

*****LIZ SHIFFLETT AND CARY CUCINELLI BOTH LIED TO THE COURT FILING AN ENTIRELY BASELESS EMERGENCY PETITION TO CONCEAL THEIR ELDER NEGLECT AND ABUSE AND NOT ONLY CONCEALED THIS FROM LYNN-THEY LEFT ELAINE ABANDONED TO DIE IN HOSPITAL WITHOUT RECEIVING ANTIBIOTICS FOR 8 ADDITIONAL DAYS-(SINCE 5/18/22-UNWELLNESS)--AND AFTER 15 DAYS IN HOSPITAL-ELAINE WAS SO BADLY NEGLECTED AND ABUSED-7/14/22-ELAINE WAS LEFT UNABLE TO WALK UPON HOSPITAL DISCHARGE-NEEDING TO RELEARN HOW TO WALK

VIRGINIA:

FILED
CIVIL PROCESSING

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

2022 JUL -5 @ 3:33

PHILIP KAPUSTA,

Plaintiff,

v.

ELAINE MAE KAPUSTA,

Respondent,

and

LYNN KAY,

Defendant

6/30/22-LIZ SHIFFLETT)
IGNORED MOMS)
UNWELLNESS)
SINCE 5/18/22. THEN)
DISRESPECTFULLY)
DISREGARDED)
MOM'S AND MY)
CONCERNS AND)
CALLED ME "CRAZY")
AND JUST ENTIRELY)
WALKED AWAY)
FROM MY MOM IN)
DANGER OF DEATH)
FROM UROSEPSIS.)

MOM WOKEUP
CRYING AND
SCARED SHE
WAS DYING
AND SHE WAS!

JOHN T. FREY
CLERK, CIRCUIT COURT
FAIRFAX, VA

Case No. CL 2018-11871

AFTER MY CONTINUALLY BEING CALLED "CRAZY" IN MY SEEKING CARE FOR MY MOM, I GOT "RIGHTEOUSLY ANGRY" FROM 1 1/2 MONTHS OF MY MOM SUFFERING WITHOUT RECEIVING PROPER CARE

EMERGENCY PETITION FOR CHANGE OF GUARDIAN

COME NOW, Cary Z. Cucinelli, Esq. ("Ms. Cucinelli"), and Valerie B. Geiger, Esq. ("Ms. Geiger"), Co-Conservators for the Estate of Elaine Mae Kapusta and Co-Trustees for the Elaine Mae Kapusta Revocable Trust ("the Trust"), who respectfully request that this Honorable Court terminate the appointment of Lynn Kay as Guardian for Elaine Mae Kapusta and appoint another person to serve as Guardian for Elaine Mae Kapusta, pursuant to Virginia Code § 64.2-2012, based upon the following:

1. Lynn Kay ("Lynn") was appointed to serve as Guardian for Elaine Mae Kapusta ("Mrs. Kapusta") by this Court's July 31, 2020, Order ("the Order"), a copy of which is attached as **Exhibit A**.
2. Pursuant to this Court's order and the plan of care described therein, professional care managers were retained "to ensure sufficient assistance to allow [Mrs. Kapusta] to safely

THIS WAS ENTIRELY CONCEALED FROM LYNN KAY BY ALL FIDUCIARIES-NEVER INFORMED LYNN KAY OF THE EMERGENCY PETITION HEARING OR THE PETITION

5/18/22-ELAINE MAE KAPUSTA'S UNWELLNESS INFORMED LIZ SHIFFLETT-LIZ SHIFFLETT IGNORED ALL UNWELLNESS-NEVER INFORMING DR. LESSIN

live in her house until the care manager believes that living in the home, with 24/7 care provided by [Lynn], is no longer safe or appropriate.” (See Paragraph 12. of the Order.)

3. For almost two (2) years, Suzanne Hanas, RN, BSN and Liz Shifflett, RN, MPH, CCM of Premier RN Geriatric Care LLC have been providing care management services to Mrs. Kapusta.

4. On June 29, 2022, Liz Shifflett (“Liz”) received a call from Lynn who requested that Liz take Mrs. Kapusta to the Emergency Room and who communicated that Mrs. Kapusta was “delirious”, was not eating nor sleeping, and needed intravenous fluids and “vitamin injections.”

