

IN THE CIRCUIT COURT OF FAIRFAX COUNTY, VIRGINIA

June 17, 2025-

CASE #2018-11871-ELAINE MAE KAPUSTA

**RE: 5/22/25-NEWLY DISCOVERED CONCEALED CRIMINAL EVIDENCE OF ALL FIDUCIARIES AND PHILIP KAPUSTA COMMITTING FRAUD UPON THE COURT ALONG WITH SUPPORTING MALICIOUS PROSECUTION WITH THREATS TO LYNN KAY'S AND ELAINE MAE KAPUSTA'S LIFE, HEALTH AND HOME-\*\*THESE CONCEALED AND FRAUDULENTLY FALSIFIED CRIMINAL EVIDENCE ENTIRELY OVERTURNS ALL 2022-2025 COURT JUDGMENTS TAINTED BY CONCEALED FRAUDULENT AND CONCEALED FIDUCIARIES CRIMINAL ACTS IN 2022\*\***

URGENT LETTER TO JUDGE TRAN:

**RE: Request for an URGENT EMAILED UNDER SEAL Court Review Based on Newly Discovered Concealed Falsified and Felonious Evidence DOCUMENTS and 2020 Malfeasance and Fiduciary Misconduct and Legal Misconduct of FRAUD UPON THE COURT AND MALICIOUS PROSECUTION WITH THREATS TO LIFE, HEALTH AND HOME WITH FORCED ABDUCTIONS AND "ARMED CRIMINAL KIDNAPPING OF MY MOM FROM HER HOME" IN ORDER "FOR ALL INVOLVED FIDUCIARIES TO CONTINUE TO CONCEAL 3 ONGOING YEARS OF "CRIMINAL DEPRIVATION OF CARE" TO BE JUDICIALLY REVIEWED TO BE DECLARED WITH "CONCEALED CRIMINAL EVIDENCE" OCCURING ONGOING CONTINUALLY BEING CONCEALED IN ALL LEGAL PROCEEDINGS SINCE JULY 2022**

Dear Honorable Judge Tran,

I am writing this letter with deep urgency and sincerity to request the Court's immediate attention to **A PATTERN OF GROSS FIDUCIARY MISCONDUCT AND CONCEALED CRIMINAL EVIDENCE** that has caused irreversible harm to my mom, Elaine Mae Kapusta, and me. What began as a guardianship agreement in 2020 intended to provide care and protection has instead spiraled into almost five years of **CONTINUAL FIDUCIARY MISCONDUCT** and **UNIMAGINABLE TRAUMA AND LITERAL THREATS TO OUR LIVES FOR MY MOM AND I, DEPRIVATION OF BASIC DENTAL AND MEDICAL CARE FOR MY MOM SINCE 2021 BEGINNING, DEFYING 7 DOCTORS WRITTEN ORDERS AND FELONIOUS CONCEALMENTS AND GROSS FINANCIAL AND PROCEDURAL INJUSTICE.**

I have exhausted all other channels—legal, ethical, and professional—without immediate urgent resolution. I now bring these facts directly before the Court, not only for me to once again further seek to properly protect my mom's life and dignity but also to correct a 5 year long conservatorship nightmare and "grave miscarriages of justice directly resulting from the July 2022 concealed from me filings and the systemic failure to serve or notify me properly".

This is not simply a request for reconsideration based on fiduciaries fraudulent acts; it is a plea to restore our once perfect lives by truth and fairness, dignity, and lawful oversight after years of life-altering harm caused by all involved persons "deliberate criminal concealments", neglect and abuse, and intimidation and umpteen threats to our lives being fully supported by all fiduciaries and lawyers and by Philip Kapusta.

\*\*My lawyer, JC LAW is no longer cooperating or communicating with me, with there not being any communication response to me as had also previously occurred, so I am submitting this letter for myself and for my mom. So that fairness finally occurs based on facts and no longer being based on false statements and opinions."

So, based on **newly discovered feloniously concealed criminal evidence and serious legal misconduct that I believe has "detrimentally affected the fairness of all proceedings from 2022 to the present in the above-captioned matter"**.

**This letter is not submitted as a formal motion but as a notice, given the Court's prior guidance regarding motion limitations, and with the understanding that this information warrants urgent immediate review and action from the Court.**

**BASED ON THE FOLLOWING:**

**The "NEWLY DISCOVERED CRIMINAL EVIDENCE INFORMATION OF THESE CONCEALED FALSIFIED DOCUMENTS WERE USED TO FALSELY ACCUSE LYNN KAY IN THE EMERGENCY PETITION ON 7/5/22 WHICH WAS ALSO**

CONCEALED FROM LYNN KAY- these documents includes conjectural opinions and statements all verifiably false and misleading allegations and with THE COMPLETE OMISSIONS OF MATERIAL FACTS which FACTS ENTIRELY DISPROVES EVERY SINGLE ALLEGATION MADE AGAINST LYNN KAY.

THESE FRAUDULENTLY WRITTEN FALSIFIED LIZ SHIFFLETT-PREMIER CARE PLANNING-CARE MANAGER REPORTS HAVING BEEN FALSIFIED AARE NOW "CRIMINAL EVIDENCE OF ELDER CRUELTY NEGLECT AND NEGLIGENCE BY DEPRIVATION OF AND DENIAL OF CARE TO ELAINE MAE KAPUSTA"

WHICH CARE MANAGER REPORTS ARE ENTIRELY DISPROVEN BY MATERIAL FACTS OF ALL OF THE MEDICAL RECORDS AND TEXTS AND EMAILS THAT WERE ALSO ALL CONCEALED FROM THIS COURT-THESE CARE MANAGER REPORTS WERE FALSIFIED IN ORDER TO ATTEMPT TO PROTECT LIZ SHIFFLETT AND ALL INVOLVED FIDUCIARIES FROM CRIMINAL ELDER NEGLECT CRUELTY WARRANT INVESTIGATION FOR ARREST FOR THE ALMOST DEMISE OF MY MOM-VIRGINIA ELDER CRUELTY NEGLECT AND ABUSE CRIMES-18.2-369-B.

THESE ENTIRELY FRAUDULENTLY FALSIFIED REPORTS ARE "REPORTS OF OUTRIGHT LIES TO DEFLECT THE BLAME AWAY FROM FIDUCIARIES ELDER NEGLECT A.P.S. INVESTIGATION OF PREMIER CARE PLANNING"

THESE ACTS OF FRAUDULENTLY PREPARING FALSIFIED CARE MANAGER REPORTS NOW DEMANDS ADULT PROTECTIVE SERVICES AND THE POLICE INVOLVEMENT TO URGENTLY FULLY INVESTIGATE THESE CRIMES COMMITTED WHICH LEFT MY MOM GRAVELY INJURED AND THE FALSIFICATION OF THESE REPORTS HAS ALTERED OUR LIVES FOREVER!

THIS IS OUTRIGHT FRAUD UPON THE COURT BY SUBMITTING OR USING FRAUDULENTLY FALSIFIED DOCUMENTS IN WRITTEN FORM ACCUSE AND THREATEN LYNN KAY'S LIFE AND ELAINE MAE KAPUSTA'S LIFE BY FRAUDULENT MEANS. FOR 3 UNCEASING HORRIFICLY DECIMATEDLY DESTROYING YEARS OF OUR LIVES STOLEN FROM MOM AND I DESSERVES PRISON TIME FOR ALL PERSONS INVOLVED FOR NOW 3 YEARS.

THE FACTUAL MEDICAL RECORDS DISPROVES THE FALSIFIED CARE MANAGER REPORTS AND IN TURN DISPROVES EVERY SINGLE ALLEGATION MADE AND CONCEALED AGAINST ME.

