

CASE #2018-11871
RE: ELAINE MAE KAPUSTA

Civil Case No. 2018-11871

IN THE CIRCUIT COURT OF FAIRFAX COUNTY, VIRGINIA

Lynn Kay, *Petitioner*
v.

ALL NAMED JULY 2022 INVOLVED PERSONS

CARY CUCINELLI & VALERIE GEIGER-(CONSERVATORS) AND
ELIZABETH WILDHACK-(G.A.L.) AND LAURIE KIRKLAND-(MOM'S LAWYER) AND
PHILIP KAPUSTA-(SON)
AND JUSTIN BERGER-(LAWYER OF PHILIP KAPUSTA) AND
LIZ SHIFFLETT AND SUZANNE HANAS-(PREMIER PLANNING)

RE: COURT AMENDMENT AND FULL RETRACTIONS RELATED TO THE LYNN KAY GUARDIANSHIP MATTER OF ELAINE MAE KAPUSTA AND THE IMMEDIATE RESIGNATION OF ALL CURRENT FIDUCIARIES IN THE IMMEDIATE FULL AND PERMANENT DISSOLUTION OF CONSERVATORSHIP AND GUARDIANSHIP DUE TO FRAUD UPON THE COURT AND WITH MALICIOUS PROSECUTION-(2022-2025)
COURT AMENDMENT FOR ACKNOWLEDGING THE CONCEALED FROM LYNN KAY JULY 2022 COURT FILED EMERGENCY PETITION-"ALL ALLEGATIONS HAVE BEEN ENTIRELY FOUND IN BEING "ENTIRELY FALSE AND MISLEADING ALLEGATIONS AGAINST LYNN KAY" FOR THE AGREED UPON IMMEDIATE OVERTURNING OF ALL COURT JUDGMENTS-(2022-2025)

COMES NOW the undersigned parties, and jointly submit this Amendment and Retraction concerning the entirely concealed Emergency Petition filed in July 2022, which resulted in the wrongful removal of Lynn Kay as full and sole guardian for her mother 3 years ago "with no just cause" in wrongfully depriving Lynn of her rights previously surrendered in July 2020.

We, the signatories, state the following:

The Emergency Petition of July 2022 contained false, misleading, and baseless allegations that were not supported by any material facts, and were instead based on subjective opinions and speculation and fraudulent care manager reports which we failed to verify prior to and after filing an "unwarranted Emergency Petition Court filing along with supportive court filings for 3 years".

Upon further review, reflection, and consideration of available evidence and circumstances, we all together hereby retract all prior and current allegations against Lynn Kay which were 1st presented in support of the July 2022 Emergency Petition.

We further acknowledge that the removal of Lynn Kay as guardian was unjustified and without cause and directly fraudulently contradicted the terms and spirit of the Court's 2020 Signed Settlement Agreement and Guardianship Order.

We affirm and support the full restoration of Lynn Kay as the sole legal guardian of her mother, consistent with the original Settlement Agreement of 1/7/20 and the Court Order of 2020, and request the Court to immediately reinstate her full and sole rights and responsibilities accordingly and also holding prior Legal P.O.A. AND ADVANCE MEDICAL DIRECTIVE court appointment in 2020 which Lynn Kay surrendered Legal P.O.A. and Advance Medical Directive which was the protection for their lives and well-being for the CONSERVATORSHIP GUARDIANSHIP AGREEMENT which has failed in epic proportions.

COURT AMENDMENT FOR THE CONCEALED FROM LYNN KAY JULY 2022 COURT FILED EMERGENCY PETITION- "ALL BEING ACKNOWLEDGED BY ALL PERSONS SIGNATURE TO STATE THESE WERE ALL FALSE AND MISLEADING ALLEGATIONS AGAINST LYNN KAY WITH NO FACTUAL DOCUMENTS OF THESE ALLEGATIONS EVER EVEN BEING TRUE AND THE EMERGENCY PETITION AND HEARING WERE ENTIRELY CONCEALED FROM LYNN KAY".

THIS COURT AMENDMENT PRESENTED NOW BEING SIGNED FOR ENTIRELY PROPERLY RETRACTING ALL OF THE JULY 2022 COURT FILINGS AS ALL SIGNERS ARE ACKNOWLEDGING AS BEING "FALSE AND MISLEADING AND BEING OF NO MERIT".