LYNN'S MEDICAL ASTUTENESS AND CARE FOR HER MOM- STATED BEFORE GOING TO HOSPITAL EVERYTHING ELAINE NEEDED AND RECEIVED WITHIN 1ST 2 DAYS OF HOSPITALIZATION

5. On June 30, 2022, Liz visited Lynn and Mrs. Kapusta at the home they share in McLean.

LIZ SHIFFLETT IGNORED UNWELLNESS AND CALLED LYNN "CRAZY" AND WALKED AWAY

6. While Mrs. Kapusta appeared to be well, Lynn appeared distraught and visibly upset. Despite Liz’s confirmation that Mrs. Kapusta’s vitals were satisfactory, Lynn demanded that her mother needed emergency care.

14 DAYS HOSPITALIZED AND SO BADLY NEGLECTED AND ABUSED AND LEFT ABANDONED TO DIE-7/14/22- WAS DISCHARGED UNABLE TO WALK

7. Lynn reported that her mother was calling out for assistance during the night and Lynn was not able to sleep. Lynn also reported that she stopped giving her mother medication (Lasix) prescribed to reduce extra fluid in the body.

FUROSEMIDE-LASIX CORRECTLY DISCONT'D ALSO BY VHC-LAST DAY-7/1/22

6/30/22-VHC- NO EDEMA

8. Lynn was not receptive to feedback that her mother was not in an emergent situation and, when Liz suggested that Lynn needs to bring in additional caregiving staff for Mrs.

14 DAYS HOSPITALIZED

Kapusta, Lynn began yelling at Liz and threatening to hit Liz.

LYNN, AFTER BEING CALLED "CRAZY MULTIPLE TIMES AND SHIFFLETT WALKING AWAY-LYNN EXASPERATED BY HAVING TO BEG FOR EMERGENCY CARE FOR MY OWN MOM, STATED-"I AM ABOUT TO SMACK YOU"-BECAUSE I AM GETTING TIRED OF NO ONE LISTENING TO ME!-MOM WAS DYING OF UROSEPSIS AND SHIFFLETT DID NOT CARE SINCE 5/18/22!

MOM WAS CRYING SCARED!

9. Concerned that Mrs. Kapusta was not safe in the home with Lynn, Liz called 911 and EMS and Fairfax County Police were called to the home.

REBUTTAL EVIDENCIARY PROOF: NESTCAM VIDEOS, TEXT MESSAGES, VIRGINIA HOSPITAL REPORTS

REBUTTAL EVIDENCIARY PROOF: NESTCAM VIDEOS, TEXT MESSAGES, VIRGINIA HOSPITAL REPORTS

10. Mrs. Kapusta was transported to Virginia Hospital Center, admitted as a patient, and remains there today.

11. Lynn has not left the McLean home in almost two (2) years and has not visited her mother at Virginia Hospital Center.

24/7/365 MOM CARE BY LYNN AT HOME DURING 2 YEAR COVID PANDEMIC

12. Lynn has spoken with her mother's doctors at Virginia Hospital Center and has requested the doctor give Mrs. Kapusta "a catheter, intravenous medication to sleep, vitamins in the IV, and intravenous fluids to fix her before she comes home". Mrs. Kapusta's doctors have denied her requests, as the interventions requested are unnecessary.

THE E.R. DR. WAS WRONG

MOM RECEIVED ALL OF THAT IN FIRST 2 DAYS

13. Despite repeated recommendations that private caregiving support be brought into the home to support Mrs. Kapusta, Lynn has refused all efforts to engage private caregivers.

14. Lynn has failed to address Mrs. Kapusta's needs for personal hygiene and incontinence care.

MOM REFUSED BATH AND AIDE-1 HR DAY WAS SCHEDULED-MOM WAS SUFFERING UROSEPSIS IGNORED BY LIZ SHIFFLETT

LIZ SHIFFLETT WAS INFORMED LASIX WAS CAUSING MOM PROBLEMS AND VHC ALSO DISCONT'D AFTER 7/1/22

15. Lynn withholds prescribed medications and changes heart medications without physician approval.

16. Lynn withheld Ramipril, a medication to control high blood pressure, from her mother and, as a result, her mother's edema worsened.