DEMANDS:

I NOW RIGHTFULLY DEMAND THAT NOW ALL 2022-2025 COURT JUDGMENTS BE ENTIRELY VACATED AND OVERTURNED AND EXPUNGED FROM THE RECORDS.

I DEMAND THAT LIZ SHIFFLETT BE CRIMINALLY INVESTIGATED ALONG WITH CARY CUCINELLI AS THEY BOTH COMMITTED ILLEGAL ACTS OF ELDER CRUELTY BY DEPRIVATION OF CARE IN 2022 ALMOST CAUSING THE DEMISE OF MY MOM AND LEAVING HER GRAVELY INJURED BY THEIR FRAUDULENT ACTS THEN AND TO PRESENT DAY FOR ALL FIDUCIARIES COMMITTING CONTINUAL ACTS OF FRAUD UPON THE COURT BY CONCEALMENTS OF ALL OF THEIR ELDER CRUELTY CRIMES AND AIDING AND ABETTING.

I DEMAND THAT ALL 2022 FIDUCIARIES ARE NOW SANCTIONED AND CHARGED WITH PERJURY BY CONCEALMENT AND DISBARRED FOR 3 YEARS OF CONCEALMENTS AND FAILURE TO DO ANY DUE DILIGENCE AND FOR DESTROYING OUR LIVES BY THEIR 3 CONTINUAL YEARS OF FRAUDULENT ACTS BEING COMMITTED AND BY THEIR SUPPORTING THE WRITTEN THREATS TO OUR LIVES WHICH FRAUDULENTLY STRIPPED AWAY MY GUARDIANSHIP AND MY SALARY FOR "3 HORRIFIC YEARS OF OUR HELL SUFFERED AND HAS PSYCHOLOGICALLY SCARRED MOM AND I FOR 3 YEARS OF OUR LIVES BEING STOLEN AWAY FROM MOM AND I BY ALL OF THE CRIMINALLY FRAUDULENT FIDUCIARIES AND BY PHILIP KAPUSTA.

I DEMAND THE IMMEDIATE RIGHTFUL DISSOLUTION OF CONSERVATORSHIP WITH MY ONCE AGAIN HAVING "PLENARY GUARDIANSHIP AND FULL CONTROL OVER OUR LIVES AND THE ESTATE" WHICH I HELD COMPETENTLY WITH NO FLAWS FOR 8 YEARS OF MOM AND I THRIVING.

MY MOM HAS LOST LIKELY 5 YEARS OF HER LIFE EXPECTANCY AS HER BROTHER IS 91 YEARS OLD.

THESE CONCEALED MEDICAL RECORDS ARE DISPROVING every allegation against me shown in being entirely baseless and without any merit. Specifically the 6/8/22 and 6/30/22 Liz SHIFFLETT reports are entirely felonious pieces of "CRIMINAL EVIDENCE" which was CRIMINALLY FRAUDULENTLY FABRICATED TO CONCEAL THE TRUTH OF HER "CRIMINAL MEDICAL NEGLIGENCE" AND TO DEFLECT BLAME FROM HERSELF BY STATING UNTRUTHS.

FRAUD UPON THE COURT – DELIBERATE DECEPTION (OR RECKLESS NEGLIGENCE IN VERIFYING FACTS) TAINTS JUDGMENTS AND CAN JUSTIFY OVERTURNING THEM, REGARDLESS OF INTENT. COURTS MUST JUDICIALLY VACATE ALL FRAUDULENT RULINGS, WHENEVER FRAUD UPON THE COURT WITH EVIDENCE HAS BEEN BROUGHT FORTH.

AND

Attorney Misconduct – Lawyers have a duty to verify claims before filing. Failure to do so can be negligence or, if intentional, fraudulent misconduct, violating ethics rules (VA Rules of Professional Conduct).

Fraudulent or negligent misrepresentations invalidate court judgments. Notion to vacate under § 8.01-428.

Overturing Orders Due to Fraud/Malicious Prosecution – Courts must vacate judgments obtained through fraud upon the court (a deliberate scheme to deceive, not just simple perjury). This is an equitable remedy with no strict time limit.

Key factors:

Proof of intentional fraud (e.g., fabricated evidence, concealed filings).

Malicious prosecution (showing the legal action was baseless and intended to harass/threaten and take control of our lives by fraudulent and criminal means).

UMPTEN THREATS FOR 3 UNCEASING YEARS OF HARRASSMENT AND MALFEASANCE COMMITTED BY ALL PERSONS and 7/14/22-6/6/23-(24/7 FORCED HOME INVASION ABDUCTION OF OUR LIVES AND HAVING LEFT MOM UNABLE TO WALK UPON HOSPITAL DISCHARGE ON 7/14/22 AND ARMED ABDUCTION AND REMOVAL FROM HOME WITH NO LEGAL JUSTIFICATION on 6/6/23) strengthen the argument.

On 7/8/22-all 2020 signers materially breached the 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, along with their Elder Neglect Crimes.

All signers filing and supporting an entirely baseless and meritless 7/5/22 Emergency Petition with there being absolutely NO FACTUAL DOCUMENTS OF MATERIAL FACT TO SUPPORT ANY OF THE CONCEALED FALSE AND MISLEADING ALLEGATIONS. And also DELIBERATELY CONCEALING FROM THE COURT FOR 3 YEARS TO PRESENT DAY ALL OF "THE DISPROVING MATERIAL MEDICAL FACTS BY DELIBERATE CONCEALMENT OF MYCHART ACCESS TO MEDICAL RECORDS HEALTH INFORMATION ACCESS FOR 4 MONTHS AGAINST COURT ORDER" WHILE MY MOM'S LIFE AND MY LIFE WERE BOTH BEING PHYSICALLY THREATENED BY AN ILLEGAL "24/7 FORCED HOME INVASION" BEING "IN THE MIDDLE OF THE COVID PANDEMIC" FOR ALMOST A YEAR ENTIRELY "CRIMINALLY VIOLATING OUR RIGHTS TO LIVE IN PEACE AND SAFETY AND NOT LIVING UNDER THREAT OR DANGER UNDER AN UNLAWFUL CONFINEMENT AND IMPRISONMENT OF UNLAWFUL CONTROL OF MY MOM".

## Background and Summary of New Evidence

On 5/22/25, I requested from Court Records Sealed documents and received by email copies of documents that had previously been entirely concealed from me, including the July 5, 2022 emergency petition and related filings in which I was falsely accused, without any notice or opportunity to be heard. I was never served, notified, or made aware of the allegations in the July 5, 2022 Petition for Emergency Hearing by any of the fiduciaries for 3 years. These concealed filings were foundational to multiple judgments issued over the past three years, which has detrimentally harmed my mom-Elaine Mae Kapusta and I.