AS SIGNERS RECOGNIZING THIS FAULT WAS AS EVIDENCED ENTIRELY CAUSED BY GROSS FIDUCIARY CARE MANAGEMENT NEGLIGENCE IN FAILING TO PROVIDE PROPER CARE TO ELAINE MAE KAPUSTA AS LYNN KAY HAD "MEDICALLY PROPERLY REQUESTED FOR THE CARE MANAGER TO DO SINCE JUNE 2022" AND WAS IGNORED CAUSING HORRENDOUS HARM TO ELAINE MAE KAPUSTA AND TO LYNN KAY FOR 3 CONTINUAL YEARS AS A DIRECT RESULT OF CARE MANAGER AND ALL FIDUCIARIES NEGLIGENCE AND NEGLIGENCE.

THEREFORE, WE ARE JUDICIOUSLY PROPERLY SEEKING THE IMMEDIATE RIGHTFUL RESTORATION OF LYNN KAY AS ONCE AGAIN HOLDING THE RIGHTFUL FULL AND SOLE GUARDIANSHIP OF HER MOM WHICH WAS WRONGLY TERMINATED ON 7/8/22 "WITH NO JUST CAUSE" AND WAS AS EVIDENCED WAS CAUSED BY GROSS FIDUCIARY CARE MANAGEMENT NEGLIGENCE FAILING TO PROVIDE PROPER CARE TO ELAINE MAE KAPUSTA AS LYNN HAD "MEDICALLY PROPERLY REQUESTED THE CARE MANAGER TO DO AND WAS IGNORED CAUSING HORRENDOUS HARM TO ELAINE MAE KAPUSTA.

LYNN KAY IS TO NOW RESUME PRIOR PROTECTIVE POSITION OF FULL AND SOLE GUARDIANSHIP WITH NO CONSERVATORSHIP-(LYNN KAY SOLELY HOLDING DURABLE POWER OF ATTORNEY FOR THEIR PROTECTION OF THEIR LIVES, THEIR HOME AND "THE ESTATE". ALL THAT WERE THREATENED AND DESTROYED FOR 5 UNCEASING YEARS OF WRONGS DONE BY FIDUCIARIES AND BY PHILIP KAPUSTA.

ONLY LYNN KAY HAD PREVIOUSLY SOLELY HELD FULL LEGAL P.O.A. AND FULL AND SOLE ADVANCE MEDICAL DIRECTIVE HELD PREVIOUSLY ONLY BY LYNN KAY-(2013-2020) PRIOR TO THE 2020 NOW BREACHED GUARDIANSHIP AGREEMENT WHICH WAS WRONGLY TERMINATED ON 7/8/22 "WITH THERE BEING NO JUST CAUSE" THEREBY "MATERIALLY BREACHING THE ENTIRE COURT-ORDERED GUARDIANSHIP AGREEMENT" FOR LYNN KAY NOW RIGHTFULLY BEING COURT REAPPOINTED FOR HER BEING AUTOMATICALLY AND IMMEDIATELY BEING FULLY RESTORED TO HER PREVIOUS COURT-ORDERED POSITION HELD FROM 2013-2020.

This Court-filed Amendment and Retraction is filed in the interest of justice, truth, and to correct the public and legal record, and we hereby consent to its full inclusion in the case file.

ALL FIDUCIARIES AND PHILIP KAPUSTA ALL COLLECTIVELY COMMITTING AND OR SUPPORTING AND OR CONCEALING FOR 3 YEARS-FRAUD UPON THE COURT AND MALICIOUS PROSECUTION WITH THREATS TO BOTH ELAINE MAE KAPUSTA AND LYNN KAY'S LIFE AND HEALTH AND HOME AND THEIR WELL-BEING-(2022-2025)

PRESENTED NOW BEING ENTIRELY PROPERLY FOR THE EMERGENCY PETITION-7/5/22 BEING FULLY ENTIRELY RETRACTED AS BEING ACKNOWLEDGED AS BEING "ENTIRELY FALSE AND MISLEADING AND BASELESS ALLEGATIONS AGAINST LYNN KAY"

AND SEEKING THE IMMEDIATE RIGHTFUL RESTORATION OF LYNN KAY AS ONCE AGAIN HOLDING THE RIGHTFUL FULL AND SOLE GUARDIANSHIP, ALONG WITH DURABLE POWER OF ATTORNEY WITH FULL AND SOLE LEGAL P.O.A. AND ADVANCE MEDICAL DIRECTIVE DUE TO THE 2020 COURT-ORDERED AGREEMENTS BEING ENTIRELY BREACHED IN ALL WAYS SINCE 2020 FOR NOW BEING DECLARED THE IMMEDIATE DISSOLUTION OF CONSERVATORSHIP.

