiger.com>, Valerie Geiger <valerie@cucinelligeiger.com>, "Justin B. Berger" <jberger@haleball.com>, "lynnkay7@gmail.com" <lynnkay7@gmail.com>

Subject: Philip Kapusta v. Elaine Kapusta, et al. CL 2018-11871 - Courtesy Copies

Dear Ms. Solano,

It is my understanding that the Co-Conservators' Emergency Petition in the above-referenced matter, which was set on tomorrow's docket in calendar control yesterday, will be heard by Judge Saylor tomorrow on her 10:00 docket. To that end, please find attached a courtesy copy of the Respondent's response and the referenced proposed order, which were filed and served on all interested parties (cc'd here) earlier today.

Best regards,

Laurie

Laurie L. Kirkland

Partner

 Blankingship &
Keith, PC

Blankingship & Keith, PC

4020 University Drive, Suite 300 ■ Fairfax, VA 22030

tel (703) 691-1235 ■ direct (703) 293-7226

fax (703) 691-3913

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Cc: lkirkland@bklawva.com <lkirkland@bklawva.com>; jberger@haleball.com <jberger@haleball.com>; Valerie Geiger <valerie@cucinelligeiger.com>
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Date: Thursday, July 7, 2022 at 2:13 PM

To: "Aimee.Solano@fairfaxcounty.gov" <Aimee.Solano@fairfaxcounty.gov>

Cc: Cary Cucinelli <cary@cucinelligeiger.com>, Valerie Geiger <valerie@cucinelligeiger.com>, "Justin B. Berger" <jberger@haleball.com>, "lynnkay7@gmail.com" <lynnkay7@gmail.com>

Subject: Philip Kapusta v. Elaine Kapusta, et al. CL 2018-11871 - Courtesy Copies

Dear Ms. Solano,

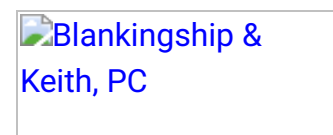
It is my understanding that the Co-Conservators' Emergency Petition in the above-referenced matter, which was set on tomorrow's docket in calendar control yesterday, will be heard by Judge Saylor tomorrow on her 10:00 docket. To that end, please find attached a courtesy copy of the Respondent's response and the referenced proposed order, which were filed and served on all interested parties (cc'd here) earlier today.

Best regards,

Laurie

Laurie L. Kirkland

Partner



Blankingship & Keith, PC

4020 University Drive, Suite 300 ■ Fairfax, VA 22030

tel (703) 691-1235 ■ direct (703) 293-7226

fax (703) 691-3913

C UCINELLI LEGAL MISCONDUCT EVIDENCE-****FRAUD UPON THE COURT****-****MATERIAL BREACH OF CONTRACT AND "MALICIOUS PROSECUTION WITH THREATS TO OUR LIVES****-CRIMINAL

Fw: FIGHTING FOR MOM'S LIFE & FUTURE

1 message

Lynn Kay <tweeter7@yahoo.com>

Sun, Jan 26, 2025 at 11:50 AM

To: Lynn Kay <tweeter7@yahoo.com>, lynnkay7@gmail.com
<lynnkay7@gmail.com>

7/8/22-CARY CUCINELLI LIED TO THIS COURT TO REMOVE ME AS GUARDIAN W/ "NO JUST CAUSE"-THIS EMAIL SHOWS SHE WAS INFORMED THAT THE CARE MANAGER MEDICALLY NEGLECTED MY MOM- CUCINELLI CRIMINALLY CONCEALED THE MEDICAL NEGLECT. I STAYED UP ALL NIGHT SENDING EMAILS W/ TEXTS SHOWING SHIFFLETT MEDICAL ABANDONMENT & SHE "FAILED TO DISCLOSE"-***LYING BY OMISSO*** & THEN ****MALICIOUSLY THREATENED OUR LIVES****

----- Forwarded Message -----

From: Cary Cucinelli <cary@cucinelligeiger.com>

To: tweeter7 <tweeter7@yahoo.com>

Cc: Valerie Geiger <valerie@cucinelligeiger.com>; Callie Bailey

<callie@cucinelligeiger.com>; Liz Shifflett <l.shifflett@premierlifeplanning.com>; Suzanne Hanas <suzanne.hanas@premierlifeplanning.com>

Sent: Friday, July 8, 2022 at 01:11:37 PM EDT

Subject: Re: FIGHTING FOR MOM'S LIFE & FUTURE

Lynn,

A copy of the Court's order of this morning is attached here.

Please note the highlighted language on page 5.

As communicated earlier, Liz Shifflett and Suzanne Hanas will be engaging professional caregivers to provide care to your mother in her home.

care.

CUCINELLI COMMITTED "FRAUD UPON THE COURT" BY
KNOWINGLY CONCEALING MEDICAL ELDER NEGLECT

We have authorized Liz Shifflet and Suzanne Hanas to contact the police, should you fail to cooperate and obstruct your mother's caregivers in their duties.

Please call or email with any questions.

Kind regards,

Cary

Cary Z. Cucinelli

Cucinelli Geiger PC

4084 University Drive, Suite 202A

Fairfax, Virginia 22030

tel: 703-481-6464

fax: 703-991-0609

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From: tweetery7 <tweetery7@yahoo.com>

Date: Friday, July 8, 2022 at 11:04 AM

To: Cary Cucinelli <cary@cucinelliger.com>

Subject: Re: FIGHTING FOR MOM'S LIFE & FUTURE

Cary, I received EVERYTHING at 3 PM yesterday via email for my being notified.

Cary, there is absolutely no legal justification for any of this and you now absolutely know it.

I have served as Mom's Legal Guardian, etc, officially or unofficially above and beyond for more than 15 years. And I had held LEGAL P.O.A..

There has been, absolutely, no wrongdoing or any negligence or any abuse or any neglect of mom, whatsoever, on my part.

Mom was absolutely more than thriving prior to June 2022.

I have been an entirely dutiful daughter in full-time caring for mom since 2011, when mom basically gave up on everything. And my helping mom since November 2006 when I entirely sacrificed my life now for almost 16 years for mom in moving back home as she had continuously been begging me to do after dad died in late 90's-(1998/1999) not sure anymore. Think it was 1998.

As all of yesterday's emails from me to you and all of the snaps of the caretaker being informed of everything in regards to mom do state and factually document, all of mom's health concerns in June 2022 prior to the 6/30 hospitalization were entirely dismissed by the caretaker, and even up to the very last moment when she walked away and both mom and I begged her to come back to take mom to the E.R. And my concerns about mom were also, shockingly, not even expressed to the E.R. doctor by the caretaker when in the evening-4-5 hours later the caretaker arrived to the E.R.

And, you, Cary, you have the entire burden of proof to prove of anything otherwise. As you now have seen, the caretaker is entirely gravely at fault for mom's spiraling demise.

Mom has been constantly entirely dismissed by everyone, including even her "DEADBEAT" son, except for me. I just hope now that she can be saved and can, once again, thrive.

I am fighting with all of my time and strength and energy for saving mom's life today and thereafter, and until further notice I will be by my mom's bedside.

I was with mom for 10 hours yesterday until I was kicked out at 8:15 PM. And again am today now.