**These concealed and falsified filings were submitted and or used in the Emergency Petition by attorneys and fiduciaries who had a duty of "due diligence to confirm with documented material facts and they all failed to ever do so, thereby committing unforgivable "legal misconduct by negligence and changing the course of OUR now destroyed lives by tainting the Court.**

**They also had a duty to give proper and assured notification to me along with the duty of full disclosure and forthrightness which evidentially also did not ever occur".**

Being that our lives have been irreparably entirely detrimentally upended and irreparably harmed for 3 years by these baseless and felonious 2022 filings and **FRAUDULENTLY FALSIFIED REPORTS BY CARE MANAGER**, this **REQUEST FOR VACATING OF ALL 2022-2025 JUDGMENTS** now needs to occur and declaring **LEGAL MISCONDUCT AND MALICIOUS PROSECUTION WITH DOCUMENTED WRITTEN, PHYSICAL AND VERBALLY RECORDED THREATS TO OUR LIVES AND UNCEASING HARRASSMENT BY ALL FIDUCIARIES REMAINING SILENT AS MANDATED REPORTERS REGARDING THEIR HAND IN THESE ELDER NEGLECT "CRIMES" WHICH HAS OCCURRED FOR 3 CONTINUAL YEARS ONLY DUE TO ALL OF THE FIDUCIARIES DOCUMENTED 3 YEARS OF DOCUMENTED FAILURES AND BASELESS OPINIONATED AND WRONG ASSUMPTIONS OF BOTH MY MOM AND I AND BEING WITH NO JUST CAUSE.**

**AND BASED ON THE FACTUAL MEDICAL RECORDS EVIDENCE FOR THERE TO BE ALSO DECLARED THE MATERIALLY BREACHING OF THE 2020 GUARDIANSHIP CONTRACT" ALSO IS BEING REQUESTED TO BE DECLARED BY THIS CASE REVIEW WITH EVIDENCE ALONG WITH BREACH OF FIDUCIARY DUTY OF CARE BY ALL FIDUCIARIES SHIRKING THEIR RESPONSIBILITIES TO PROTECT MY MOM FROM NEGLECT, ABUSE AND EXPLOITATION.**

The concealment of these filings and felonious and falsified reports used as evidence not only deprived me of my receiving proper due process, but I believe that they have all also clearly entirely misled the Court and tainted and have influenced rulings that have drastically changed the course of our lives due only to those entirely baseless and misleading unwarranted July 2022 concealed filings by "legal misconduct" of all fiduciaries and by Philip Kapusta causing only harm to both of our lives since 2017, with there being no merit to any of the 2022-2025 filings by all of the parties, concealing "all material facts". As there would have never been any Legal Proceedings ever, if not for the baseless and unwarranted July 2022 concealed Court filings.

And Steve Stine, my lawyer who I hired for Material Breach of the 2020 Court-Ordered Agreement failed to ever investigate by never seeking the unknown concealed documents in July 2022.

Being that my mom was in the hospital and that our lives were threatened in written and physical form, 3 times documented on July 8, 2022 and I was concealed from being made aware of all concealed information, I am rightfully now seeking the proper judicial review of all of the concealed to me documents to be presented for the request of "Overturning All 2022-2025 Court Judgments" and the "Rightful Restoration of Lynn Kay Guardianship for Elaine Mae Kapusta with "fully and permanently dissolving this entirely disastrous and "deadly dangerous" Conservatorship in its entirety" as all signed fiduciaries and Philip Kapusta have all collectively negligently entirely breached the Original Settlement Agreement since 1/7/20. And the terms I had agreed to, then drastically changed in the July 2020 Court Order giving me no full custody over my mom's life and health and well-being as Guardianship as I previously held control over all things WITH MY surrendered Legal P.O.A. and Advance Medical Directive held COMPETENTLY with no flaws in any way for 8 years of Protection of our lives from the malfeasant unceasing and unwarranted actions taken by Philip Kapusta.

I NEVER AGREED TO MY MOM BEING A VICTIM OF ELDER NEGLECT AND ELDER ABUSE AND ELDER CRUELTY AND MEDICALLY ABANDONED BY INCOMPETENT AND UNCARING AND INHUMANE FIDUCIARIES AND CARE MANAGERMENTS AND INCOMPETENT AND UNCARING DOCTORS AND "DEPRIVATION OF CARE AND DENIAL OF CARE FOR MY MOM" AS IS WHAT HAS OCCURRED SINCE 2021-2025 WITH THERE BEING NO SEEKING BEST INTERESTS AND NO SEEKING ANY FULL HEALTH RESTORATION AND ALL FIDUCIARIES DEFYING 7 DOCTORS ORDERS SINCE 2021.

AS WHAT I AGREED TO IN 2020, FOR OUR PROTECTION, WAS NEVER EVER RECEIVED AS ALL TERMS WERE BREACHED AND OUR LIVES WERE DOCUMENTEDLY THREATENED AND DESTROYED FOR ALMOST NOW 5 CONTINUAL YEARS OF FIDUCIARIES MALFEASANCE AND HAS NOW ENTIRELY LEFT MOM AND I DECIMATEDLY DESTROYED BY ALL FIDUCIARIES AND BY PHILIP KAPUSTA'S MALFEASANT INVOLVEMENT IN OUR ONCE PREVIOUSLY PERFECT AND THRIVING LIVES FOR 17 YEARS.

\*\*JUDGE TRAN, THIS INFORMATION WITH "NEWLY DISCOVERED FRAUDULENCE OF FRAUD UPON THE COURT COMMITTED", WHICH IS NOW BEING STATED BELOW IN GREAT DETAIL.

THIS BEING NOW FOR THE VERY 1<sup>ST</sup> TIME EVER BROUGHT FORWARD TO THE COURT'S ATTENTION EVER.

NOW BEING BROUGHT FORWARD FOR THIS URGENT COURT REVIEW ON THE FOLLOWING GROUNDS OF ALL PAST CONCEALED NEWLY DISCOVERED ENTIRELY DAMNING PREVIOUSLY UNKNOWN EVIDENCE ENTIRELY RESPONSIBLE FOR THE TAINTING OF THE COURT IN JULY 2022-2025 ONGOING.

THIS JUST BEING RECENTLY DISCOVERED AT THE END OF MAY 2025 FOR LYNN KAY NOW RIGHTFULLY REQUESTING THE 3 YEARS OF PROPERLY OVERTURNING OF ALL 2022-2025 COURT JUDGMENTS BASED UPON THE COURT NEVER BEING MADE AWARE OF THE FOLLOWING LEGAL MISCONDUCT AND THE TRUTH WITH MATERIAL FACTS HAVING NEVER EVER HAVING BEEN PRESENTED EVER AS ALL WAS CONCEALED BY ALL PARTIES:

1. AN ENTIRELY FALSE AND FRAUDULENT AND UNWARRANTED COURT FILING OF AN ENTIRELY BASELESS EMERGENCY PETITION WAS FILED ON 7/5/22 BY CARY CUCINELLI.
2. THIS WAS ENTIRELY CONCEALED MORE THAN 3 YEARS AGO ON 7/5/22 WITHOUT THERE BEING ANY PROPER NOTIFICATION ENTIRELY DENYING ME "DUE PROCESS TO EVER SEEK TO DEFEND MYSELF AGAINST "CONSPIRED LIES BY ALL FIDUCIARIES."
3. ENTIRELY PROVEN FALSE ALLEGATIONS STATED AND ENTIRELY CONCEALED TO LYNN KAY.
4. BEING MERELY OPINION ONLY, WITH NO FACTS OF TRUTH, AT ALL EVER SHOWN, AS NOTHING EXISTING CORROBORATES ANY OF THE PREVIOUSLY CONCEALED "FALSE ALLEGATIONS".
5. THERE BEING NO MATERIAL FACTS TO BACK UP ANY OF THE OPINIONS ALL BEING SHOWN TO BE ONLY "CONJECTURAL OPINION ONLY"
6. ALL INVOLVED AND SUPPORTIVE PARTIES FAILING TO EVER DO ANY "DUE DILIGENCE" TO EVER SEEK TO VERIFY ANY OF THESE STATEMENTS WITH ANY SUPPORTIVE PROOF OF EVIDENCE.
7. ALL PARTIES "COMMITTING NOW DEFINED FRAUDULENT ACTS OF HARM UPON BOTH ELAINE MAE KAPUSTA-MY MOM AND I-LYNN KAY FOR SEEKING OUR HARM AND CONTROL AND WITH ALL FIDUCIARIES ENTIRELY DECEIVING THIS COURT FOR 3 YEARS" IN ORDER FOR ALL FIDUCIARIES TO CONCEAL MALFEASANCE.
8. ALL OF THEIR MALFEASANT ACTIONS AND INACTIONS PERPETRATED PRIOR TO AND DURING THIS TIME WHICH CAUSED ELAINE MAE KAPUSTA TO BE NEEDING TO BE HOSPITALIZED.
9. DUE TO THESE FRAUDULENT ACTS OF CONCEALMENT, WHICH WAS NOT BROUGHT FORWARD BY ANY FORTHRIGHTNESS BY FIDUCIARIES, CAUSED HOSPITALIZATION UNDER FIDUCIARIES CARE.
10. ELAINE WAS LEFT ENTIRELY ABANDONED TO DIE IN THE VIRGINIA HOSPITAL BY CONCEALMENT FOR ELAINE NOT RECEIVING PROPER ANTIBIOTICS FOR 8 SUFFERED DAYS.
11. AS A DIRECT RESULT OF MALFEASANCE BY FIDUCIARIES DECEIVING THE COURT, ELAINE WAS GRAVELY INJURED AND WAS LEFT UNABLE TO WALK UPON HOSPITAL DISCHARGE.
12. ALL HARM OCCURRED TO ELAINE MAE KAPUSTA AS A DIRECT RESULT OF MALFEASANT ACTIONS AND INACTIONS BY ALL INVOLVED PARTIES ATTEMPTING TO CONCEAL THEIR ELDER NEGLECT BY FRAUDULENT MEANS OF DECEIVING THE COURT BY CONSPIRING TO CONCEAL MALFEASANCE COMMITTED IN 2022. WHICH UNCEASINGLY HAS NEVER CEASED AS FIDUCIARIES MALFEASANCE AND FRAUD UPON THE COURT HAS CONTINUED AT EVERY COURT HEARING AND WITH EVERY COURT FILING IN "CONCEALING ALL MATERIAL FACTS" JUST AS WHAT OCCURRED IN JULY 2022 FOR "CRIMINAL CONCEALMENTS TO SHIELD FROM CRIMINAL WARRANTS BEING ISSUED FOR 18.2-369-B. ALL OF WHICH ALL FIDUCIARIES HAVE COMMITTED AND OR AIDED AND ABETTED AS MAJOR CRIMES BUREAU IS DIRECTLY RECEIVING ALL CRIMINAL EVIDENCE IN PDFS FORM.
13. NEWLY DISCOVERED CARE MANAGER MALFEASANCE EVIDENCE OF HOW THIS UNDISCOVERED CONCEALMENT CONSPIRACY BEGAN ARE 2 FALSIFIED AND FRAUDULENTLY STATED CARE MANAGER REPORTS-(6/8/22 & 6/30/22) WHICH DO NOT IN ANY WAY MATCH THE FACTS IN ANY WAY.
14. THESE "REPORTS OF LIES" WAS ALSO ENTIRELY CONCEALED TO ME AND LACKS ANY TRUTH, WHATSOEVER.
15. "ALL FACTUAL DOCUMENTED MATERIAL FACTS CONCEALED BY ALL FIDUCIARIES" ENTIRELY DISPROVE EVERY SINGLE ALLEGATION MADE AGAINST ME IN THE 7/5/22 EMERGENCY PETITION OF WHICH I WAS ENTIRELY UNAWARE OF HAVING EVEN BEING STATED OF EXISTING AS I WAS NEVER PROVIDED WITH ANY COURT FILINGS ON 7/5/22 OR PREVIOUS.

16. THESE 6/8/22 AND 6/30/22 FRAUDULENTLY FALSIFIED CARE MANAGER REPORTS WERE BOTH NEVER VERIFIED BY THE FACTUAL DOCUMENTED MEDICAL RECORD FACTS EVER BY ANYONE IN 2022 OR THEREAFTER TO PRESENT DAY AS I HAVE NOW PAINSTAKENINGLY NOW DONE WITH MY HAVING PREVIOUSLY BEEN ENTIRELY UNAWARE BY ALL FIDUCIARIES CONSPIRING TO CONCEAL THESE DOCUMENTS FROM ME SO THAT I COULD NOT DISPROVE THEM.
17. THESE FRAUDULENT CARE MANAGER REPORTS WERE ENTIRELY USED TO FILE THE BASELESS AND CONCEALED BY THERE BEING ABSOLUTELY NO MATERIAL FACTS IN THE EMERGENCY PETITION NEVER BEING PROVIDED TO ME.
18. THE ACTIONS TAKEN TO NOT ONLY CONCEAL THE EMERGENCY PETITION FROM LYNN KAY AND THE FRAUDULENT ACTIONS ALSO TAKEN BY THE CARE MANAGER TO FRAUDULENTLY PRESENT "FALSIFIED UNTRUTHS" NOW CLEARLY IS AN EXAMPLE WHICH DEFINITELY SHOWS THE CONTINUED MALFEASANCE THAT ALL INVOLVED PARTIES HAVE CONTINUALLY PRACTICED THIS SAME CONTINUED DECEPTION BY CONCEALMENT OF FACTS ALONG WITH PHILIP KAPUSTA AS HE ALSO SUPPORTED A BASELESS EMERGENCY PETITION WITH THERE BEING NO NOTICE OF ANY KIND TO LYNN KAY.
19. LYNN KAY DISCOVERED IN LATE MAY 2025, THESE FRAUDULENT CARE MANAGER'S REPORTS BY ACCIDENT AFTER REQUESTING SEALED DOCUMENTS TO BE EMAILED TO HER-BEING MYSELF THESE UNKNOWN SEALED DOCUMENTS EXISTING.
20. THAT THERE WAS NEVER ANY TRUTH TO ANYTHING STATED IN THESE 3 CONCEALED DOCUMENTS, COMMITTING AN INFRACTION OF PERJURY BY FALSE REPRESENTATION OF THE TRUTH" BEING USED IN COURT FILINGS.
21. THIS IS NOT JUST A LEGAL CASE, THESE ARE 2 LIVES OF MOM AND I BEING ENTIRELY UPENDED AND DESTROYED SINCE 6/30/22 BY FALSE STATEMENTS MADE IN JUNE AND JULY 2022 IN WRITTEN DOCUMENTS FRAUDULENTLY PREPARED.
22. I PREPARED A DEMAND LETTER SOON AFTERWARDS FOR ALL PARTIES BEING INFORMED BY EVIDENCE OF THESE MISTRUTHS TO IMMEDIATELY FILE THE COURT AMENDMENT AND THERE WAS NO RESPONSE SO I AM NOW INFORMING THE COURT OF THIS CLEARLY DEFINED "FRAUD UPON THE COURT COMMITTED AND CONCEALED.
23. AUTOMATIC SANCTIONS AGAINST LAWYERS REFUSING TO RETRACT VERIFIABLY PROVEN FALSE STATEMENTS.
24. THIS FRAUD UPON THE COURT WAS THEN FOLLOWED BY "MALICIOUS PROSECUTION" THREATS TO LIFE AND HEALTH AND HOME IN THE BEGINNING OF "THE CRIMINAL TAKEOVER OF BOTH OF OUR LIVES BY FRAUDULENT MEANS" WHICH HAD "CRIMINALLY SPIRALED INTO "A 6/6/23 CRIMINAL ARMED ABDUCTION BY FORCED KIDNAPPING TO ALSO CONCEAL ALL FIDUCIARIES ELDER CRUELTY NEGLECT" AND THEIR ALL KNOWINGLY DEFYING 7 CLEARLY STATED DR'S WRITTEN ORDERS FOR BASIC DENTAL AND MEDICAL CARE REQUIRED".
25. THE CONSERVATOR IMMEDIATELY BY ONLINE TERMINATION DELIBERATELY THEN TOOK THE MALFEASANT ACTIONS FOR HIDING/CONCEALING AGAINST COURT ORDER MOM'S MEDICAL INFORMATION FROM ME.
26. THIS CONCEALMENT WAS SO THAT THE CONSERVATOR COULD ATTEMPT TO ENTIRELY HIDE MOM'S VIRGINIA HOSPITAL HEALTH CONDITION BY SEVERING MYCHART ONLINE VIRGINIA HOSPITAL ACCESS ON 7/8/22 FOR 4 MONTHS OF CONCEALMENT WITH MY DELIBERATELY BEING NOT ALLOWED ANY ACCESS.
27. STATED IN THE 7/8/22 COURT ORDER AT THE TOP OF PAGE 5 IS: ORDERED that Philip Kapusta, Lynn Kay, and any care manager for Elaine Kapusta shall be continue to have a right of access to Elaine Kapusta's protected health information and medical records;
28. THIS IMMEDIATE DEFIANCE OF COURT ORDERS IN DIRECT CONTEMPT ON THE VERY FIRST DAY WAS SO THAT I COULD NOT SEE THAT ALL OF THE ALLEGATIONS AGAINST ME WERE BASELESS AND FALSE AND MISLEADING ALONG WITH MY NEVER EVEN BEING AWARE OF THESE ALLEGATIONS AS THE 7/5/22 EMERGENCY PETITION FILINGS WERE NEVER PROVIDED TO ME EVER. THE CONSERVATOR ENTIRELY PRETENDED AS THOUGH NOTHING PRIOR EXISTED TO ATTEMPT TO CONCEAL FIDUCIARY CRIMES AND MALFEASANCE TO SHIELD THEMSELVES FROM CRIMINAL WARRANT OF ELDER CRUELTY COMMITTED IN MAY 2022-JULY 2022 ELDER NEGLECT AND NEGLIGENCE OF CARE.
29. THE FRAUDULENCE COMMITTED AND CONCEALED WITH FALSIFIED CARE MANAGER REPORTS NOW DEMANDS THE IMMEDIATE OVERTURNING OF ALL 2022-2025 COURT JUDGMENTS HAVING ALL BEEN TAINTED SINCE 2022-2025 BY ALL INVOLVED PARTIES FOR 3 CONTINUAL YEARS RESULTING SINCE 2022.
30. ANY ORDER CAN AND MUST JUDICIALLY BE OVERTURNED WHEN PROVEN THAT FRAUD UPON THE COURT HAS OCCURRED ALONG WITH RESULTING "MALICIOUS PROSECUTION WITH THREATS" OCCURRING SOON THEREAFTER, AS A DIRECT RESULT REGARDLESS OF WHEN IT IS BROUGHT TO THE COURT'S ATTENTION.