6/30/22-VHC-NO EDEMA

17. Lynn Kay believes that she is uniquely qualified to determine what her mother needs and refuses to comply with her mother's physician's and care managers' care recommendations.

10/3/22-LIZ SHIFFLETT-(PREMIER CARE PLANNING WAS FIRED FOR HER 2 YEARS OF INCOMPETENCE AND ELDER NEGLECT CAUSING MOM'S ALMOST DEMISE

18. Lynn's irrational behavior, lack of judgement, and refusal to participate in her mother's care plan are detrimental and dangerous to her mother's wellbeing.

19. Mrs. Kapusta cannot speak up for herself nor understand how to help herself, due to her advanced dementia.

ALL LIES BY CARY CUCINELLI CONCEALMENTS

REBUTTAL EVIDENCIARY PROOF: NESTCAM VIDEOS, TEXT MESSAGES, VIRGINIA HOSPITAL REPORTS

ALL STATED LIES IN ORDER TO CONCEAL ALL ELDER NEGLECT BY ALL FIDUCIARIES DEPIVATION OF CARE

20. Mrs. Kapusta needs round-the-clock care and Lynn Kay is not able to provide the necessary care for her mother.

LYNN HAS COMPETENTLY CARED FOR HER MOM SINCE 2006-24/7

21. Mrs. Kapusta's professional care managers' assessment is that Mrs. Kapusta cannot safely live in her home with 24/7 care provided by Lynn Kay.

LIZ SHIFFLETT WAS FOUND TO BE A DANGER TO ELAINE AND LYNN AND WAS FIRED-10/3/22

22. Lynn Kay should be removed as Guardian for Mrs. Kapusta and another individual should be appointed to serve as Guardian.

LIES BY FIDUCIARIES TO CONCEAL ELDER NEGLECT

WHEREFORE, Cary Z. Cucinelli, Esq., and Valerie B. Geiger, Esq., respectfully request that this Court enter an Order terminating the appointment of Lynn Kay as Guardian for Elaine Mae Kapusta and appoint another individual to serve as Guardian for Elaine Mae Kapusta, pursuant to Virginia Code § 64.2-2012, and for such other relief as the Court may deem appropriate.

Respectfully submitted,

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Valerie B. Geiger, VSB No. 82133
Cucinelli Geiger Thompson Wildhack, PC
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Fairfax, Virginia 22030
phone: 703-481-6464
fax: 703-991-0609

Co-Conservators for Elaine M. Kapusta

LIES TOLD BY ALL FIDUCIARIES IN ORDER TO CONCEAL THEIR ELDER NEGLECT AND ABUSE AND ABANDONMENT LEAVING MY MOM TO DIE IN THE HOSPITAL AND UNABLE TO WALK UPON 15 DAY HOSPITALIZATION AND DISCHARGED UNABLE TO WALK-NEEDING TO RELEARN HOW TO WALK

DEFAMATION AND THREATS TO OUR LIVES-CARY CUCINELLI LYING TO THE COURT TO CONCEAL ELDER NEGLECT AND ABUSE AND MEDICAL ABANDONMENT OF MOM-ALMOST KILLED BY CUCINELLI DENYING MEDICAL AND DENTAL CARE WITH LIZ SHIFFLETT

SEEING THE COMPLETE DISREGARD OF MY MOM'S HEALTH AND LIFE, I "RIGHTEOUSLY ANGRILY AND EXHAUSTIVELY BEGGED AND DEMANDED" THAT LIZ SHIFFLETT LISTEN TO ME AND CALL 911 FOR EMERGENT PARAMEDICS FOR MOM TO BE EVALUATED AND TO BE "MEDICALLY PROPERLY EVALUATED" TO BE ADMITTED INTO THE HOSPITAL. MOM AND I HAVE BEEN FORCED TO BEG FOR MEDICAL CARE FOR MY MOM.