I just hope that all of the recent misdeeds of dismissals of the caretaker will not cause mom's premature death.

I hope that mom will eat more today and I am, once again, begging for mom to be given fluids as last time was, shockingly, 7/4!

I am by mom's bedside.

Lynn

571-421-6813

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Cary Cucinelli <cary@cucinelligeiger.com>

Date: 7/8/22 9:14 AM (GMT-05:00)

To: tweeter7 <tweeter7@yahoo.com>

Subject: Re: FIGHTING FOR MOM'S LIFE & FUTURE

Lynn, please let me know whether you plan to appear and/or participate in this morning's hearing.

Cary Z. Cucinelli

Cucinelli Geiger PC

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tel: 703-481-6464

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Date: Friday, July 8, 2022 at 4:58 AM

To: Cary Cucinelli <cary@cucinelligeiger.com>

Subject: FIGHTING FOR MOM'S LIFE & FUTURE

7/8/22-THE CRIMINAL
FIDUCIARY-CARY
CUCINELLI WAS INFORMED
ON BOTH 7/7/22 AND 7/8/22
WITH EVIDENCE OF
CRIMINAL ELDER NEGLECT
BY CARE MANAGER AND
HAS CRIMINALLY
CONCEALED IT ALL FOR 3
YEARS WHILE
UNCEASINGLY
THREATENING THE LIVES
OF BOTH LELAINE MAE
KAPUSTA AND YNN KAY

I HAD INFORMED THE CARETAKER FOR MORE THAN A MONTH BEGINNING ON 6/2/22 THAT MOM WAS NOTICEABLY, ALL OF A SUDDEN, DRASTICALLY SLOWING DOWN AND THE CARETAKER SUMMED IT UP TO MOM BEING TIRED BECAUSE OF THE MULTIPLE DR. APPTS. IN EARLY JUNE.

ON 6/2, I TOLD THE CARETAKER THAT "MOM IS NOT NORMAL." IN ADDITION TO THE NOTICEABLE FATIGUE/EXHAUSTION THAT MOM WAS SHOWING, SOON THEREAFTER, I HAD INFORMED THE CARETAKER THAT MOM WAS ALSO NOT DRINKING AS MUCH AS SHE USED TO AND THAT SHE WAS ALSO COMPLAINING OF HAVING PAIN IN HER RIGHT ARM/SHOULDER. MY 1ST THOUGHT WAS HEART PROBLEMS AND SO MOM WENT FOR A VA. HEART APPT AT MY INSISTENCE TO THE CARETAKER FOR THE CARETAKER

MAKING A 6/8 APPT, WHICH MOM WAS SEEN.

THE CARETAKER SAID THE RIGHT SHOULDER/ARM PAIN WAS LIKELY DUE TO CONTORTIONING MOM DURING THE 6/1 MAMMO. I ACCEPTED THAT MAYBE WAS POSSIBLE, BUT THE PAIN CONTINUED.

THEN IN THE LAST WEEK PRIOR TO 6/30, SHE BEGAN NOTICEABLY EATING LESS IN NOT HAVING MUCH OF AN APPETITE AS SHE USUALLY HAD AND NOT SLEEPING WHILE IN BED AT NIGHT THROUGH THE EARLY A.M. AND ALSO WAKING ME UP.

SHE WAS CONTINUALLY GETTING UP MULTIPLE TIMES TO PEE AND GETTING VERY LITTLE SLEEP AND WHICH ALSO WOKE ME UP DUE TO ALL OF THIS AS I HAVE BEEN MONITORING MOM ALL NIGHT WITH THE NESTCAM ALL NIGHT TO SEE HOW SHE IS SLEEPING OR NOT SLEEPING, SO I COULD HEAR WHEN SHE GOT UP MULTIPLE TIMES THROUGH THE LATE NIGHT/A.M.

IT WENT ON FOR MULTIPLE NIGHTS, WHICH WAS ENTIRELY DRAGGING MOM DOWN MORE AND MORE EACH DAY.

I HAD INFORMED THE CARETAKER OF EVERYTHING AND SHE ENTIRELY DISREGARDED EVERYTHING.

ON 6/29, I TOLD THE CARETAKER THAT MOM NEEDS IV FLUIDS, MOM NEEDS SLEEP. I TOLD HER THAT MOM IS EATING, BUT IS VERY FATIGUED.

THEN ON 6/30, THE CARETAKER CONTINUED TO REFUSE TO LISTEN TO ME OR TO LISTEN TO MOM'S CRYING BEGGING ON THE NESTCAM FOOTAGE FOR MOM TO GO TO THE HOSPITAL.

THIS CARETAKER NEEDS TO BE IMMEDIATELY ENTIRELY REMOVED AS SHE HAS CONTINUALLY PROVEN TO BE ENTIRELY DISMISSIVE OF MOM'S HEALTH ISSUES AS I HAVE REPORTED EVERYTHING TO THIS CARETAKER AND SHE IS UNCARING AND NEGLIGENT IN CARING FOR MOM AND SHE SHOULD NOT BE ALLOWED TO CONTINUE TO EVER CARE FOR MOM AGAIN AS SHE, ABSOLUTELY, DOESN'T HAVE MOM'S BEST INTERESTS AT HEART AS SHE HAS CONTINUALLY AND ENTIRELY DISREGARDED THE PLEAS OF HELP FROM BOTH MOM AND I, ON MY ADVOCATING ON BEHALF OF MOM.

ON 6/30, THE CARETAKER WAS CONTINUING TO BE DISMISSIVE OF MY DIRE CONCERNS FOR MOM'S HEALTH AND SHE STARTED TO LEAVE, UNTIL I YELLED AT HER THAT MOM IS ABSOLUTELY BEGGING FOR HELP AND THEN THE CARETAKER FINALLY CALLED 911 TO HAVE MOM GET HOSPITALIZED TO GO TO THE E.R.

AT THE HOSPITAL, THEY GAVE MOM FLUIDS AND SEDATED MOM SO THAT SHE COULD GET SOME SLEEP AND THE HOSPITAL ALSO TOOK MOM ENTIRELY OFF OF THE FUROSEMIDE, LIKELY ALSO DUE TO MOM NOT BEING ABLE TO REST RAISING HER

BLOOD PRESSURE WITH HER CONTINUALLY GETTING UP TO PEE AND NOT BEING ABLE TO REST.

THE DR.S AT THE HOSPITAL FINALLY LISTENED TO MY PLEAS FOR THEM TO DO EVERYTHING THAT I HAD SOUGHT FOR MOM, INCLUDING HAVING A CATHETER. AND THEY ALSO DIDN'T DO FORCED IV NUTRIENTS, WHICH I BELIEVE IS STILL NECESSARY FOR MOM AS SHE IS STILL NOT EATING VERY MUCH WHICH IS NOT GOOD. AND IS DRINKING JUST SIPS OF FLUID THROUGHOUT THE DAY.

THE HOSPITAL ALSO PUT MOM ON ANOTHER BLOOD PRESSURE MEDICINE CALLED NORVASC WHICH SEEMS TO NOW BE WORKING IN SUCCESSFULLY LOWERING MOM'S BLOOD PRESSURE. BUT IT IS A TABLET THAT IS CRUSHED UP AND PUT IN APPLESAUCE.