LEGAL BASIS FOR THIS COURT TO URGENTLY TAKE ACTION BASED ON ALL OF THE ABOVE:

1. Perjury by False Representation – Knowingly filing and providing false and falsified documents and unverified statements of allegations in court whether on purpose or by “attorney negligence” of failing to verify (written or oral) and failing to correct these false statements with a Court Amendment when informed of these proven by evidence false statements thereafter constitutes perjury (§ 18.2-434 Virginia Code) if made under oath or penalty of perjury.
2. Concealed or fraudulent filings deceives all persons and this Court is now today being made aware of the documented factual truth.
3. THIS REMAINS A FRAUD UPON THE COURT WHICH OCCURRED WITH FALSE AND FRAUDULENT ACTS OCCURRING AND OF CONCEALMENT AND FRAUDULENCE COMMITTED BY DELIBERATE FALSIFICATION AND THEREFORE OCCURRING WITH NO LEGAL JUSTIFICATION.
4. This immediately therefore JUDICIOUSLY PROPERLY OVERTURNS ALL COURT JUDGMENTS AS A DIRECT RESULT OF THERE HAVING BEEN FRAUDULENCE AND DECEPTION WITH CONCEALMENT INVOLVED BY 1 OR ALL OF THE PARTIES OCCURRING BY PARTIES, KNOWINGLY OR UNKNOWINGLY.
5. FAILING TO DO DUE DILIGENCE IS NOT ANY EXCUSE AS THIS IS LEGAL MISCONDUCT COMMITTED UPON THE COURT AND THE AFFECTED HARMED PARTIES, RENDERING ALL COURT JUDGMENTS TO BE ENTIRELY VACATED AND OVERTURNED AND EXPUNGED AS NO LONGER EXISTING FROM COURT RECORDS.
6. FAILURE TO EVER SEEK TO VERIFY STATEMENTS FILED IN COURT IS “ATTORNEY NEGLIGENCE” AND “LEGAL MISCONDUCT DEFINED AS FRAUD UPON THE COURT COMMITTED AS A DIRECT RESULT OF PRESENTING UNTRUTHS AND IN TURN DECEIVING THE COURT IN “TAINTING THE COURT DECISION FOR JUDGMENTS MADE” AS THE COURT IS TASKED WITH ENSURING THEY ARE MAKING WELL-INFORMED COURT DECIDED JUDGMENTS BASED ON FACTS AND STATEMENTS PRESENTED.
7. THIS COURT WAS NOT BEING MADE AWARE OF ANY OF THE “CONCEALED MATERIAL FACTS OF CONCEALED TRUTH” FOR LYNN KAY NOW SEEKING AFTER 3 YEARS SUFFERED TO PRESENT THESE GATHERED EVIDENCE OF PROOF OF FRAUD UPON THE COURT.
8. LYNN KAY TODAY REQUESTS PERMISSION TO EMAIL ALL DOCUMENTS FOR BEING PLACED UNDER SEAL FOR COURT REVIEW BY JUDGE TRAN WITH LYNN KAY REQUESTING PERMISSION TO EMAIL ALL PDF DOCUMENTS TO JUDGE TRAN WITH LYNN HAVING NO LAWYER TO PRESENT THE CASE FOR ALL OF THE CRIMINAL EVIDENCE TO BE URGENTLY ADJUDICATED TO FINALLY BE DECLARED AS FRAUD UPON THE COURT WITH MALICIOUS PROSECUTION COMMITTED THEREAFTER WITH A CRIMINAL ABDUCTION OF OUR LIVES HAVING BEGUN ON 7/8/22 WHEN MY GUARDIANSHIP AGREEMENT BREACHED BY MY UNLAWFUL TERMINATION.
9. LYNN KAY SHOULD NOT BE PUNISHED FOR ALL OTHER PARTIES LEGAL MISCONDUCT AND CRIMES COMMITTED ALSO HAVING OCCURRED ALSO WHEN LYNN ALSO HAD NO LAWYER AND THEREAFTER STEVE STINE ENTIRELY FAILED TO EVER INVESTIGATE OR CHALLENGE AN ENTIRELY UNKNOWN TO LYNN KAY 7/5/22 EMERGENCY PETITION FILING.

A PROVEN FALSE STATEMENT OF FACT IN A COURT FILING MEANS AN ERROR OR A LIE STATED. THAT FACTS DO NOT IN ANY WAY MATCH WHAT IS STATED

\*\*In Virginia, when a lawyer is informed with evidence that a court petition contains factual errors, they must file a retraction or correction through an amended court filing to fix the untrue statement.\*\*

\*\*Lawyers cannot knowingly let false statements remain in past or present court filings, regardless of consequences, or they risk sanctions or discipline.\*\*

Overturning Orders Due to Fraud/Malicious Prosecution – Courts must vacate all judgments obtained through fraud upon the court (a deliberate scheme to deceive, not just simple perjury). This is an equitable remedy with no strict time limit.

Key factors:

Proof of intentional fraud (e.g., fabricated false evidence being presented bearing no truth in fact, concealed filings).

Malicious prosecution (showing the legal action was baseless and intended to harass/threaten and to take control without legal justification to ever do so).