THE ENTIRE 2020 GUARDIANSHIP AGREEMENT UNDER CONSERVATORSHIP BEING WRONGLY PERMANENTLY TERMINATED ON 7/8/22 "WITH NO JUST CAUSE"

ALL OF THE FOLLOWING PERSONS WHO ARE NOW SIGNING THIS COURT AMENDMENT WERE INVOLVED IN JULY 2022 IN THIS FILING OF "AN ENTIRELY NOW PROVEN BASELESS AND MERITLESS FRAUDULENTLY FILED EMERGENCY PETITION" AND ALL NAMED BELOW PERSONS COLLECTFUL "WRONGFUL ACTIONS TAKEN FOR THE LYNN KAY PERMANENT GUARDIANSHIP TERMINATION IN JUNE AND JULY 2022 TO PRESENT DAY"

ALL BELOW NAMED PERSONS ARE ALL COLLECTIVELY NOW HEREBY ACKNOWLEDGING THESE WRONGFUL ACTIONS WHICH WERE TAKEN AGAINST LYNN KAY FOR 3 YEARS OF LYNN KAY GUARDIANSHIP TERMINATION.

THIS COURT AMENDMENT REGARDING THE CONCEALED FROM LYNN KAY JULY 2022 COURT FILINGS "ALL NOW BEING FOUND TO BE ENTIRELY FALSE AND MISLEADING ALLEGATIONS AGAINST LYNN KAY" WITH NO FACTUAL DOCUMENTS OF THESE ALLEGATIONS EVEN EVER BEING TRUE AND THE EMERGENCY PETITION AND THE HEARING WAS ENTIRELY CONCEALED FROM LYNN KAY" WITH HER NEVER BEING PROPERLY SERVED OR NOTIFIED.

WE, ARE IN PROPERLY SIGNING THIS COURT AMENDMENT FOR THE IMMEDIATE FULL AND PERMANENT DISSOLUTION OF THIS PRESENT CONSERVATORSHIP/GUARDIANSHIP OF 2023 DUE TO ALL OF OUR WRONGFUL ACTIONS COLLECTIVELY TAKEN AGAINST LYNN KAY AND ELAINE MAE KAPUSTA FOR 3 YEARS FOR OUR COLLECTIVE WRONGFUL ACTIONS:

(Filed in Support of Demand Letter) and the CUCINELLI GEIGER NOTARIZED AFFIDAVIT OF ADMITTANCE OF GROSS MALFEASANCE-(2022-2025)

3 YEARS OF OUR DESTROYED LIVES

LYNN KAY IS NOW RIGHTFULLY SEEKING RIGHTFUL FULL AND SOLE GUARDIANSHIP RESTORATION WITH FULL AND PERMANENT DISSOLUTION OF CONSERVATORSHIP BASED ON 3 YEARS OF CONCEALED FRAUD UPON THE COURT WITH MALICIOUS PROSECUTION WITH UNCEASINGLY 3 YEARS OF THREATS AND HARRASSMENTS BY ALL FIDUCIARIES AND BY PHILIP KAPUSTA SUPPORTING ALL OF THESE THREATS TO OUR LIVES AND OUR WELL-BEING!

LYNN KAY RIGHTFULLY SEEKING HOLDING RIGHTFUL FULL CONTROL FOR THE PROTECTION OF OUR LIVES AND ONCE AGAIN HOLDING GUARDIANSHIP OF ELAINE MAE KAPUSTA WITH FULL AND SOLE DURABLE POWER OF ATTORNEY- WITH LEGAL P.O.A. AND ADVANCE MEDICAL DIRECTIVE FOR THE RIGHTFUL PROTECTION OF BOTH ELAINE MAE KAPUSTA, LYNN KAY AND "THE ESTATE"

THIS NOW COURT FILED RETRACTION IN A COURT FILED AMENDMENT HAS BEEN FILED FOR RETRACTING ALL DEFAMATORY AND FALSE STATEMENTS MADE IN ALL 2022-2025 COURT FILINGS AND HAS BEEN AGREED TO AND SIGNED BY ALL INVOLVED NAMED PARTIES THAT ARE HEREBY ALL COLLECTIVELY RETRACTING 2022-2025 COURT FILINGS AND ALL PREVIOUSLY SUPPORTIVE COURT FILINGS-(2022-2025) AS ALL BEING BASELESS AND MERITLESS AS ALL STATEMENTS IN ALL COURT FILINGS HAVE ALSO ALL COLLECTIVELY BEEN "FALSE AND MISLEADING WITH THE KNOWING CONCEALMENTS OF ALL MATERIAL FACTUAL INFORMATION SINCE JULY 2022".