IF MOM DOESN'T EAT, SHE DOESN'T GET THIS MEDICINE FOR HIGH BLOOD PRESSURE.

I HAVE FOUGHT FOR MOM FOR 15 YEARS, ENTIRELY SACRIFICING MY LIFE TO MOVE HOME FROM CALIFORNIA AFTER 21 YEARS OF MY LIVING IN CALIFORNIA, JUST TO CARE FOR MY MOM, AS SHE HAD BEGUN BEGGING FOR ME TO DO IN 2004.

I AM ONCE AGAIN FIGHTING FOR MY MOM AND HER FUTURE WELL-BEING.

I HAVE BEEN FORCED TO BECOME MOM'S ADVOCATE IN FIGHTING FOR MOM'S LIFE AND MOM'S FUTURE COMFORT AND WELL-BEING.

MOM WILL DIE IF SHE IS PUT INTO A NURSING HOME. MOM NEEDS TO LIVE IN HER HOME OF 44 YEARS-(1978). SHE HAS EVERYTHING THAT SHE NEEDS AT OUR HOME WITH ME CARING FOR MOM.

MOM HAS A WONDERFUL HOME WITH MY CARING FOR HER AND MOM IS VERY CAPABLE IN ALSO CARING FOR HERSELF, BESIDES PREPARING ALL OF THE MEALS FOR MOM WHICH I DO AND BATHING MOM WHICH I HAD ASKED FOR HELP BECAUSE MOM BEGAN REALLY FIGHTING IT IN THE LAST MONTH FOR HER HAVING TO TAKE A BATH/SHOWER, AS THE CARETAKER ALSO HAD EXPERIENCED THIS WHEN TRYING TO GET MOM INTO THE SHOWER, WITH ME, SO I HAVE BEEN DOING THE LAST MONTH SPONGE BATHS.

I IMPLORE YOU TO NOT THROW MOM'S LIFE AWAY BY SENTENCING MOM TO A NURSING HOME, SHE WILL DIE. IT WILL ABSOLUTELY KILL HER!

MOM HAS BEEN ABSOLUTELY THRIVING AT HOME WITH ME UNTIL THIS PAST MONTH WHEN SHE STARTED NOT FEELING GOOD. AND STILL HAS NOT BEEN DETERMINED WHY? EXCEPT UTI.

I HAD NO IDEA IF I DARE TO ASK FOR MEDICAL HELP FOR MOM'S WELL-BEING THAT

SHE COULD THEN BE PERMANENTLY PUT INTO A NURSING HOME, ENTIRELY AGAINST MOM'S WISHES.

MOM NEEDS TO COME BACK HOME TO HER COMFY HOME OF CARE AND EASE SO THAT SHE CAN FULLY RECOVER AT HER HOME, AFTER SHE IS STABLE AND EATING AND THE UTI HAS CLEARED UP.

IF SHE NEEDS TO GO TO A NURSING HOME FOR HER TO CONTINUE TO RECOVER, IT NEEDS TO BE THE CHERRYDALE HEALTH AND REHAB NURSING HOSPITAL IN CHERRYDALE, ARLINGTON, WHICH SHE HAS BEEN AT BEFORE AFTER HER 3 DIFFERENT SURGERIES MANY YEARS AGO.

Sent from my Verizon, Samsung Galaxy smartphone

**** THIS EMAIL DOES NOT INCLUDE THE 7/5/22-EMERGENCY PETITION "FALSE ALLEGATIONS" WHICH WAS DELIBERATELY CONCEALED BY CARY CUCINELLI FOR HER COMMITTING "FRAUD UPON THE COURT" FILING AN ENTIRELY BASELESS EMERGENCY PETITION WITHOUT EVER DOING ANY DUE DILIGENCE EVER AND ENTIRELY ABANDONING MOM TO DIE IN VIRGINIA HOSPITAL WHILE SEEKING TO**

"MALICIOUSLY PROSECUTE ME WITH THREATS TO MY LIFE AND MOM'S LIFE AND WELL-BEING-7/8/22**

IF IT WERE NOT FOR CARY CUCINELLI AND LIZ SHIFFLETT AND PHILIP KAPUSTA, AND LAURIE KIRKLAND AND WILFHACK, OUR LIVES NEVER WOULD HAVE BEEN DECIMATEDLY DESTROYED TODAY.

CONVENIENTLY NEVER WAS I INFORMED BY EMAIL, TEXT, PHONE CALL OR MAIL OR CERTIFIED MAIL OR BY HAND DELIVERY SERVICE FOR THE 7/5/22 EMERGENCY PETITION HEARING AND NEVER DID I EVER TO THIS DAY RECEIVE THE 7/4/22 EMERGENCY PETITION EVER.

CARY CUCINELLI CORRUPTLY PRETENDED AS THOUGH THE 7/5/22 EMERGENCY PETITION NEVER EXISTED AND THEN CONCEALED ALL OF THE MYCHART DISPROVING EVIDENCE TO ALL OF THE ALLEGATIONS AND SHE TERMINATED ON THE SAME DAY AS THE 7/8/22 COURT ORDER DEFYING THE COURT EITHIN THE SAME HOUR-LYNN SHALL NOT BE DENIED ELAINE'S MEDICAL RECORDS AND HEALTH INFORMATION****

AND SHE CONCEALED IT UNTIL NOVEMBER 2022

AND SHE IS GUILTY TO THIS DAY FOR LEGAL MISCONDUCT OF CRIMINAL CONCEALMENT OF CRIMINAL ELDER NEGLECT-DENIAL OF CARE BY LIZ SHIFFLETT ALMOST CAUSING MOM'S DEATH FOR THE VERY 1ST TIME!

To: Lynn Kay <tweetery7@yahoo.com>, "lynnkay7@gmail com" <lynnkay7@gmail.com>
Subject: 7/7/22-EMAILS-Philip Kapusta v. Elaine Kapusta, et al. CL 2018-11871 - Courtesy Copies

7/7/22-EMAILS-Philip Kapusta v. Elaine Kapusta, et al. CL 2018-11871 - Courtesy Copies

----- Forwarded Message -----

From: Lynn Kay <tweetery7@yahoo.com>
To: Cary Cucinelli <cary@cucinelligeiger.com>
Cc: lkirkland@bklawva.com <lkirkland@bklawva.com>; jberger@haleball.com <jberger@haleball.com>; Valerie Geiger <valerie@cucinelligeiger.com>
Sent: Thursday, July 7, 2022 at 09:01:20 PM EDT
Subject: Re: Philip Kapusta v. Elaine Kapusta, et al. CL 2018-11871 - Courtesy Copies

Cary, I just this afternoon at 3 PMish received your entirely shocking emails.

I have been with mom all day encouraging her to eat as I found her today as just being a shocking literal shell of herself with her upper face bones noticeably protruding out when I arrived earlier this morning and she has been entirely unresponsive and just wanting to sleep.

I spoke with the doctor asking if they could do a feeding tube so she can receive nutrients since she was seemingly, almost comatose and so they tried to do it today, for the first time, but she had absolutely no energy and mom was not at all cooperative in swallowing which was required for a feeding tube through her nose.