\*\*IN THE 7/8/22 COURT ORDER AGAIN AT THE TOP OF PAGE 8 AND HIGHLIGHTED CONTAINED THIS 2<sup>ND</sup> WRITTEN THREAT TO OUR LIVES WHICH WAS FRAUDULENTLY OBTAINED THROUGH FRAUDULENT MEANS: further ORDERED that Lynn Kay shall cooperate with any decision by the Co-Guardians and Co-Conservators to provide 24/7 access for caregivers to Ms. Kapusta's residence for so long as Ms. Kapusta is able to continue living in her home with professional care, and that Ms. Kay's obstruction of any care to be provided to Ms. Kapusta in her home or her failure to abide by this Order in any other way shall result in her loss of any privilege or permission to reside in Ms. Kapusta's house; and it is further..

AND IN THE EMAIL OF WHICH THIS COURT ORDER WAS SENT WAS WRITTEN THREAT #1 WAS THIS THREAT ATTACHED READ THIS MALICIOUS THREAT TO OUR LIVES: 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.

AND PREVIOUS TO THIS WAS MY 1<sup>ST</sup> EVER PHYSICAL THREAT #1 TO MY LIFE AND MY WELL-BEING AS A DIRECT RESULT OF THE LEGAL MISCONDUCT BY CARY CUCINELLI COMMITTED SINCE JULY 2022 CONCEALMENTS OF HER ELDER CRUELTY CRIMES CONCEALED. STATED ON 7/8/22-Nursing Note by Nurse Haley J at 7/8/2022 12:39 PM: While rounding on pt, this RN found that pt's daughter, Lynn, at bedside. Guardianship hearing is scheduled for today at 1pm, no visitors can be present during meeting. Pt's daughter asked to leave, refused. Security called and escorted pt's daughter out of hospital.

The ONGOING TO PRESENT DAY THREATS TO OUR LIVES OF ALL 3 YEARS OF UNCEASING prevailing threats and control obtained through "fraudulent means" shows the true intent of the concealments COMMITTED against the Court as the coercion and illegal control of both of our lives sought thereafter since the Court Judgment occurring on 7/8/22 strengthen the argument of "impure motives for fraud upon the Court committed and concealed for 3 long-suffered years".

JUDGE TRAN, SINCE 2020, THERE HAS BEEN A DOCUMENTED ORCHESTRATED **CRIMINAL TAKEOVER OF OUR LIVES AND ALL FIDUCIARIES HAVE BEEN DIRECTLY INVOLVED IN REMAINING SILENT OF WHICH ALL FIDUCIARIES MUST FACE CRIMINAL CHARGES WHICH I HAVE SOUGHT WITH DETECTIVE AT MAJOR CRIMES BUREAU.**

THIS BEGAN WITH THIS STATEMENT ADDED WITHOUT MY PREVIOUS SIGNED 1/7/20 FULL AND SOLE GUARDIANSHIP AGREEMENT ASSUMED TO OCCUR.

THIS STATEMENT WHICH WAS DECEPTIVELY ADDED TO THE 1/7/20 SIGNED SETTLEMENT AGREEMENT IN JULY 2020 HAS ALTERED OUR LIVES AND UNJUSTIFIABLY OPENED THE DOOR TO **"THIS NOW ONGOING CRIMINAL TAKEOVER OF OUR LIVES"**

THE STATEMENT ADDED WAS:

ORDERED that the Guardian, shall, only after consultation with the Conservator and any care manager hired by the Conservator, **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 ORDERED that Cary Z. Cucinelli, Esq. is hereby appointed the Conservator of Elaine Kapusta, with all powers granted, and duties conferred upon a Conservator pursuant to Virginia

\*\*THIS STATING THAT BASICALLY I HAD NO MEDICAL CONTROL OVER MY MOM'S HEALTH AND LIFE AND THIS WAS SO VERY WRONG IN ALL WAYS AND HAS DIRECTLY LED TO 15+ PEOPLE COMMITTING DOCUMENTED CRIMES IN 5 YEARS UNDER CONSERVATORSHIP.

THIS FRAUD UPON THE COURT WAS THE 1<sup>ST</sup> AND EVERY COURT JUDGMENT THEREAFTER HAS DOCUMENTEDLY CONTINUED IN THE SAME WAY OF THE FALSIFICATION OR FABRICATED OR OPINIONATED ALLEGATIONS WITHOUT EVER REVEALING "THE MATERIAL FACTS AS ALL LAWYERS AND FIDUCIARIES ARE ALSO GUILTY OF THIS AS IS ALSO PHILIP KAPUSTA AIDING AND ABETTING IN THE CONSPIRING TO CONCEAL ALL 3 YEARS OF ELDER CRUELTY CRIMES BEING CONTINUING SINCE MAY 2022 WHICH BEGAN AS DEPRIVATION OF CARE AND CONTINUES NOW ADDING ARMED ABDUCTION AND KIDNAPPING AND ELDER ABUSE AND IMPRISONMENT AND ISOLATION AND MEDICAL ABANDONMENT DEPRIVATION OF CARE TO CONCEAL.

THIS HAS BEEN BECAUSE MY MOM WAS MILD DEMENTIA AND ACTUALLY IT HAS BEEN DETERMINED THAT IT WAS DRUG-INDUCED DEMENTIA FROM MULTIPLE HARMFUL DRUGS BEING TAKEN AS IS STATED BY THE ALZHEIMERS ASSOCIATION AS MIMICING DEMENTIA.

THE 3 YEARS OF DEPRIVATION OF CARE BY ALL FIDUCIARIES REMAINING SILENT HAS BEEN FOR FINANCIAL EXPLOITATION CRIMES OF ELDER CRUELTY TO FORCE PHYSICAL INCAPACITATION BY "DEPRIVATION OF CARE" SO THAT MY ONCE "HIGHLY FUNCTIONAL" AND "ENERGIZER BUNNY MOM WHO WAS ALWAYS HAPPY" HAS NO POSSIBILITY TO REGAIN CAPACITY FOR PUTTING ALL OF THEM OUT OF A JOB. AND MY MOM IS NOW BEING ENTIRELY SILENCED AND CONTROLLED AND SLOWLY MURDERED BY "FORCED DEADLY DANGEROUS FDA-UNAPPROVED MEDICATIONS BLACK-BOXED WARNING NOT FOR ELDERLY AND NOT FOR CARDIAC PATIENTS AT RISK OF DEATH OF HEART ATTACK AND STROKE" AS ALL "CRIMINAL FIDUCIARIES SIMPLY DO NOT CARE AND THIS ATTEMPTED MURDER BY DEADLY AGENTS BEGAN DURING THW 7/14/22-CRIMINAL ABDUCTION OF OUR LIVES IN 2022 ONCE AGAIN BY FRAUDULENT MEANS OF FRAUD UPON THE COURT WITH MALICIOUS PROSECUTION -BEGAN **THE CRIMINAL TAKEOVER OF OUR LIVES"**

WHY WOULD 15+ FIDUCIARIES-MANDATED REPORTERS-(63.2-1606) REMAIN SILENT OF ELAINE MAE KAPUSTA BEING DENIED 681 DAYS OF QUARTERLY DENTAL CLEANINGS AND 883 DAYS DEPRIVED OF DENTAL X-RAYS WHILE SUFFERING SEPTICEMIA DENTAL GUM ABSCESS SINCE 2022 NOT RECEIVING 3 DOCTOR ORDERED ROOT CANALS.

THERE ARE UMPTEEN MORE THREATS FOR 3 UNCEASING HORRIFIC YEARS OF BOTH OF OUR LIVES WHICH OCCURRED ONLY DUE TO FIDUCIARIES AND PHILIP KAPUSTA COMMITTING FRAUD UPON THE COURT ONGOING SINCE JULY 2022 TAINTING ALL COURT JUDGMENTS TO PRESENT DAY.