THESE RETRACTIONS OF ALL STATEMENTS MADE AGAINST LYNN KAY ARE NOW ALL SIGNED PERSONS BEING NOW PROPERLY ACKNOWLEDGING THIS FOR IMMEDIATELY LYNN KAY'S REAPPOINTMENT FOR THE FULL AND SOLE RIGHTFUL GUARDIANSHIP AND FOR PROTECTION WITH THE COURT ORDERED APPOINTMENT FOR LYNN KAY TO ONCE AGAIN NOW HOLD FULL AND SOLE DURABLE POWER OF ATTORNEY WITH ADVANCE MEDICAL DIRECTIVE AND LEGAL P.O.A. PROTECTION HELD PRIOR TO CONSERVATORSHIP FOR ELAINE MAE KAPUSTA'S AND LYNN KAY'S PROTECTION FROM ALL FURTHER HARM.

RESTORATION OF LYNN KAY FOR HER MOTHER AS PER THE 2020 COURT ORDER WHICH HAS BEEN WRONGLY BREACHED BY THE WRONGFUL AND UNJUSTIFIED REMOVAL OF LYNN KAY WITH THERE BEING ABSOLUTELY NO JUST CAUSE TO HAVE EVER DONE SO.

AS ALL ALLEGATIONS WERE FILED BASED ON OPINION AND ABSOLUTELY "NO MATERIAL FACTS OF PROOF OF THESE WRONGFULLY STATED MISLEADING AND VERIFIABLY FALSE AND WRONGLY CONCEALED ALLEGATIONS AGAINST LYNN KAY".

For three unbearable years, of gross injustice, Elaine Mae Kapusta and Lynn Kay- an innocent mother and an innocent daughter have been forced to beg for their lives to be restored and have received no help from anyone, not even the authorities who are supposed to "SERVE AND PROTECT".

Elaine Mae Kapusta and Lynn Kay have endured the unimaginable horrors causing irreparable physical and financial and psychological harm from relentless threats to their safety, and with Elaine's profound medical neglect and abuse and abandonment and imprisonment against her will and against the best interests of Elaine Mae Kapusta—while all fiduciaries who were entrusted with care instead weaponized their positions, concealed material facts for years, suppressed court-ordered access and subjected an innocent mother and daughter simply begging for dental and medical care for Elaine to not suffer unceasing and ongoing trauma, criminally separated from each other more than 2 years ago on 6/6/23 after 17 years of documented devoted and sacrificial care solely by Lynn Kay for her mom.

And this "traumatic and illegal abduction and kidnapping by force" was by all fiduciaries supporting George W. Dodge's and all fiduciaries to attempt to conceal their "ongoing elder cruelty crimes".

This occurred "without their being any legal justification" in being forcefully removed by "private armed guards with guns" by a "traumatically forced criminal abduction and kidnapping" for all 2023 fiduciaries and Philip Kapusta supporting this "criminal abduction to conceal criminal elder neglect for 8 months" on 6/6/23.

"Elaine Mae Kapusta was Criminally and Illegally by force with no legal just cause, abducted and kidnapped" from ELAINE MAE KAPUSTA'S home of 45 years by George W. Dodge and Jeanne Blue and Rachelle Dornan and Dr. Alan Dappen and Dr. Doki all collectively refusing to provide basic DOCTOR-ORDERED dental and medical care for 8 months-(9/20/22 which did not occur for 681-883 days later on 8/1/24 in

collectively all "FIDUCIARIES AS MANDATED REPORTERS SIMPLY DID NOT CARE ABOUT THE LIFE AND HEALTH AND WELL-BEING OF ELAINE MAE KAPUSTA," in their all collectively inhumanely for now defying 7 doctors orders instructing to provide care since 2021-2024.

This 3 YEARS LYNN KAY GUARDIANSHIP TERMINATION AND DAMAGES TO LIFE AND HEALTH AND WELL-BEING all stemming from knowingly false allegations of June 30, 2022 and a concealed Emergency Petition on July 5, 2022.

These fiduciaries continued fraud and the complete disregard for humanity by not ever as fiduciaries assuring and providing doctor-ordered medical needs, and the absolute failure to act in good faith now demands not only the immediate full and permanent dissolution of conservatorship, but also the immediate freezing of the conservator's bond for all civil damages sustained by both Elaine Mae Kapusta and Lynn Kay wronged for 5 unending years since the 2020 Conservatorship disastrously began."