Since mom was admitted on 6/30, I have been calling multiple times a day, speaking with nurses and doctors and reading all of the notes and labs, etc. on mom on MYCHART.com to see how mom was doing and they said to me that she hasn't been eating too much, but they never said that mom was entirely wasting away.

Cary, I have been the only one who has cared about mom's life for the past 15+ years, sacrificing 1/4 of my life now to care for mom since 2006 when

she begged me to move back home for me to do so for mom since 2004.

I am fighting to keep my mom alive as she is basically now just a shell of herself from the day of her 6/30 hospital admission, just 8 days ago. That is a very long time not to basically eat! She ate very little for just the 1st few days.

I had been begging the caretaker for over a month via texts since 6/2/22 telling her that Mom was not normal.

The caretaker just ignored most everything that I have been reporting to her of mom's condition until I finally yelled at her on 6/30 as she was dismissing my concerns with her just walking away, once again with her entirely dismissing mom's health condition, entirely. Even though the day before, I had informed her that mom needs IV Fluids and sleep for mom to be admitted to the hospital.

The caretaker absolutely refused to listen to my increasingly worrisome pleas for over a month as mom just got worse and worse which the caretaker was being informed of as it occurred.

This afternoon, my mom was finally eating some after 5 days of her absolutely refusing to do so and just because mom wants to be able to go home.

I will email you all of the texts of my begging the caretaker for this last month.

The caretaker only finally listened to me because I yelled at her on 6/30 to take mom to the E.R. as she was walking away. Then she finally called 911.

I will be here with mom until she recovers as she desperately wants to go home. She definitely has a ways to go, but mom is now making very small progresses in her eating and having restful sleep with mom having a catheter.

On 6/22, I had informed the caretaker that maybe mom should have another U/A since mom was drinking so little and she, once again, entirely ignored it.

Mom was finally diagnosed today with a UTI and is receiving medicine now for her healing.

If only in early June, the caretaker had properly heeded mom's sudden tiredness, and mom's drinking of less fluids, I can assure you that mom wouldn't have been on death's door as I had found her just 10 hours ago in this hospital.

Mom is, hopefully, nearing the road of recovery now.

Lynn

On Thursday, July 7, 2022 at 03:04:01 PM EDT, Cary Cucinelli <cary@cucinelligeiger.com> wrote:

Dear Lynn,

I was just made aware that you are using this email (tweeter7@yahoo.com). Please see below and attached.

Having not received a response from you to my emails of Tuesday (and an "undeliverable" message today), I have had the attached letter and copy of the petition sent to you.

Kind regards,

Cary

Cary Z. Cucinelli

Cucinelli Geiger PC

4084 University Drive, Suite 202A

tel: 703-481-6464

fax: 703-991-0609

From: Laurie Kirkland <lkirkland@bklawva.com>

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Laurie

Laurie L. Kirkland

Partner

 Blankingship &
Keith, PC

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fax: 703-991-0609

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From: tweetery7 <tweetery7@yahoo.com>

Date: Friday, July 8, 2022 at 4:58 AM

To: Cary Cucinelli <cary@cucinelligeiger.com>

Subject: FIGHTING FOR MOM'S LIFE & FUTURE

I HAD INFORMED THE CARETAKER FOR MORE THAN A MONTH BEGINNING ON 6/2/22 THAT MOM WAS NOTICEABLY, ALL OF A SUDDEN, DRASTICALLY SLOWING DOWN AND THE CARETAKER SUMMED IT UP TO MOM BEING TIRED BECAUSE OF THE MULTIPLE DR. APPTS. IN EARLY JUNE.

ON 6/2, I TOLD THE CARETAKER THAT "MOM IS NOT NORMAL." IN ADDITION TO THE NOTICEABLE FATIGUE/EXHAUSTION THAT MOM WAS SHOWING, SOON THEREAFTER, I HAD INFORMED THE CARETAKER THAT MOM WAS ALSO NOT DRINKING AS MUCH AS SHE USED TO AND THAT SHE WAS ALSO COMPLAINING OF HAVING PAIN IN HER RIGHT ARM/SHOULDER. MY 1ST THOUGHT WAS HEART PROBLEMS AND SO MOM WENT FOR A VA. HEART APPT AT MY INSISTENCE TO THE CARETAKER FOR THE CARETAKER

MAKING A 6/8 APPT, WHICH MOM WAS SEEN.

THE CARETAKER SAID THE RIGHT SHOULDER/ARM PAIN WAS LIKELY DUE TO CONTORTIONING MOM DURING THE 6/1 MAMMO. I ACCEPTED THAT MAYBE WAS POSSIBLE, BUT THE PAIN CONTINUED.

THEN IN THE LAST WEEK PRIOR TO 6/30, SHE BEGAN NOTICEABLY EATING LESS IN NOT HAVING MUCH OF AN APPETITE AS SHE USUALLY HAD AND NOT SLEEPING WHILE IN BED AT NIGHT THROUGH THE EARLY A.M. AND ALSO WAKING ME UP.

SHE WAS CONTINUALLY GETTING UP MULTIPLE TIMES TO PEE AND GETTING VERY LITTLE SLEEP AND WHICH ALSO WOKE ME UP DUE TO ALL OF THIS AS I HAVE BEEN MONITORING MOM ALL NIGHT WITH THE NESTCAM ALL NIGHT TO SEE HOW SHE IS SLEEPING OR NOT SLEEPING, SO I COULD HEAR WHEN SHE GOT UP MULTIPLE TIMES THROUGH THE LATE NIGHT/A.M.

IT WENT ON FOR MULTIPLE NIGHTS, WHICH WAS ENTIRELY DRAGGING MOM DOWN MORE AND MORE EACH DAY.

I HAD INFORMED THE CARETAKER OF EVERYTHING AND SHE ENTIRELY DISREGARDED EVERYTHING.

ON 6/29, I TOLD THE CARETAKER THAT MOM NEEDS IV FLUIDS, MOM NEEDS SLEEP. I TOLD HER THAT MOM IS EATING, BUT IS VERY FATIGUED.

THEN ON 6/30, THE CARETAKER CONTINUED TO REFUSE TO LISTEN TO ME OR TO LISTEN TO MOM'S CRYING BEGGING ON THE NESTCAM FOOTAGE FOR MOM TO GO TO THE HOSPITAL.

THIS CARETAKER NEEDS TO BE IMMEDIATELY ENTIRELY REMOVED AS SHE HAS CONTINUALLY PROVEN TO BE ENTIRELY DISMISSIVE OF MOM'S HEALTH ISSUES AS I HAVE REPORTED EVERYTHING TO THIS CARETAKER AND SHE IS UNCARING AND NEGLIGENT IN CARING FOR MOM AND SHE SHOULD NOT BE ALLOWED TO CONTINUE TO EVER CARE FOR MOM AGAIN AS SHE, ABSOLUTELY, DOESN'T HAVE MOM'S BEST INTERESTS AT HEART AS SHE HAS CONTINUALLY AND ENTIRELY DISREGARDED THE PLEAS OF HELP FROM BOTH MOM AND I, ON MY ADVOCATING ON BEHALF OF MOM.