CERTIFICATE OF SERVICE

I hereby certify that, on the 5th day of July, 2022, the foregoing Emergency Petition was sent via first class U.S. mail and email to:

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McLean, Virginia 22101
lynnkay7@gmail.com

Philip Kapusta
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Counsel for Respondent Elaine Kapusta

7/8/22-ALL 2020 SIGNERS MATERIALLY BREACHED THIS 2020 COURT ORDERED AGREEMENT WITH NO JUST CAUSE BY COMMITTING FRAUD UPON THE COURT-CONCEALMENTS OF ALL FALSE AND MISLEADING ALLEGATIONS CONCEALED TO LYNN KAY IN JULY 2022 UNTIL PRESENT DAY AND THEN ALL PERSONS SUPPORTED THE UNWARRANTED THREATS TO MOM'S AND MY LIFE IN ORDER FOR THEM TO ALL CONTINUE TO CONCEAL THEIR MISCONDUCT FILING A BASELESS AND MERITLESS EMERGENCY PETITION WITH NO FACTUAL DOCUMENTS OF MATERIAL FACT TO SUPPORT ANY OF THE FALSE AND MISLEADING ALLEGATIONS AND CONCEALING ALL OF THE DISPROVING MATERIAL MEDICAL FACTS BY DELIBERATE CONCEALMENTS FOR 4 MONTHS WHILE MY MOM AND I WERE THREATENED



Cary Z. Cucinelli, Esq.



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FI-2020-1049
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VIRGINIA :

IN THE CIRCUIT COURT OF THE COUNTY OF FAIRFAX

PHILIP KAPUSTA,)
)
Plaintiff,)
)
v.)
)
ELAINE MAE KAPUSTA,)
)
Respondent,)
)
and)
)
LYNN KAY,)
)
Defendant.)

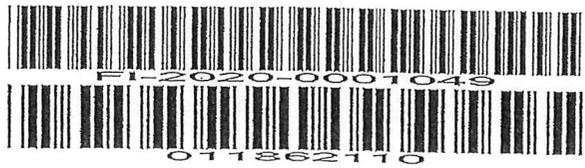
Case No. 2018-11871

7/8/22-ALL 2020 SIGNERS MATERIALLY BREACHED THIS 2020 COURT ORDERED AGREEMENT WITH NO JUST CAUSE BY COMMITTING FRAUD UPON THE COURT-CONCEALMENTS OF ALL FALSE AND MISLEADING ALLEGATIONS CONCEALED TO LYNN KAY IN JULY 2022 UNTIL PRESENT DAY AND THEN ALL PERSONS SUPPORTED THE UNWARRANTED THREATS TO MOM'S AND MY LIFE IN ORDER FOR THEM TO ALL CONTINUE TO CONCEAL ALL OF THEIR LEGAL MISCONDUCT.

FINAL ORDER OF APPOINTMENT OF GUARDIAN, CO-CONSERVATORS, AND CO-TRUSTEES

THIS CAUSE CAME before the Court on a joint motion of all parties for the entry of a final order and the appointment of a guardian and co-conservators for Respondent Elaine Kapusta ("Ms. Kapusta") pursuant to Virginia Code section 64.2-2000 *et seq.* At the hearing convened, after due consideration of the pleadings and evidence in this case, the report of Bruce Lessin, M.D., and the report of the Guardian *ad litem* for Ms. Kapusta, the Court determined the need for a guardian and co-conservators for Ms. Kapusta.

In making that determination, the Court has considered (i) the limitations of Respondent; (ii) the development of Respondent's maximum self-reliance and independence; (iii) the availability of less restrictive alternatives, including advance directives and durable powers of attorney; (iv) the extent to which it is necessary to protect Respondent from neglect, exploitation, or abuse; (v) the actions needed to be taken by the guardian and conservator; (vi) the suitability



of the proposed guardian and conservator; and (vii) the best interests of Respondent. Based on the evidence presented at the hearing, this Court finds by clear and convincing evidence that:

1. Ms. Kapusta currently resides at 4136 North River St., McLean, Virginia 22101. Pursuant to Virginia Code section 64.2-2107, this Court has jurisdiction to appoint a guardian and co-conservators for Ms. Kapusta because Virginia is her “home state” under Virginia Code section 64.2-2105.