WE, CARY CUCINELLI AND VALERIE GEIGER, AND ALL OTHER SIGNERS AS PARTIES INVOLVED ARE HEREBY PROPERLY FILING AN AMENDED COURT FILING-COURT AMENDMENT FOR JUDICIOUSLY PROPERLY WITHDRAWING ALL ALLEGATIONS AGAINST LYNN KAY. SHE HAS PROVIDED US WITH THE VERIFIABLE INFORMATION FOR THIS RETRACTION OF "ALL FALSE AND MISLEADING ALLEGATIONS WHICH WERE ASSUMED AND WRONGFULLY NEVER EVER VERIFIED AS BEING TRUE", AS ALL ALLEGATIONS AGAINST LYNN KAY ARE DOCUMENTEDLY VERIFIABLY FALSE AND MISLEADING WITH ABSOLUTELY NO MERIT TO ANY OF THESE "FALSE AND MISLEADING ALLEGATIONS AGAINST LYNN KAY."

WE NOW HEREBY REQUEST THAT ALL OF THE JULY 2022-2025 COURT FILINGS AND COURT JUDGMENTS ALL BE ENTIRELY WITHDRAWN AND ENTIRELY VACATED AND OVERTURNED FOR ALL JUDGMENTS TO ALL BE ENTIRELY EXPUNGED FROM THE COURT RECORDS AND TO IMMEDIATELY TODAY RESTORE LYNN KAY TO FULL AND SOLE GUARDIANSHIP WITH ONLY LYNN KAY ONCE AGAIN HOLDING LEGAL P.O.A. AND ADVANCE MEDICAL DIRECTIVE FOR ELAINE MAE KAPUSTA AS WAS PREVIOUSLY SURRENDERED BY LYNN KAY FOR THE 2020 GUARDIANSHIP AGREEMENT FOR ELAINE MAE KAPUSTA NOW HAVING BEEN BREACHED DUE TO ALL OF OUR WRONGFUL ACTIONS.

IT HAS NOW BEEN ENTIRELY DETERMINED THAT LYNN KAY NEVER SHOULD HAVE EVER BEEN TROUBLED FOR THE LAST 3 YEARS BY OUR "UNWARRANTED EMERGENCY PETITION" COURT FILING AND WE TAKE FULL RESPONSIBILITY FOR OUR ACTIONS CAUSING "HORRENDOUS HARM CAUSED DIRECTLY BY ALL OF OUR WRONGFUL ACTIONS FOR ALMOST 3 YEARS SINCE JULY 2022.

AND WE HEREBY ALL AS CURRENT SIGNING FIDUCIARIES NOW HEREBY ALL IMMEDIATELY RESIGN AS CONSERVATORS AND FIDUCIARIES OF ELAINE MAE KAPUSTA DUE TO THE OUTLINED NOTARIZED AFFIDAVIT OF ADMISSION OF GROSS MALFEASANCE-(2020-2025) CAUSING TREMENDOUS HORRIFIC LIFE-ALTERING HARM TO BOTH ELAINE MAE KAPUSTA AND LYNN KAY AND TO "THE ESTATE OF ELAINE MAE KAPUSTA SINCE 2020-2025."

IN ADDITION, THE JULY 2022 EMERGENCY PETITION FALSE ALLEGATIONS WAS FURTHER NOT DISCOVERED BECAUSE WE TOOK THE WRONGFUL ACTION IN TERMINATING THE MYCHART ACCESS TO LYNN KAY FOR 4 MONTHS AGAINST THE 7/8/22 COURT ORDER AND WE REGRET TAKING THIS ACTION IN "CONCEALING ALL OF THE MEDICAL RECORDS FROM LYNN KAY AS SHE HAD THIS COURT-ORDERED RIGHT TO HAVE ACCESS TO ALL OF HER MOM'S MEDICAL RECORDS AND HEALTH INFORMATION AS PER THE 7/8/22 COURT ORDER AND ACCORDING TO THE 2020 COURT ORDER WHICH WAS MATERIALLY BREACHED ON 7/8/22 WITH NO JUST CAUSE FOR THE GUARDIANSHIP AGREEMENT CONTRACT BREACH.

The 7/8/22 Emergency Petition was never served to Lynn Kay and Cary Cucinelli and Valerie Geiger were informed on both 7/7/22 and 7/8/22 by multiple emails from Lynn Kay that care manager neglect was occurring since May 2022 and this was wrongly entirely disregarded and never reported to any of the authorities or to the Court as all fiduciaries are "MANDATED REPORTERS"-VIRGINIA CRIMINAL LAW 63.2-1606.