ON 6/30, THE CARETAKER WAS CONTINUING TO BE DISMISSIVE OF MY DIRE CONCERNS FOR MOM'S HEALTH AND SHE STARTED TO LEAVE, UNTIL I YELLED AT HER THAT MOM IS ABSOLUTELY BEGGING FOR HELP AND THEN THE CARETAKER FINALLY CALLED 911 TO HAVE MOM GET HOSPITALIZED TO GO TO THE E.R.

AT THE HOSPITAL, THEY GAVE MOM FLUIDS AND SEDATED MOM SO THAT SHE COULD GET SOME SLEEP AND THE HOSPITAL ALSO TOOK MOM ENTIRELY OFF OF THE FUROSEMIDE, LIKELY ALSO DUE TO MOM NOT BEING ABLE TO REST RAISING HER

BLOOD PRESSURE WITH HER CONTINUALLY GETTING UP TO PEE AND NOT BEING ABLE TO REST.

THE DR.S AT THE HOSPITAL FINALLY LISTENED TO MY PLEAS FOR THEM TO DO EVERYTHING THAT I HAD SOUGHT FOR MOM, INCLUDING HAVING A CATHETER. AND THEY ALSO DIDN'T DO FORCED IV NUTRIENTS, WHICH I BELIEVE IS STILL NECESSARY FOR MOM AS SHE IS STILL NOT EATING VERY MUCH WHICH IS NOT GOOD. AND IS DRINKING JUST SIPS OF FLUID THROUGHOUT THE DAY.

THE HOSPITAL ALSO PUT MOM ON ANOTHER BLOOD PRESSURE MEDICINE CALLED NORVASC WHICH SEEMS TO NOW BE WORKING IN SUCCESSFULLY LOWERING MOM'S BLOOD PRESSURE. BUT IT IS A TABLET THAT IS CRUSHED UP AND PUT IN APPLESAUCE.

IF MOM DOESN'T EAT, SHE DOESN'T GET THIS MEDICINE FOR HIGH BLOOD PRESSURE.

I HAVE FOUGHT FOR MOM FOR 15 YEARS, ENTIRELY SACRIFICING MY LIFE TO MOVE HOME FROM CALIFORNIA AFTER 21 YEARS OF MY LIVING IN CALIFORNIA, JUST TO CARE FOR MY MOM, AS SHE HAD BEGUN BEGGING FOR ME TO DO IN 2004.

I AM ONCE AGAIN FIGHTING FOR MY MOM AND HER FUTURE WELL-BEING.

I HAVE BEEN FORCED TO BECOME MOM'S ADVOCATE IN FIGHTING FOR MOM'S LIFE AND MOM'S FUTURE COMFORT AND WELL-BEING.

MOM WILL DIE IF SHE IS PUT INTO A NURSING HOME. MOM NEEDS TO LIVE IN HER HOME OF 44 YEARS-(1978). SHE HAS EVERYTHING THAT SHE NEEDS AT OUR HOME WITH ME CARING FOR MOM.

MOM HAS A WONDERFUL HOME WITH MY CARING FOR HER AND MOM IS VERY CAPABLE IN ALSO CARING FOR HERSELF, BESIDES PREPARING ALL OF THE MEALS FOR MOM WHICH I DO AND BATHING MOM WHICH I HAD ASKED FOR HELP BECAUSE MOM BEGAN REALLY FIGHTING IT IN THE LAST MONTH FOR HER HAVING TO TAKE A BATH/SHOWER, AS THE CARETAKER ALSO HAD EXPERIENCED THIS WHEN TRYING TO GET MOM INTO THE SHOWER, WITH ME, SO I HAVE BEEN DOING THE LAST MONTH SPONGE BATHS.

I IMPLORE YOU TO NOT THROW MOM'S LIFE AWAY BY SENTENCING MOM TO A NURSING HOME, SHE WILL DIE. IT WILL ABSOLUTELY KILL HER!

MOM HAS BEEN ABSOLUTELY THRIVING AT HOME WITH ME UNTIL THIS PAST MONTH WHEN SHE STARTED NOT FEELING GOOD. AND STILL HAS NOT BEEN DETERMINED WHY? EXCEPT UTI.

I HAD NO IDEA IF I DARE TO ASK FOR MEDICAL HELP FOR MOM'S WELL-BEING THAT

SHE COULD THEN BE PERMANENTLY PUT INTO A NURSING HOME, ENTIRELY AGAINST MOM'S WISHES.

MOM NEEDS TO COME BACK HOME TO HER COMFY HOME OF CARE AND EASE SO THAT SHE CAN FULLY RECOVER AT HER HOME, AFTER SHE IS STABLE AND EATING AND THE UTI HAS CLEARED UP.

IF SHE NEEDS TO GO TO A NURSING HOME FOR HER TO CONTINUE TO RECOVER, IT NEEDS TO BE THE CHERRYDALE HEALTH AND REHAB NURSING HOSPITAL IN CHERRYDALE, ARLINGTON, WHICH SHE HAS BEEN AT BEFORE AFTER HER 3 DIFFERENT SURGERIES MANY YEARS AGO.

Sent from my Verizon, Samsung Galaxy smartphone

SUMMARY OF 7/7/22 EMAIL

This email pertains to the case of Philip Kapusta v. Elaine Kapusta, et al. (CL 2018-11871) and includes a series of emails dated July 7, 2022. The emails discuss allegations of fraud and misconduct against Cary Cucinelli, including the filing of a baseless emergency petition and the concealment of critical medical evidence. Lynn Kay, who has been caring for her mother Elaine, details the neglect and lack of communication from the care manager and legal representatives, which nearly led to Elaine's death. The document highlights the ongoing legal and personal struggles surrounding Elaine's care and the alleged mishandling of her medical and legal affairs.

Overview: This email discusses allegations of legal misconduct and elder neglect related to the care of Elaine Kapusta.

Legal Misconduct Allegations

- Cary Cucinelli is accused of filing a fraudulent emergency petition without due diligence.
- The emergency petition hearing on 7/5/22 was not ever communicated to Lynn Kay being corruptly concealed to Lynn not only never being notified also never receiving the 7/5/22 Emergency Petition that was filed in failing to notify.
- Lynn Kay claims that Cary concealed all of the evidence which entirely disproved all of the “false and misleading allegations” in the emergency petition by terminating MYCHART ACCESS on 7/8/22 for ~4 MONTHS which told the truth of all that happened.

Elder Neglect Claims

- Lynn Kay reports that her mom, Elaine, was not properly cared for, leading to severe health deterioration since 5/18/22-7/7/22 without receiving antibiotics until 7/7/22.
- Elaine was admitted to the hospital on 6/30/22 and was gravely ill, showing signs of malnutrition and dehydration and bacterial infection, entirely ignored by Virginia Hospital for 8 days of “grossly abnormal labs”.
- Care manager ignored Lynn's concerns about Elaine's health for over a month since 5/18/22-UNWELLNESS REPORTED, contributing to her gravely critical condition.