2. Ms. Kapusta is an 82-year-old female, and her birth date is December 30, 1937.

3. Ms. Kapusta currently suffers from mild to moderate dementia of the Alzheimer’s type, which has resulted in reduced cognitive function. Although Ms. Kapusta currently is able to perform her own basic activities of daily living, she cannot answer questions regarding the day, date, month, year; she cannot perform simple mathematical calculations; she cannot identify the current president; and she has been found to be unlikely to learn new tasks. For these reasons, Ms. Kapusta currently is incapable of making reliable decisions regarding her health care, food, clothing, shelter, finances, or the administration of her property.

4. By virtue of her condition, Ms. Kapusta is unable to care for herself without assistance and support, manage her affairs, or make rational decisions regarding her health, safety, and treatment needs.

5. Due to the limitations imposed by her current condition, Respondent is incapacitated and in need of a guardian and co-conservators. A guardian and co-conservators can facilitate the development of Respondent’s maximum self-reliance and independence while protecting her from neglect, exploitation, or abuse.

6. The Parties have agreed that Lynn Kay is an appropriate person to serve as the guardian for Ms. Kapusta as she has been serving as Ms. Kapusta’s agent under a power of

attorney and advance medical directive for the past several years. The Parties further believe that Cary Z. Cucinelli, Esq. and Valerie B. Geiger, Esq. are appropriate persons to serve as co-conservators for Ms. Kapusta. Ms. Cucinelli and Ms. Geiger are attorneys in private practice before the Bar of this Court, with extensive experience as fiduciaries, and specifically as conservators, with offices located at 4084 University Drive, Suite 202A, Fairfax, Virginia 22030.

7. The parties have complied with Subsections B, C, and D of Virginia Code section 64.2-2004. Ms. Kapusta was served with the Petition on August 10, 2018, and she was provided with a copy of the Notice of Hearing and Order Appointing a Guardian *ad Litem* by Elizabeth L. Wildhack, Guardian *ad Litem*. These actions satisfy the service requirement as set forth in Section 64.2-2004(B).

8. Ms. Kapusta currently is unmarried, her husband having predeceased her, and she has two children, Petitioner Philip Kapusta and Defendant Lynn Kay. On or about December 30, 2014, Ms. Kapusta executed a General Power of Attorney and a Durable Power of Attorney, appointing Lynn Kay as her agent and Philip Kapusta as her successor agent under both documents.

9. No guardian, committee, or conservator has been appointed or is currently acting, in this state or elsewhere, for the Ms. Kapusta.

10. Ms. Kapusta's native language is English.

11. Ms. Kapusta's current income, assets, and debts are set forth in the report of the Guardian *ad litem* filed with this Court.

12. The current plan of care for Ms. Kapusta is retention of a care manager to ensure sufficient assistance to allow her to safely live in her house until the care manager believes that living in the home, with 24/7 care provided by her daughter, is no longer safe or appropriate.

13. The Parties do not believe that Ms. Kapusta's attendance at any hearing would be detrimental to her health, care, and safety, but it is unlikely that Ms. Kapusta would understand or appreciate the nature of the proceedings even if she did attend.

WHEREFORE, it is hereby:

ORDERED that Respondent Elaine Kapusta is adjudicated and found to be incapacitated to such an extent that she is unable to care for herself, make medical decisions, manage her estate and to understand her debts or pay them as they come due, and to enter into contracts for herself; and it is further

ORDERED that, pursuant to section 64.2-2009 of the Code of Virginia,

Lynn Kay is hereby appointed the Guardian of Elaine Kapusta, with all powers granted, and duties conferred upon a Guardian pursuant to Virginia Code section 64.2-2019, except that the Guardian shall have no power to hire, manage, or terminate any caregiver hired by the Co-Conservators for Ms. Kapusta, and the Guardian shall continue to serve in that capacity until further Order of this Court; and it is further

DK
8/17/2020
RM

ORDERED that, pursuant to the provisions of subsection E of section 64.2-2019 of the Code of Virginia, a guardian, to the extent possible, shall encourage the incapacitated person to participate in decisions, shall consider the expressed desires and personal values of the incapacitated person to the extent known, and shall not unreasonably restrict an incapacitated person's

ability to communicate with, visit, or interact with other persons with whom the incapacitated person has an established relationship, and it is further