The Emergency Petition was never served to Lynn Kay, further raising concerns about procedural fairness and transparency.

And Cary Cucinelli and Valerie Geiger were email informed on both 7/7/22 and 7/8/22 that care manager neglect was occurring since May 2022 and we wrongly disregarded this entirely.

ALL OF THE FOLLOWING PERSONS WERE ALL DIRECTLY INVOLVED IN JULY 2022 IN THIS FILING OF "AN UNWARRANTED AND BASELESS AND MERITLESS EMERGENCY PETITION" AND ALL OF THE WRONGFUL ACTIONS TAKEN FOR THE LYNN KAY WRONGFUL GUARDIANSHIP TERMINATION REMOVAL FOR ALL PERSONS TO NOW BE REQUIRED TO SIGN THIS COURT AMENDMENT FOR RETRACTIINS OF ALL 2022-2025 COURT JUDGMENTS BEING OVERTURNED AND VACATED AND EXPUNGED FROM THE COURT RECORDS ENTIRELY.

ALL NAMED PERSONS ARE ALL HEREBY ACKNOWLEDGING THIS WRONGFUL LYNN KAY GUARDIANSHIP TERMINATION IN PROPERLY SIGNING THIS COURT AMENDMENT :

CARY CUCINELLI & VALERIE GEIGER-(CONSERVATORS) AND
ELIZABETH WILDHACK-(G.A.L.) AND LAURIE KIRKLAND-(MOM'S LAWYER) AND
PHILIP KAPUSTA-(SON)
AND JUSTIN BERGER-(HALE BALL LAWYER OF PHILIP KAPUSTA) AND
LIZ SHIFFLETT AND SUZANNE HANAS-(PREMIER PLANNING)

This COURT AMENDMENT does not waive Lynn Kay's or Elaine Mae Kapusta's legal right to pursue civil actions for legal misconduct for fraud upon the court, and malicious prosecution with threats to our lives and defamation, violation of rights, breach of contract by all named persons, etc., including damages for the harm caused by these knowingly false and uncorrected statements.

Virginia, legal misconduct, such as failing to be forthright or filing false allegations that taints the judicial process, can be declared fraud upon the court under Virginia Code § 8.01-428(D). This voids all affected judgments, even if the misconduct occurred nearly three years ago, as there is no strict statute of limitations for such claims.

IN ADDITION, THE JULY 2022 EMERGENCY PETITION WAS FURTHER CONCEALED AND NOT DISCOVERED BY LYNN KAY BECAUSE OF THE WRONGFUL ACTION IN FAILING TO PROVIDE THIS TO LYNN KAY AND IN THE TERMINATING OF THE MYCHART ACCESS TO LYNN KAY FOR 4 MONTHS AGAINST THE 7/8/22 COURT ORDER AND WE AS THE RESPONSIBLE PARTIES REGRET TAKING THIS ACTION IN "CONCEALING ALL OF THE MEDICAL RECORDS FROM LYNN KAY AS SHE HAD THIS COURT-ORDERED RIGHT TO HAVE ACCESS TO ALL OF HER MOM'S MEDICAL RECORDS AND HEALTH INFORMATION AS PER THE 7/8/22 COURT ORDER AND ACCORDING TO THE 2020 COURT ORDER WHICH WAS MATERIALLY BREACHED BY ALL OF US BY OUR WRONGFUL ACTIONS TAKEN IN JULY 2022 AND ON 7/8/22 WITH THERE BEING ABSOLUTELY NO JUST CAUSE FOR THE BREACH OR THE TERMINATION OF LYNN KAY AS DEVOTED DAUGHTER AND GUARDIAN FOR HER MOM-(ELAINE MAE KAPUSTA) SINCE 2006 AND WE REGRET THIS OCCURRING 3 YEARS AGO.

ALL OF THE FOLLOWING PERSONS WHO ARE SIGNING WERE INVOLVED IN JULY 2022 IN SUPPORTING THIS FILING OF AN ENTIRELY UNWARRANTED AND BASELESS AND MERITLESS EMERGENCY PETITION WITHOUT ANY OF THEM EVER DOING ANY DUE DILIGENCE PRIOR TO FILINGS AND ALL OF THE WRONGFUL ACTIONS TAKEN FOR THE LYNN KAY GUARDIANSHIP WRONGFUL TERMINATION AND HER PERMANENT REMOVAL-FOR ALL PERSONS RESPONSIBLE TO NOW BE REQUIRED TO SIGN THE ATTACHED PROVIDED COURT AMENDMENT.