Health Condition Updates

- Elaine was diagnosed with UROSEPSIS, OBSTRUCTIVE UROPATHY, TOXIC METABOLIC ENCEPHALOPATHY from U.T.I. suffered since 5/18/22 reported UNWELLNESS and was finally receiving Antibiotics treatment as of 7/7/22.
- Lynn Kay has been actively involved in her mother's care, advocating for her health and recovery.
- Elaine's condition improved slightly after Lynn's intervention, but she remained in a fragile state and was unable to walk due to ALL FIDUCIARIES ABANDONING MOM

WITHOUT MOM RECEIVING PROPER MEDICAL CARE AND MEDICAL TREATMENT DENIED SINCE MAY 2022 WITH ELAINE'S HEALTH BEING FULLY IGNORED FOR 2 MONTHS.

- **Emergency Petition Concealment:** The email accuses Cary Cucinelli of deliberately concealing the 7/5/22 emergency petition and filing a baseless petition without due diligence, which allegedly led to severe consequences for both Elaine and Lynn threatened in their own home and decimatedly destroyed by Cary Cucinelli and ALL CORRUPT AND IRRESPONSIBLE FIDUCIARIES FAILING TO PROTECT MOM FROM DOCUMENTED NEGLECT AND ABUSE ELDER CRUELTY OCCURRING BY ALL FIDUCIARIES FAILING TO INFORM THE AUTHORITIES AND THIS COURT.
- **Lack of Notification:** Lynn Kay claims she was never informed about the 7/5/22 emergency petition hearing through any means of communication and also did not ever receive the 7/5/22 emergency petition, EVER.
- **Mother's Health Condition:** Lynn Kay describes her mother's deteriorating health condition, including eating less and unresponsiveness at the hospital, and her efforts to get her mother to eat and receive medical care.
- **Care manager's Negligence:** Lynn Kay accuses the care manager of ignoring her repeated concerns about her mother's health, which she believes contributed to her mother's critical condition for needing "EMERGENT HOSPITALIZATION" as Elaine wokeup CRYING AND SCARED SHE WAS DYING-(NESTCAM VIDEO).
- **Legal Misconduct Allegations:** This email alleges legal misconduct and criminal concealment by Cary Cucinelli and others, accusing them of elder neglect and denial of care, which almost led to her mother's death.

The allegations against Cary Cucinelli include:

1. **Fraud Upon the Court:** Filing an entirely baseless emergency petition without conducting any due diligence.
2. **Concealment of Emergency Petition:** Deliberately concealing the 7/5/22 emergency petition and pretending it never existed.
3. **Concealment of Evidence:** Concealing MyChart evidence that disproved the allegations made in the emergency petition.
4. **Legal Misconduct:** Engaging in criminal concealment and elder neglect, which allegedly almost caused the death of Lynn Kay's mother.
5. **Failure to Inform:** Not informing Lynn Kay about the emergency petition hearing through any means of communication.
6. Cary Cucinelli is accused of concealing MyChart evidence since 7/8/22 until on or around November 2022 that disproved all of the allegations made in the emergency petition.

Cary Cucinelli's actions allegedly involved concealing Elaine's medical records and health information, which was against a court order stating that "Lynn shall not be denied Elaine's medical records and health information." This concealment lasted until around November 2022.

The legal misconduct accusations involved Cary Cucinelli, Liz Shifflett, Philip Kapusta, Laurie Kirkland, and Elizabeth Wildhack ALL SO DISRESPECTFULLY FAILING TO EVER NOTIFY LYNN KAY AND FAILING TO EVER DO ANY DUE DILIGENCE EVER PRIOR TO FILING AND ALL PERSONS THEREFORE HAVING A DIRECT MALFEASANT HAND IN FULLY “MATERIALLY BREACHING THE 2020 SETTLEMENT AGREEMENT” BASED SOLELY ON CONJECTURAL STATEMENTS WITH ABSUTELY NO SUPPORTIVE DOCUMENTS EVER VERIFYING ANY OF THE ENTIRELY FALSE AND MISLEADING 7/5/22 EMERGENCY PETITION ALLEGATIONS FILED AND THEN BEING FULLY CONCEALED FROM LYNN KAY.

Cary Cucinelli was accused of the following specific actions:

1. Filing an entirely baseless emergency petition without doing any due diligence.
2. Concealing the 7/5/22 emergency petition and pretending it never existed.
3. **CONCEALING EVIDENCE FROM MYCHART THAT ENTIRELY DISPROVED THE ALLEGATIONS.**
4. Wrongly terminating both Lynn’s guardianship and MYCHART on the same day as the 7/8/22 court order, defying the court order within the same hour.
5. Engaging in criminal concealment of criminal elder neglect and denial of care by Liz Shifflett, which almost caused Elaine's death.

Cary Cucinelli handled the emergency petition by:

1. Filing the petition without conducting any due diligence.
2. Concealing the existence of the 7/5/22 emergency petition.
3. Failing to inform Lynn Kay about the emergency petition hearing through email, text, phone call, mail, certified mail, or hand delivery service.
4. Concealing evidence from MyChart that disproved all of the allegations in the petition.
5. Terminating on the same day as the 7/8/22 court order, defying the court within the same hour.

The allegations made against Cary Cucinelli include:

1. Filing an entirely baseless emergency petition without conducting any due diligence.
2. Deliberately concealing the 7/5/22 emergency petition.
3. Failing to inform Lynn Kay about the emergency petition hearing through any form of communication.
4. Pretending that the 7/5/22 emergency petition never existed.
5. Concealing evidence from MyChart that disproved the allegations in the petition.
6. Terminating on the same day as the 7/8/22 court order, defying the court within the same hour.
7. Engaging in criminal concealment of criminal elder neglect and denial of care by Liz Shifflett, which almost caused Elaine's death.

The basis for the fraud allegations against Cary Cucinelli includes:

1. Filing an entirely baseless emergency petition without conducting any due diligence.
2. Deliberately concealing the existence of the 7/5/22 emergency petition.
3. Failing to inform Lynn Kay about the emergency petition hearing through any form of communication.
4. Concealing evidence from MyChart that disproved the allegations in the petition.
5. Pretending that the 7/5/22 emergency petition never existed.
6. Engaging in criminal concealment of criminal elder neglect and denial of care by Liz Shifflett, which almost caused Elaine's death.

According to the email, the care manager largely ignored Lynn Kay's concerns about her mother's health. Despite Lynn's repeated pleas and reports about her mother's deteriorating condition, as is documented via TEXTS TRANSCRIPT, the care manager dismissed these concerns and did not take appropriate action. It was only after Lynn yelled at the care manager on June 30, 2022, that the care manager finally called 911 as Lynn requested-(NESTCAM VIDEO) and took Elaine to the emergency room as Lynn had requested.

Lynn raised several specific concerns about her mother's health, including:

1. Her mother still not eating much at the hospital and appearing as a "literal shell of herself in July 2022" with noticeable protruding facial bones-(VIDEO TAKEN AT HOSPITAL)
2. Her mother being entirely unresponsive and wanting to sleep all the time.
3. The need for a feeding tube due to her mother's lack of energy, but there being an inability to cooperate in swallowing for placing the tube
4. Her mother not drinking enough fluids and needing IV fluids.
5. The possibility of her mother having a urinary tract infection (UTI), which was later confirmed and treated.

Lynn also mentioned that she had been calling multiple times a day, speaking with nurses and doctors, and monitoring her mother's condition through MYCHART.com at home safe from COVID. Despite Lynn's concerns for her mom, the care manager ignored her concerns until Lynn insisted on 911 taking her mother to the emergency room on June 30, 2022.