ORDERED that, pursuant to Section 64.2-2020 of the Code of Virginia, an annual report shall be filed by the guardian with the local department of social services for the jurisdiction where the incapacitated person resides, and it is further

ORDERED that, pursuant to section 64.2-2012 of the Code of Virginia, all guardianship orders are subject to petition for restoration of the incapacitated person to capacity; modification of the type of appointment of areas of protection, management, or assistance granted; or termination of guardianship, and it is further

ORDERED, pursuant to the Health Insurance Portability and Accountability Act of 1996 (HIPAA) Privacy Standards, as defined under 45 C.F.R. Parts 160 and 164, the Guardian shall be designated Elaine Kapusta's "personal representative" to act on her behalf and "treated as the individual" for purposes of disclosure, receipt, and inspection of any medical records and health information; and it is further

ORDERED that neither Philip Kapusta nor any care manager for Elaine Kapusta shall be denied access to Elaine Kapusta's protected health information and medical records;

ORDERED that the Guardian, shall, only after consultation with the Co-Conservators and any care manager hired by the Co-Conservators, have the power and discretion to exercise complete control and custody of the person of Elaine Kapusta, to provide for her admission or retention, even if contrary to her expressed wishes, to any nursing facility, convalescent home,

continuing care community, adult care residence, private home, or any other residential or therapeutic placement, in any jurisdiction; and it is further

ORDERED that any and all durable powers of attorney, health care powers of attorney, and advance medical directives executed by Elaine Kapusta are hereby terminated and no longer in effect pursuant to Virginia Code section 64.2-1606(B); and it is further

OK
8/17/2020
TLM
ORDERED that Cary Z. Cucinelli, Esq. and Valerie B. Geiger, Esq., either of whom may act independently, are hereby appointed the Co-Conservators of Elaine Kapusta, with all powers granted, and duties conferred upon a Conservator pursuant to Virginia Code sections 64.2-2021 and 2022, and they shall continue to serve in that capacity until further Order of this Court; and it is further

ORDERED that Lynn Kay's resignation as trustee of the Elaine Mae Kapusta Revocable Trust Agreement dated December 30, 2014 ("the Trust") is hereby accepted; that Philip Kapusta's resignation as successor trustee of the Trust also is hereby accepted; and that Cary Z. Cucinelli and Valerie B. Geiger, as Co-Conservators, either of whom may act independently, are hereby appointed the Trustees of the Trust; and it is further

ORDERED that Cary Z. Cucinelli and Valerie B. Geiger shall receive compensation for their work as Co-Conservators as approved by the Commissioner of Accounts; and it is further

ORDERED that Cary Z. Cucinelli or Valerie B. Geiger shall send a report on Elaine Kapusta's financial situation to Philip Kapusta and to Lynn Kay on a quarterly basis; and it is further

ORDERED that the Co-Conservators shall designate and hire a care manager or other caregiver to assist Elaine Kapusta; and it is further

ORDERED that so long as Lynn Kay provides 24/7 care for Elaine Kapusta and so long as the care manager hired by the CoConservators believes that it is safe for Elaine Kapusta to continue living in her house with Lynn Kay, then the Co-Conservators shall pay Lynn Kay an annual salary of \$90,000; and it is further

ORDERED that the CoConservators shall reimburse Philip Kapusta for his attorneys' fees and costs incurred in this matter up to \$70,000; and it is further

ORDERED that the Co-Conservators shall ensure that the law firm of Blankingship & Keith, P.C. is paid any fees and costs owed for its representation of Elaine Kapusta in this matter; and it is further

ORDERED that the Co-Conservators shall review Ms. Kapusta's accounts for the last five years, and, for any documented gifts that Elaine Kapusta made to Lynn Kay but not to Philip Kapusta, the Co-Conservators shall make a lump sum gift from Elaine Kapusta's estate to Philip Kapusta in the amount necessary to equalize the gifts received by Lynn Kay and Philip Kapusta during those years; and it is further