WE, AS BEING CURRENT FIDUCIARIES OF ELAINE MAE KAPUSTA ARE HEREBY RESIGNING DUE TO THE ATTACHED DETAILED OUTLINED NOTARIZED AFFIDAVIT OF ADMISSION OF GROSS MALFEASANCE -(2020-2025) DETAILING ALL OF OUR COLLECTIVELY UNJUSTLY CAUSING TREMENDOUS HORRIFIC LIFE-ALTERING HARM TO BOTH ELAINE MAE KAPUSTA AND LYNN KAY AND TO "THE ESTATE OF ELAINE MAE KAPUSTA" BREACHING OUR FIDUCIARY DUTY OF CARE AND BREACHING THE SIGNED 2020 GUARDIANSHIP SETTLEMENT AGREEMENT OF LYNN KAY.

WE ALL ACKNOWLEDGE THAT ALL OF THE FOLLOWING PERSONS WHO ARE SIGNING WERE INVOLVED IN JULY 2022 IN SUPPORTING THIS FILING OF AN ENTIRELY UNWARRANTED AND BASELESS AND MERITLESS EMERGENCY PETITION WITHOUT ANY OF THEM EVER DOING ANY DUE DILIGENCE PRIOR TO FILINGS AND ALL OF THE WRONGFUL ACTIONS TAKEN FOR THE LYNN KAY GUARDIANSHIP WRONGFUL TERMINATION AND HER PERMANENT REMOVAL-FOR ALL PERSONS RESPONSIBLE TO NOW BE REQUIRED TO SIGN THE ATTACHED PROVIDED COURT AMENDMENT :

WE, CARY CUCINELLI AND VALERIE GEIGER, AND ALL OTHER BELOW SIGNERS AS PARTIES INVOLVED ARE HEREBY PROPERLY FILING AN AMENDED COURT FILING-COURT AMENDMENT FOR JUDICIOUSLY PROPERLY WITHDRAWING ALL ALLEGATIONS AGAINST LYNN KAY. SHE HAS PROVIDED US THE VERIFIABLE INFORMATION FOR THIS RETRACTION OF "ALL FALSE AND MISLEADING ALLEGATIONS WHICH WERE ASSUMED AND WRONGFULLY NEVER EVER VERIFIED AS BEING TRUE", AS ALL ALLEGATIONS AGAINST LYNN KAY ARE DOCUMENTEDLY VERIFIABLY FALSE AND MISLEADING WITH THERE BEING ABSOLUTELY NO MERIT TO ANY OF THESE "FALSE AND MISLEADING ALLEGATIONS AGAINST LYNN KAY"

Furthermore, we acknowledge that the signing of this Court Amendment does not absolve any of us, we are acknowledging being responsible for damages and the signing also does not waive Lynn Kay's right, in any way, to pursue civil actions against all named responsible parties for legal misconduct for fraud upon the court, and malicious prosecution with threats to our lives and defamation, violation of rights, etc. . including damages for the harm caused by these knowingly false and uncorrected statements for 3 years of Elaine Mae Kapusta and Lynn Kay "horrendously suffering for 3 years of tremendous loss".

In Virginia, legal misconduct, such as failing to be forthright or filing false allegations that taints the judicial process, can be declared as fraud upon the court under Virginia Code § 8.01-428(D). This voids all affected judgments, even if the misconduct occurred nearly three years ago, as there is no strict statute of limitations for such claims.

CARY CUCINELLI AND VALERIE GEIGER WHO FILED THE FRAUDULENT EMERGENCY PETITION COURT FILING ON 7/5/22 IS NOW FULLY RESPONSIBLE FOR ASSURING THAT ALL SIGNATURES ARE ON THIS COURT AMENDMENT TO ALL BE RECEIVED AND COMPLETED WITH THE FILING OF THIS AMENDMENT ON OR BY 6/16/25 FOR CARY CUCINELLI FILING THIS SIGNED BY ALL PARTIES COURT AMENDMENT

[Signatures of all involved parties]

Cary Cucinelli

Valerie Geiger

Elizabeth Wildhack

Laurie Kirkland

Philip Kapusta

Justin Berger

Liz Shifflett

Suzanne Hanas

LYNN KAY STATEMENT:

THIS CRIMINAL TAKEOVER OF OUR LIVES BEGAN MALFEASANCE IN 2020.