Lynn took several actions regarding her mother's health:

1. She spent time with her mother, in the hospital encouraging her to eat and monitoring her condition.
2. She spoke with doctors about the possibility of using a feeding tube to provide nutrients.
3. She called the hospital multiple times a day to speak with nurses and doctors and read all notes and lab results on MYCHART.com to stay informed about her mother's condition.
4. She repeatedly informed and begged the care manager until 6/30/22 to address her mother's health issues, including suggesting IV fluids and a urinary analysis (U/A) at the hospital

5. She finally yelled at the care manager on June 30, 2022, insisting that her mother be taken to the emergency room, which led to the care manager calling 911.

These actions demonstrate Lynn's persistent efforts to ensure her mother received the proper and necessary medical attention.

Lynn responded to her mother's deteriorating condition by:

1. Spending time with her mother, encouraging her to eat, and monitoring her condition closely.
2. Speaking with doctors about the possibility of using a feeding tube due to her mother's lack of energy and cooperation in swallowing.
3. Calling multiple times a day to speak with nurses and doctors and reading all notes and lab results on MYCHART.com to stay informed about her mother's condition.
4. Repeatedly informing and begging the care manager to address her mother's health issues, including suggesting IV fluids and a urinary analysis (U/A).
5. Yelling at the care manager on June 30, 2022, insisting that her mother be taken to the emergency room, which led to the care manager finally calling 911.-(NESTCAM VIDEO)
6. Staying with her mother in the hospital to ensure she received proper care and monitoring her progress, including her mother's small improvements in eating and restful sleep.

Lynn's actions show her dedication to her mother's well-being and her proactive approach in seeking medical attention.

The steps taken for mom's recovery included:

1. **Hospital Admission:** Mom was admitted to the hospital on June 30, 2022.
2. **Medical Monitoring:** Lynn stayed with her mother, encouraging her to eat and monitoring her condition closely.
3. **Feeding Tube Attempt:** Doctors attempted to use a feeding tube to provide nutrients, although mom was not cooperative in swallowing.
4. **Communication with Medical Staff:** Lynn frequently called and spoke with nurses and doctors, and read all notes and lab results on MYCHART.com to stay informed about her mother's condition.
5. **Emergency Room Visit:** After persistent urging and finally yelling at the care manager, the care manager called 911, leading to mom being taken to the emergency room.
6. **Diagnosis and Treatment:** Mom was diagnosed with a urinary tract infection (UTI) and began receiving medication for it.
7. **Continued Care:** Lynn stayed with her mother in the hospital to ensure she received proper care, monitored her progress, and reported small improvements in eating and restful sleep.

These steps were crucial in addressing mom's health issues and aiding her recovery.

For mom's urinary tract infection (UTI), the treatment initiated was the administration of medication specifically for the UTI. This was mentioned in Lynn's email where she noted that her mother was diagnosed with a UTI and started receiving medicine for her healing finally on 7/7/22.

Before her UTI diagnosis, mom showed the following symptoms:

1. **Extreme Tiredness:** Lynn reported that mom was suddenly very tired.
2. **Reduced Fluid Intake:** Mom was drinking very little fluids.
3. **Lack of Appetite:** Mom was not eating much at the hospital and was almost comatose, refusing to eat for several days.
4. **Physical Deterioration:** Mom appeared as a literal shell of herself, with her upper face bones noticeably protruding.
5. **Unresponsiveness:** Mom was entirely unresponsive and just wanted to sleep.
6. **General Weakness:** Mom had no energy and was not cooperative in swallowing for a feeding tube.

These symptoms indicated a severe decline in her health, leading to the eventual diagnosis of a UROSEPSIS.

The care manager largely ignored Lynn's concerns about her mom's health. Despite Lynn's repeated reports and pleas about her mom's deteriorating condition, the care manager dismissed these concerns and did not take appropriate action. It was only after Lynn yelled at the care manager on June 30, urging her to take mom to the emergency room, that the care manager finally called 911.

The timeline of Lynn's mother's health deterioration is as follows:

1. **5/18/22 REPORTED UNWELLNESS:** LYNN REPORTED VIA TEXT THAT "MOM IS NOT FEELING WELL"
2. **Early June 22:** Lynn noticed her mother's sudden tiredness and reduced fluid intake. She suggested to the care manager that her mother might need another U/A (urinalysis), but the care manager ignored this suggestion.
3. **June 2, 2022:** Lynn began texting the care manager, reporting that her mother was not normal and expressing concerns about her health.
4. **June 30, 2022:** After a month of ignored concerns, Lynn finally yelled at the care manager to take her mother to the emergency room. The care manager called 911, and her mother was admitted to the hospital. Upon admission, Elaine's labs were grossly abnormal, but were wrongly ignored and within days her mother was found to be almost comatose, entirely unresponsive, and wasting away without receiving any Antibiotics from UROSEPSIS.
5. **July 7, 2022:** Lynn's mother was diagnosed with a UTI and started receiving medicine for her condition. She also began eating some food after five days of refusal and was having restful sleep with the help of a catheter.

Throughout this period, Lynn had been the primary person caring for her mother and advocating for her health needs.

In the email, Lynn described her mother's condition in the hospital as follows:

1. **Physical Appearance:** Mom was a "shocking literal shell of herself" with her upper face bones noticeably protruding.
2. **Unresponsiveness:** Mom was entirely unresponsive and just wanted to sleep.
3. **Lack of Energy:** Mom had absolutely no energy and was not cooperative in swallowing for a feeding tube.
4. **Lack of Appetite:** Mom had been eating very little since her hospital admission on June 30 and had refused to eat for five days.
5. **Severe Weakness:** Mom was almost comatose and had been wasting away.
6. **Improvement:** By the afternoon of July 7, mom was finally eating some food because she wanted to go home.

Lynn emphasized that her mom's condition had been deteriorating significantly, leading to her being on the brink of death before showing small signs of recovery.

Upon admission and days after admission to the hospital on June 30, 2022, Lynn's mother was in a severely deteriorated condition. She was described as being almost comatose, entirely unresponsive, and wasting away. She had not been eating much, and her physical appearance was described as a "shocking literal shell of herself" with her upper face bones noticeably protruding-(VIDEO TAKEN AT HOSPITAL).

xSince her hospitalization, Lynn's mother has made the following progress:

1. **Eating:** After refusing to eat for five days, she finally started eating some food.
2. **Restful Sleep:** She has been having restful sleep with the help of a catheter.
3. **Diagnosis and Treatment:** She was diagnosed with a UTI and is now receiving medicine for her healing.

