

Cucinelli Geiger, PC
4084 University Dr #202a, Fairfax, VA 22030

OTHER PERSONS CC

Date: 6/6/25

To: Cucinelli, Esq., Valerie Geiger, Esq., **(CARY CUCINELLI, VALERIE GEIGER ELIZABETH WILDHACK, LAURIE KIRKLAND AND PHILIP KAPUSTA AND LIZ SHIFFLETT AND SUZANNE HANAS-PREMIER PLANNING**

RE: DEMAND FOR A COURT FILED RETRACTION AND A COURT FILED AMENDMENT OF DEFAMATORY FALSE ALLEGATIONS STATEMENTS IN ALL COURT FILINGS SIGNED BY ALL INVOLVED PARTIES, ALONG WITH FULL AND SOLE RIGHTFUL GUARDIANSHIP RESTORATION OF LYNN KAY FOR HER MOTHER AS PER THE 2020 COURT ORDER BREACHED BY THE REMOVAL OF LYNN KAY-(MYSELF) WITH NO LEGAL JUST CAUSE AND THE IMMEDIATE RESIGNATION OF CUCINELLI GEIGER AND ALL CURRENT FIDUCIARIES RESIGNATIONS FOR THE FULL AND PERMANENT CONSERVATORSHIP DISSOLUTION FOR 5 YEARS BREACHING THE COURT ORDERED TERMS AND CAUSING 5 YEARS OF DETRIMENTAL LIFE-ALTERING HARM TO BOTH ELAINE MAE KAPUSTA AND LYNN KAY AND "THE ESTATE" SINCE 2020

Dear Ms. Cucinelli and Ms. Geiger,

I am writing to formally demand all involved parties for performing the immediate retraction and court amendment of "all verifiably false and misleading and defamatory allegations statements" in the continued character assassination occurring of which your law firms and all parties made and supported about Lynn Kay-(myself) in the July 2022 court filed Emergency Petition and all related court filings submitted and or supportively collectively signed under your names.

These statements, presented as factual, are categorically false and contradicted by verifiable documentation.

Their continued presence in the public record constitutes libel under Virginia law, which defines defamation as the publication of a false statement of fact to a third party that causes reputational harm.

1. For over three years, Lynn Kay has been repeatedly defamed through assumptions and conjecture presented as fact since July 2022.
2. These statements of allegations have not only damaged the good name and good character reputation of Lynn Kay, but have also caused significant personal and professional harm.
3. The failure to amend or correct these filings, despite the availability of the attached evidence disproving the allegations, further compounds the injury.

Accordingly, I demand that you:

1. Immediately, all parties involved in supporting all of those false and misleading allegations must now be forthright to inform the court that "ALL OF THE JULY 2022 ALLEGATIONS AGAINST LYNN KAY WERE MADE IN ERROR AND ARE ALL "VERIFIABLY FALSE AND ARE UNSUPPORTED BY ANY EVIDENCE."
2. Immediately now file an "amended pleading retracting all of the defamatory allegations in full in your listing each individual statement allegation as being (VERIFIABLY FALSE AND MISLEADING BASED ON FACTUAL AND VERIFIED DOCUMENTATION)". SEE www.wearefightingforourlives.org WHERE YOU WILL FIND ALL DISPROVING EVIDENCE OF ALL JULY 2022 ALLEGATIONS AGAINST LYNN KAY IS NOW POSTED FOR YOUR REVIEW FOR YOUR IMMEDIATELY RETRACTING ALL FALSE AND MISLEADING ALLEGATIONS.
3. Confirm in writing that these steps have been taken within seven (7) days of this letter..
4. In addition, you must request that this "unwarranted and wrongly filed Emergency Petition must be expunged after being Entirely Amended AS ALL BEING FALSE AND MISLEADING STATEMENTS MADE" stating "THIS COURT FILING CONTAINING ALL OF THESE FALSE AND ENTIRELY MISLEADING ALLEGATIONS MADE AGAINST LYNN KAY ARE NOW BEING ENTIRELY WITHDRAWN AS HAVE ALL BEEN FOUND TO BE VERIFIABLY FALSE AND MISLEADING WITH NO FACTUALITY ON ...DATE" AND "THESE STATEMENTS WERE ONLY ASSUMED AND NONE OF THESE ALLEGATIONS WERE EVER VERIFIED BY OUR FAILURE TO EVER DO ANY DUE DILIGENCE PRIOR TO FILING"
5. You must immediately also state in your AMENDED COURT FILING-"THESE FALSE ALLEGATIONS MADE HAS CAUSED LYNN KAY AND ELAINE MAE KAPUSTA EXTENSIVE AND IRREPARABLE LIFE-ALTERING HARM OF WHICH WAS DIRECTLY CAUSED BY OUR UNWARRANTED AND NEGLIGENT AND ENTIRELY RECKLESS ACTIONS TAKEN. WE TAKE FULL RESPONSIBILITY FOR OUR ACTIONS.
6. IMMEDIATELY EMAIL YOUR RETRACTION IN A COURT FILING TO JUDGE TRAN AND ALL PARTIES FOR STATING "THE JULY 2022 EMERGENCY PETITION ALLEGATIONS AGAINST LYNN KAY HAVE BEEN VERIFIABLY FOUND TO ALL BE FALSE AND MISLEADING AS NO DUE DILIGENCE WAS EVER DONE IN CONFIRMING OR VERIFYING ANY OF THESE STATEMENTS PRIOR TO OR AFTER THE JULY 2022 EMERGENCY PETITION WAS FILED.
7. THIS SIGNED BY ALL PARTIES LISTED PROVIDED ATTACHED COURT AMENDMENT MUST ACCOMPANY THIS ACKNOWLEDGED DEMAND LETTER AND "THE NOTARIZED AFFIDAVIT OF ADMISSION OF GROSS MALFEASANCE-(2020-2025) SIGNED NOTARIZATION OF CARY CUCINELLI AND VALERIE GEIGER EXPLAINING TO JUDGE TRAN WHAT HAS OCCURRED AND HOW YOU BOTH IGNORED THE REPORTED BY LYNN KAY 7/7/22-7/8/22 EMAILS AND SNAPSHOTS OF TEXTS TO LIZ SHIFFLETT-CARE MANAGEMENT NEGLECT. AND THE UNWARRANTED THREATS TO MY LIFE ON 7/8/22 TO PRESENT DAY BY ALL OF THE CONTINUAL CONCEALMENTS BY ALL FIDUCIARIES OF "ALL MATERIAL FACTS TO PRESENT DAY FAILING TO REPORT AS MANDATED REPORTERS THE CRIMINAL ELDER NEGLECT AND ABUSE AND ABDUCTION AND KDNAPPING AND IMPRISONMENT AND MEDICAL ABANDONMENT OF CARE ONGOING SINCE 2022 AND ALL FIDUCIARIES DEFYING 7 DOCTORS ORDERS CAUSING 3 HOSPITALIZATIONS IN 2022-2024 ALSO CONCEALED TO ALL AUTHORITIES AND TO THE COURT.