ORDERED that, in furtherance of the Co-Conservators' review of Elaine Kapusta's accounts as required herein, Lynn Kay and Philip Kapusta shall turn over to the Co-Conservators all information that the Co-Conservators deem necessary to review Ms. Kapusta's accounts for the last five years and to assist the Co-Conservators in obtaining any other information necessary for their review; and it is further

ORDERED that the CoConservators, either of whom may act independently, are authorized to enter any safety deposit box rented in the name of Elaine Kapusta and to do as they deem appropriate with the contents of any such box; and it is further

ORDERED that the Co-Conservators shall not be permitted to sell, encumber, and/or transfer Elaine Kapusta's right, title, and/or interest in the real estate located at 4136 North River Street, McLean, Virginia 22101 without further order of the Court; and it is further

ORDERED that the Co-Conservators, either of whom may act independently, expressly are granted the authority to sell, encumber, and/or transfer Elaine Kapusta's right, title, and/or interest in the real estate located at (1) 4132 N. 21st Road, Arlington, Virginia; (2) 4133 N. 21st Road, Arlington, Virginia; (3) 4137 N. 21st Road, Arlington, Virginia; (4) 4144 N. 21st Road, Arlington, Virginia; (5) 4145 N. 21st Road, Arlington, Virginia; and (6) 1451 Wasp Lane, McLean, Virginia. The Co-Conservators shall have any sales contracts reviewed and approved by the Commissioner of Accounts prior to any sale; and it is further

ORDERED that the Guardian and the Co-Conservators shall (i) to the extent feasible, encourage Respondent to participate in decisions, to act on her own behalf, to develop or regain the capacity to manage her own affairs, and, (ii) take into consideration the express desires and personal values of Ms. Kapusta, and it is further

ORDERED that given the nature of Elaine Kapusta's disability, and following appropriate consideration of the factors specified in Virginia Code section 64.2-2007, the Court does not deem appropriate any limitations on this guardianship or conservatorship other than as herein provided; and it is further

ORDERED that, pursuant to Virginia Code section 64.2-2011, Lynn Kay, shall give bond before the Clerk of Court in the amount of \$ ~~7,500.00~~ ^{\$ 1000.00} without surety, conditioned according to law upon the faithful performance of her duties as Guardian of Elaine Kapusta; and it is further

Done
8/7/2020
TJM

Done
8/10/2020
TUM

ORDERED that, pursuant to Virginia Code section 64.2-2011, Cary Z. Cucinelli and Valerie B. Geiger shall give bond before the Clerk of Court in the amount of \$ 4.5 million dollars with surety, conditioned according to law upon the faithful performance of their duties as Co-Conservators of Elaine Kapusta; and it is further

ORDERED that Elizabeth Wildhack, Esq. is awarded a fee of \$ 16,204.³⁹ for her service as Ms. Kapusta's Guardian *ad litem* and that, pursuant to Virginia Code section 64.2-2003(A), her fee shall be taxed as a cost of this proceeding, which Cary Z. Cucinelli and Valerie B. Geiger, either of whom may act independently, as the Co-Conservators, are authorized to pay out of Respondent's estate. Upon entry of this order, Ms. Wildhack is released from any further service in this matter.

ENTERED this 31st day of July 2020.

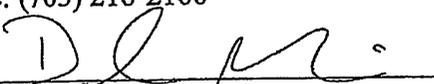

Circuit Court Judge

Dontaè L. Bugg

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Telephone: 703-591-4900
Facsimile: 703-491-5082

By: See attached.
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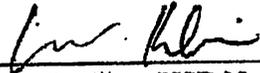
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Guardian ad Litem for Respondent

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By: _____
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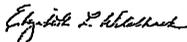
ODIN, FELDMAN & PITTLEMAN, P.C.
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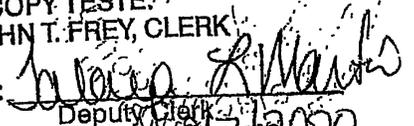
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Digitally signed by Elizabeth L.
Wildhack
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SEEN AND AGREED

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A COPY TESTED:
JOHN T. FREY, CLERK

BY: 
Deputy Clerk

Date: 8/17/2020
Original retained in the office of
the Clerk of the Circuit Court of
Fairfax County, Virginia