AND WRITTEN THREAT #3 ON 8/17/22- STATED BY CARY CUCINELLI: Ms. Kay's actions are disruptive and must immediately cease. Your client's behavior will lead directly to her removal from her mother's home.

AND ON 10/2/22 THESE THREATS TO MY LIFE AND MY WELL-BEING WERE REALIZED WITH PHYSICAL THREAT #2 BY POLICE BEING CALLED AS I CALLED 911 TO SEEK EMERGENCY CARE FOR MY DYING OF SEPTICEMIA MOM BEING DIAGNOSED WITH UROSEPSIS FOR THE 3<sup>RD</sup> TIME SINCE JUNE 2022.

JUDGE TRAN, YOU HAVE NO IDEA HOW OUR LIVES HAVE BEEN IN DANGER BY ALL OF THESE "CRIMINAL FIDUCIARIES" AS THIS JULY 2022 FRAUD UPON THE COURT IS A SMALL TASTE OF WHAT THEY ARE ALL CRIMINALLY CAPABLE OF DOING, INCLUDING PHILIP KAPUSTA.

5 DOCUMENTED CRIMES HAVE BEEN COMMITTED OF WHICH CRIMINAL WARRANTS ARE NOW BEING SOUGHT FOR ALL INVOLVED CRIMINAL FIDUCIARIES BY MY CURRENTLY HAVING A TEXT CHAT WITH OFFICERS AND THE MAJOR CRIMES BUREAU DETECTIVE AND 1 OTHER PARTY. I HAVE BEEN TEXTING WITH MY SENDING THE PDFS TO EVERYONE FOR PROVIDING ALL OF THE CRIMINAL EVIDENCE DOCUMENTED FOR EASILY SENDING PDFS.

Timing – While statutes of limitations apply to some claims (fraud upon the court can be raised at any time because it undermines judicial integrity. See Rule 1:1(d) of Virginia Supreme Court Rules for post-final-judgment relief.

The written threats to our lives were allowed due to this judicial concealment, and the ongoing for 3 years medical neglect and abuse and Elder Cruelty Crimes unceasingly continues and has been the result of "the unchallenged legal misconduct occurring ongoing UNCEASINGLY since 7/5/22".

The concealed and falsified filings.

Proof the guardianship revocation relied on fraud committed by filing fraudulently false Care Manager reports to conceal and protect fiduciaries from criminal blame and criminal investigation as being the motives to commit fraudulent acts now discovered.

Documentation of threats/coercion (e.g., the "police involvement with threats to life and well-being realized as a direct result of the fraudulence committed by fiduciaries".

The threats, concealment, and medical neglect as evidence, includes:

The concealed false filings.

Proof the guardianship revocation relied on fraud.

§ 8.01-428-(D)-Setting aside default judgments; clerical mistakes; independent actions to relieve party from judgment or proceedings; grounds and time limitations.

D. Other judgments or proceedings. This section does not limit the power of the court to entertain at any time an Independent action to relieve a party from any judgment or proceeding, or to grant relief to a defendant not served with process as provided in § 8.01-322, or to set aside a judgment or decree for fraud upon the court.

A judge must act if fraud upon the court is proven.

All fiduciaries collectively disastrously breaching all terms of my Court-Ordered Guardianship Agreement and have only caused harm to my mom, myself and "The Estate" all decimatedly destroyed by Fiduciary malfeasance and 5 documented crimes committed since beginning in 2022 and prior malfeasance and have all failed in their duty to protect Elaine Mae Kapusta from 3 continual years of "DEPRIVATION OF CARE" as none of the last 3 YEARS of "DETRIMENTAL AND LIFE-ALTERING HARM" would have ever occurred had I been properly served and with there being "absolutely no due diligence by all lawyers prior to filing" and with then Cary Cucinelli entirely disregarding being informed by emails from me with my stating on 7/7/22 and 7/8/22 and providing the proof that there was Care Manager Neglect causing the entire 6/30/22 incident to ever occur."

Cary Cucinelli's complete disregard and failing to ever inform the Court of documented and informed Care Manager Neglect" changed the course of both my mom's and my life forever altered by Cary Cucinelli's unceasing gross malfeasance and her and all involved persons ongoing and unceasing gross malfeasance and legal misconduct.

This disregard of the facts by Cary Cucinelli and all fiduciaries and Philip Kapusta has "detrimentally caused 3 continual years of "horrific detrimental harm to my mom and I for 3 years of our simply requesting and begging for basic dental and medical care for mom now having been documentedly fully now deprived begging for lifesaving proper restorative care and this all being wrongfully denied since mid-2021.

Also, as has also now been DOCUMENTEDLY stated under penalty of perjury in Notarized Affidavit as stated by Dr. Edward Mallory-(Medical Expert Notarized Affidavit)-2/7/25 stating that "based on deteriorating lab values since 10/24/22 and 1/25/23 and 6/5/23, from "CONTINUAL DEPRIVATION OF AND DENIAL OF CARE, my mom has only deteriorated away from home and away from Lynn's care".

All informed fiduciaries for 3 continual years as Mandated Reporters have failed their duty to Elaine Mae Kapusta and have all DOCUMENTEDLY concealed all 3 continual years of "Deprivation of Care since May 2022".

Efforts to Now Begin To Criminally Investigate and Report Criminal Misconduct:

I have submitted a formal complaint to the Virginia State Bar, which includes supporting documents detailing this misconduct. I have also contacted the Major Crimes Bureau for the Fairfax County Police Case #2025-0550131 filed on 2/24/25 and #2025-1620267 newly reported Criminal Armed Abduction and Forced Kidnapping For Seeking Concealment from Criminal Elder Neglect and Criminal Fraud being committed by ALL FIDUCIARIES AIDING AND ABETTING ALONG WITH PHILIP KAPUSTA ALSO for Fairfax County Police Case # for being referred to the Detective as Major Crimes Bureau Text Chat has been initiated with others for Supplying all 2022-2025 Criminal Evidence. And I I have also sought to meet with his supervisor along with the head of Adult Protective Services who was called and also emailed with detailed, documented allegations of ELDER CRUELTY-NEGLECT AND ABUSE-(18.2-369-B), FRAUD UPON THE COURT-(8.01-428), AIDING AND ABETTING AND CONCEALMENT-(18.2-18), OBSTRUCTION OF JUSTICE-(18.2-460), PERJURY-(18.2-434), ABDUCTION AND KIDNAPPING BY "PRIVATE ARMED GUARDS WITH GUNS-(18.2-47)" AND FINANCIAL EXPLOITATION-(18.2-178.2) AND IMPRISONMENT AND ISOLATION AND ABANDONMENT IN PLACE OF PROVIDING RESTORATIVE LIFESAVING DENTAL AND MEDICAL CARE AND TREATMENT-(18.2-369-B) AND ALL FIDUCIARIES FAILING AS MANDATED REPORTERS-(63.2-1606)-IN DEFYING 4 YEARS OF 7 DOCTORS ORDERS INSTRUCTING TO PROVIDE ELAINE WITH LIFESAVING RESTORATIVE CARE AND TREATMENTS DENIED BY ALL 2022-2025 FIDUCIARIES TO PRESENT DAY-(18.2-369-B) SINCE 2021.

And Judge Tran, this all occurred because of July 2022 BREACH OF FIDUCIARY DUTY AND MATERIAL BREACH OF GUARDIANSHIP AGREEMENT which was all based on the 6/8/22 and 6/30/22 CARE MANAGER'S FELONIOUSLY AND FALSIFIED AND FRAUDULENT STATEMENTS IN WRITTEN REPORTS AND GROSSLY NEGLIGENT ACTIONS TAKEN BY LIZ SHIFFLETT-THE NURSE CARE MANAGER-(PREMIER CARE PLANNING) WHO WRONGLY HAD FULL SAY OVER THE OVERSEEING AND PROVIDING OF DENTAL AND MEDICAL CARE ALLOWED FOR MY MOM.