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 THE VERIFIABLE INFORMATION FOR THIS RETRACTION OF "ALL FALSE AND MISLEADING ALLEGATIONS WHICH WERE ASSUMED AND WRONGFLY 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 VACATED AND TO ALL JUDGMENTS TO ALL BE EXPUNGED FROM THE RECORDS AND TO IMMEDIATELY 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 IT HAS BEEN DETERMINED THAT LYNN KAY NEVER SHOULD HAVE EVER BEEN TROUBLED BY OUR "UNWARRANTED EMERGENCY PETITION" COURT FILING AND WE TAKE FULL RESPONSIBILITY FOR OUR ACTIONS CAUSING "HORRENDOUS HARM FOR ALMOST 3 YEARS SINCE JULY 2022. AND WE HEREBY NOW IMMEDIATELY RESIGN AS CONSERVATORS OF ELAINE MAE KAPUSTA DUE TO OUR 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, THIS JULY 2022 EMERGENCY PETITION 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 BREACH.

Additionally, you must clearly state that the Emergency Petition was never served to Lynn Kay, further raising concerns about procedural fairness and transparency. And that Cary Cucinelli and Valerie Geiger were informed on both 7/7/22 and 7/8/22 that care manager neglect was occurring and we wrongly disregarded this entirely.

Please be advised that failure to comply within 7 business days, with there being no emailed to me compliance being prior to or on 6/16/25 will result in immediate notification to the court for potential sanctions under applicable rules of professional conduct and judicial procedure with the also attachedvLETTER TO THE JUDGE.

ALL OF THE FOLLOWING PERSONS WERE 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 GUARDIANSHIP REMOVAL FOR ALL PERSONS TO NOW BE REQUIRED TO ALSO SIGN THE ATTACHED PROVIDED COURT AMENDMENT :

CARY CUCINELLI & VALERIE GEIGER-(CONSERVATORS)

ELIZABETH WILDHACK-(G.A.L.)

LAURIE KIRKLAND-(MOM'S LAWYER)

PHILIP KAPUSTA-(SON)

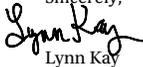
JUSTIN BERGER-(LAWYER OF PHILIP KAPUSTA)

LIZ SHIFFLETT AND SUZANNE HANAS-(PREMIER PLANNING)

Furthermore, this letter does not waive Lynn Kay's 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, 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 Virginia, the statute of limitations for fraud is 5 years under Va. Code § 8.01-243(B).

Sincerely,


Lynn Kay

6/6/25

I HEREBY ATTEST TO EMAILING ALL PERSONS NAMED ABOVE ONOR AROUND 6/6/25

LYNN KAY
6/6/25