Lynn notes that her mother is making very small progresses in her eating and overall condition

**** THIS EMAIL DOES NOT INCLUDE THE 7/5/22-EMERGENCY PETITION "FALSE ALLEGATIONS" WHICH WAS DELIBERATELY CONCEALED BY CARY CUCINELLI FOR HER COMMITTING "FRAUD UPON THE COURT" FILING AN ENTIRELY BASELESS EMERGENCY PETITION WITHOUT EVER DOING ANY DUE DILIGENCE EVER AND ENTIRELY ABANDONING MOM TO DIE IN VIRGINIA HOSPITAL WHILE SEEKING TO**

"MALICIOUSLY PROSECUTE ME WITH THREATS TO MY LIFE AND MOM'S LIFE AND WELL-BEING-7/8/22**

IF IT WERE NOT FOR CARY CUCINELLI AND LIZ SHIFFLETT AND PHILIP KAPUSTA, AND LAURIE KIRKLAND AND WILFHACK, OUR LIVES NEVER WOULD HAVE BEEN DECIMATEDLY DESTROYED TODAY.

CONVENIENTLY NEVER WAS I INFORMED BY EMAIL, TEXT, PHONE CALL OR MAIL OR CERTIFIED MAIL OR BY HAND DELIVERY SERVICE FOR THE 7/5/22 EMERGENCY PETITION HEARING AND NEVER DID I EVER TO THIS DAY RECEIVE THE 7/4/22 EMERGENCY PETITION EVER.

CARY CUCINELLI CORRUPTLY PRETENDED AS THOUGH THE 7/5/22 EMERGENCY PETITION NEVER EXISTED AND THEN CONCEALED ALL OF THE MYCHART DISPROVING EVIDENCE TO ALL OF THE ALLEGATIONS AND SHE TERMINATED ON THE SAME DAY AS THE 7/8/22 COURT ORDER DEFYING THE COURT EITHIN THE SAME HOUR-LYNN SHALL NOT BE DENIED ELAINE'S MEDICAL RECORDS AND HEALTH INFORMATION****

AND SHE CONCEALED IT UNTIL NOVEMBER 2022

AND SHE IS GUILTY TO THIS DAY FOR LEGAL MISCONDUCT OF CRIMINAL CONCEALMENT OF CRIMINAL ELDER NEGLECT-DENIAL OF CARE BY LIZ SHIFFLETT ALMOST CAUSING MOM'S DEATH FOR THE VERY 1ST TIME!

To: Lynn Kay <tweetery7@yahoo.com>, "lynnkay7@gmail com" <lynnkay7@gmail.com>
Subject: 7/7/22-EMAILS-Philip Kapusta v. Elaine Kapusta, et al. CL 2018-11871 - Courtesy Copies

7/7/22-EMAILS-Philip Kapusta v. Elaine Kapusta, et al. CL 2018-11871 - Courtesy Copies

----- Forwarded Message -----

From: Lynn Kay <tweetery7@yahoo.com>

To: Cary Cucinelli <cary@cucinelliger.com>

Cc: lkirkland@bklawva.com <lkirkland@bklawva.com>; jberger@haleball.com <jberger@haleball.com>; Valerie Geiger <valerie@cucinelliger.com>

Sent: Thursday, July 7, 2022 at 09:01:20 PM EDT

Subject: Re: Philip Kapusta v. Elaine Kapusta, et al. CL 2018-11871 - Courtesy Copies

Cary, I just this afternoon at 3 PMish received your entirely shocking emails.

I have been with mom all day encouraging her to eat as I found her today as just being a shocking literal shell of herself with her upper face bones noticeably protruding out when I arrived earlier this morning and she has been entirely unresponsive and just wanting to sleep.

I spoke with the doctor asking if they could do a feeding tube so she can receive nutrients since she was seemingly, almost comatose and so they tried to do it today, for the first time, but she had absolutely no energy and mom was not at all cooperative in swallowing which was required for a feeding tube through her nose.

Since mom was admitted on 6/30, I have been calling multiple times a day, speaking with nurses and doctors and reading all of the notes and labs, etc. on mom on MYCHART.com to see how mom was doing and they said to me that she hasn't been eating too much, but they never said that mom was entirely wasting away.

Cary, I have been the only one who has cared about mom's life for the past 15+ years, sacrificing 1/4 of my life now to care for mom since 2006 when

she begged me to move back home for me to do so for mom since 2004.

I am fighting to keep my mom alive as she is basically now just a shell of herself from the day of her 6/30 hospital admission, just 8 days ago. That is a very long time not to basically eat! She ate very little for just the 1st few days.

I had been begging the caretaker for over a month via texts since 6/2/22 telling her that Mom was not normal.

The caretaker just ignored most everything that I have been reporting to her of mom's condition until I finally yelled at her on 6/30 as she was dismissing my concerns with her just walking away, once again with her entirely dismissing mom's health condition, entirely. Even though the day before, I had informed her that mom needs IV Fluids and sleep for mom to be admitted to the hospital.

The caretaker absolutely refused to listen to my increasingly worrisome pleas for over a month as mom just got worse and worse which the caretaker was being informed of as it occurred.

This afternoon, my mom was finally eating some after 5 days of her absolutely refusing to do so and just because mom wants to be able to go home

I will email you all of the texts of my begging the caretaker for this last month.

The caretaker only finally listened to me because I yelled at her on 6/30 to take mom to the E.R. as she was walking away. Then she finally called 911.

I will be here with mom until she recovers as she desperately wants to go home. She definitely has a ways to go, but mom is now making very small progresses in her eating and having restful sleep with mom having a catheter.

On 6/22, I had informed the caretaker that maybe mom should have another U/A since mom was drinking so little and she, once again, entirely ignored it.

Mom was finally diagnosed today with a UTI and is receiving medicine now for her healing.

If only in early June, the caretaker had properly heeded mom's sudden tiredness, and mom's drinking of less fluids, I can assure you that mom wouldn't have been on death's door as I had found her just 10 hours ago in this hospital.

Mom is, hopefully, nearing the road of recovery now.

Lynn

On Thursday, July 7, 2022 at 03:04:01 PM EDT, Cary Cucinelli <cary@cucinelligeiger.com> wrote:

Dear Lynn,

I was just made aware that you are using this email (tweeter7@yahoo.com). Please see below and attached.

Having not received a response from you to my emails of Tuesday (and an "undeliverable" message today), I have had the attached letter and copy of the petition sent to you.

Kind regards,

Cary

Cary Z. Cucinelli

Cucinelli Geiger PC

4084 University Drive, Suite 202A

tel: 703-481-6464

fax: 703-991-0609

From: Laurie Kirkland <lkirkland@bklawva.com>

Date: Thursday, July 7, 2022 at 2:13 PM

To: "Aimee.Solano@fairfaxcounty.gov" <Aimee.Solano@fairfaxcounty.gov>

Cc: Cary Cucinelli <cary@cucinelligeiger.com>, Valerie Geiger <valerie@cucinelligeiger.com>, "Justin B. Berger" <jberger@haleball.com>, "lynnkay7@gmail.com" <lynnkay7@gmail.com>

Subject: Philip Kapusta v. Elaine Kapusta, et al. CL 2018-11871 - Courtesy Copies

Dear Ms. Solano,

It is my understanding that the Co-Conservators' Emergency Petition in the above-referenced matter, which was set on tomorrow's docket in calendar control yesterday, will be heard by Judge Saylor tomorrow on her 10:00 docket. To that end, please find attached a courtesy copy of the Respondent's response and the referenced proposed order, which were filed and served on all interested parties (cc'd here) earlier today.

Best regards,

Laurie

Laurie L. Kirkland

Partner

 Blankingship &
Keith, PC

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