3 YEARS OF CONCEALMENTS, 3 YEARS OF PHYSICAL, WRITTEN AND VERBAL THREATS AND UNCEASING HARRASSMENTS TO OUR LIVES, 3 YEARS OF "LYNN KAY" BEING CONDEMNED FOR 3 UNCEASING YEARS OF BEING "MEDICALLY ASTUTE TO KNOW EVERYTHING HER MOM NEEDED TO SAVE HER LLIFE, 3 YEARS OF CONDEMNATION AND 3 YEARS OF MY DESTROYED NAME AND CHARACTER AND 3 YEARS OF MY MOM AND I TORTUROUSLY SUFFERING BECAUSE "CRIMINALLY CORRUPT AND INHUMANE FIDUCIARIES WERE APPOINTED TO BE FIDUCIARIES IN 2020".

2 YEARS OF OUR "ILLEGAL SEPARATION" WITH NOW 19 YEARS OF MY SACRIFICING MY LIFE FOR MY MOM'S SINCE 2006.

3 YEARS OF OUR LIVES ENTIRELY STOLEN AWAY FROM US!

TIME IS NOT REPLACEABLE!

CONCEALED 7/5/22 EMERGENCY PETITION AND CONCEALED "6/30/22-CARE MANAGER REPORT OF LIES" FOR 3 YEARS OF MY MOM AND I FIGHTING FOR OUR LIVES WITH NO PROTECTION FROM ANYONE.

MY MOM AND I NOW SEEK THE IMMEDIATE FREEZING OF THE CONSERVATORS BOND FOR THE HORRENDOUS PHYSICAL, FINANCIAL AND PSYCHOLOGICAL DAMAGES THAT WE HAVE BOTH "PROFOUNDLY SUFFERED" BEING DIRECTLY CAUSED UNDER THIS PREDATORY CONSERVATORSHIP SINCE 2020.

EVEN THOUGH THE 2023 COURT ORDER WRONGLY ALLOWED MY MOM TO BE INVOLUNTARILY REMOVED AGAINST HER WILL FROM HER HOME, THERE WAS ABSOLUTELY NO LEGAL JUSTIFICATION TO EVER DO SO. AND IF THE REMOVAL WAS EVER PROPERLY CHALLENGED BY THE FIDUCIARIES DOING THEIR COURT-APPOINTED MANDATED REPORTERS AS FIDUCIARIES DUTY TO PROTECT ELAINE MAE KAPUSTA FROM CRIMINAL ELDER NEGLECT AND ABUSE HAD EVER DONE THEIR COURT-APPOINTED DUTY, THIS NEVER WOULD HAVE EVER HAPPENED.

CONCEALING ELDER NEGLECT IS "NOT A LEGAL JUSTIFICATION FOR AN ARMED ABDUCTION AND KIDNAPPING AND ABANDONMENT AND IMPRISONMENT AGAINST ELAINE MAE KAPUSTA'S WILL AND BEST INTERESTS".

AND LYNN KAY WILL ALSO BE SEEKING CRIMINAL AIDING AND ABETTING ELDER CRUELTY CRIMES AND KIDNAPPING CHARGES AGAINST ALL RESPONSIBLE PERSONS FOR THIS GRAVE INJUSTICE TO THE LIFE OF ELAINE MAE KAPUSTA.

THE COLOSSAL FAILURE OF ALL FIDUCIARIES AND THE FRAUD CONSPIRED AND PERPETRATED BY UMPTEEN FIDUCIARIES AND PHILIP KAPUSTA ALSO AIDING AND ABETTING IS BEYOND SHOCKING!

TIME AND HEALTH CANNOT BE RECOVERED ONCE DESTROYED!

MY MOM AND I WANT OUR LIVES BACK!



LYNN KAY

Date: 6/8/25

NOTICE OF SERVICE:

ALL NAMED PERSONS WERE EMAILED THIS COURT AMENDMENT FOR THEIR SIGNATURES ON 6/9/25

CARY CUCINELLI AND VALERIE GEIGER WHO FILED THE FRAUDULENT EMERGENCY PETITION IS NOW RESPONSIBLE FOR ASSURING THAT THAT ALL SIGNATURES ON THIS COURT AMENDMENT ARE RECEIVED BY 6/16/25 FOR CARY CUCINELLI FILING THIS SIGNED BY ALL PARTIES COURT AMENDMENT.

6/9/25-UPDATED WITH SPELLING AND DATE CORRECTIONS AND ADDED PAGE NUMBERS AND EMAILED TO ALL NAMED PERSONS ON 6/9/25



LYNN KAY