Elaine Mae Kapusta being removed from our home of her 45 years lived where she had thrived with only me for 17 continual years with no legal justification to have ever removed my mom and by "Private Armed Guards With Guns" in our own home removed "Against My Mom's Will"-(NESTCAM VIDEO RECORDINGS OF THE SAVED SCARED MOM SCREAMING OCCURRING IN THE REMOVAL), and deprivation of care along with all fiduciaries as mandated reporters failing to ever report these "ELDER CRUELTY CRIMES AND DEPRIVATION OF CARE SINCE 2022," concerning my mom.

Elaine Kapusta even being entirely abandoned by all fiduciaries in the hospital on 6/30/22 without ever "medically properly on Day 1 to be receiving ANTIBIOTICS and this did not happen FOR 8 DAYS with my mom being left to die and suffer because of all fiduciaries failure to provide and assure receiving the proper dental and medical care since 2021.

All medical reports state and clearly show that all allegations against me were never qualified with any factual documents.

And my mom was so badly neglected and abused for those 2 months of suffering neglect-(MAY 2022-JULY 2022) that my mom was discharged from the hospital UNABLE TO WALK-NEEDING TO RELEARN HOW TO WALK.

NONE OF THE LAST 3 YEARS OF OUR HORRIFIC SUFFERINGS WOULD HAVE EVER OCCURRED IF THOSE JULY 2022 UNWARRANTED AND BASELESS CONCEALED COURT FILINGS HAD NEVER BEEN FILED OR IF I HAD BEEN ALLOWED TO BE INFORMED OF THOSE CONCEALED FACTUALLY INACCURATE FILINGS .

And this further involving multiple further malfeasant fiduciaries in 2022 that never should have ever occurred in our lives as the July 2022-2025 misconduct has caused further "collateral damage by other NEGLIGENT AND UNCARING FIDUCIARIES professionals" who also continued the same "DEPRIVATION OF CARE AND DEFYING ALL DOCTORS ORDERS SINCE BEGINNING AGAIN IN OCTOBER 2022".

Immediate Relief Sought And Information:

Based on this newly discovered felonious concealed and falsified evidence, I respectfully request the Court consider the following:

1. That the Court allow me to submit a sealed supplemental filing with full documentation of the concealed emergency petition and related communications and "MATERIAL FACTUAL DOCUMENTS EVIDENCE" for disproving all "FALSE ALLEGATIONS AGAINST ME" via emailed PDFS.

2. That the Court consider vacating or revisiting all judgments and rulings entered between “2022 and 2025”, which were all directly impacted by false and misleading and concealed “material facts” information, being concealed willfully by all fiduciaries and by Philip Kapusta. Including the Court evaluate the filed 8/17/22 Reappointment of My Guardianship for My Mom which entirely unjustified denial caused the 2022 continued Deprivation of Care since October 2022.

3. And in this 8/17/22 Court filing, in #9-10, Steve Stine states: FALSE AND UNWARRANTED

**\*\*10.** This brief June 30 incident and argument between Ms. Kay and the care manager forms the basis of the conservator’s emergency motion to be named the temporary guardian. That motion was heard on July 8. Ms. Kay was provided notice of the motion on July 7, less than 24 hours before the hearing. Unfortunately, she had no counsel of record at the time. Ms. Kay was extremely concerned with her mother’s condition who had, in fact been hospitalized on June 30 and was eating and drinking very little. Ms. Kay was staying with her as much as possible throughout the day and evenings, and made the decision to be with her mother rather than attend the court hearing on July 8. The unopposed July 8 emergency motion was granted. It should be noted that Ms. Kay wrote several detailed emails to the conservator prior to the July 8 hearing and provided the conservator with her communications to the care manager in June that were mostly unanswered. To Ms. Kay’s knowledge, the conservator made no attempt to contact her to discuss the matter, or to take any perspective into account other than the care manager’s, leading to the **\*\*drastic and unwarranted emergency motion to terminate Ms. Kay’s guardianship.\*\***

**\*\*LYNN KAY ONLY RECEIVED THE JULY 7 PETITION, NOT THE 7/5/22 EMERGENCY PETITION AS CARY CUCINELLI ENTIRELY CONCEALED THIS IN HER ENTIRELY PRETENDING THAT IT DID NOT EXIST.**

**\*\*BASED ON THAT STATEMENT BY STEVE STINE DIRECTLY AND CLEARLY SHOWS HOW INSTRUMENTAL THOSE NOW RECENTLY DISCOVERED FRAUDULENTLY FALSIFIED CARE MANAGER REPORTS WERE ENTIRELY COPIED INTO TO BE USED FOR THE “UNWARRANTED CONCEALED FROM LYNN KAY EMERGENCY PETITION”.**

I, HEREBY NOW REQUEST THAT:

1. THE 7/5/22 EMERGENCY PETITION AND THE CARE MANAGERS FALSE REPORTS BE ENTIRELY COMPARED TO “THE MATERIAL MEDICAL FACTS TO BE PROVIDED UNDER SEAL” ALL TO BE PROVIDED TO JUDGE TRAN IN A SEALED FILING BY EMAILS FOR THE PROPER JUDICIAL REVIEW WHICH HAS NEVER BEEN PRESENTED EVER AS IT ALL WAS ENTIRELY CONCEALED.

2. That a **COURT-APPOINTED UNIFIED LAWYER BE FINALLY NOW APPOINTED, as none ever was in 2020 to fully assure the “protection of my mom, myself and the estate. 5 YEARS OF ALL FIDUCIARIES CRIMES OCCURRED DUE TO THERE BEING ABSOLUTELY NO COURT OR STATE OVERSIGHT OF ALL CRIMINAL FIDUCIARIES.**

**3.** That the Court postpone or cancel ongoing trial dates to allow for full review of this July 2022 false and felonious concealed evidence and the court to uphold my 6/16/25 demand letter emailed for all 2022 responsible and involved in July 2022 persons for the full retraction of all “proven by existing 2022 evidenced false and misleading stated allegations” with no proof provided ever by the “opposing parties” of such being clearly shown by proof to be “mere disrespectful opinionated disrespectful statements” never even being factually true and to seek sanctions and DISBARMENTS against all of the parties involved in this deliberate legal misconduct altering our lives forever and leaving mom and I DECIMATEDLY destroyed for 3 years of our fighting crimes committed by ALL FIDUCIARIES BEING CLASS 4 FELONY ELDER CRUELTY CRIMES-(18.2-369-B) ALONG WITH AIDING AND ABETTING-(18.2-18) AND FORCED ABDUCTION AND KIDNAPPING-(18.2-47) FOR 3 UNCEASING YEARS OF CONCEALMENTS BY ALL 2022-2024 PARTIES TO ALL BE HELD FINANCIALLY AND LEGALLY AND CRIMINALLY HELD ACCOUNTABLE FOR DECIMATEDLY DESTROYING OUR LIVES. INCLUDING PHILIP KAPUSTA AND ALL REPRESENTING LAWYERS AIDING AND ABETTING IN THE CRIMINAL CONCEALMENTS ONGOING TO PRESENT DAY.

4. That the Court restore the matter to its procedural status prior status of my 2020 GUARDIANSHIP appointment since 2020 AS LYNN KAY AND ELAINE MAE KAPUSTA ARE THE HARMED PARTIES FOR 5 CONTINUAL YEARS NOW AND for ENTIRELY DISSOLVING THIS DETRIMENTAL “DEADLY DANGEROUS” CONSERVATORSHIP RIGHTFULLY AND PERMANENTLY RESTORING MY FULL AND SOLE LEGAL P.O.A. AND ADVANCED MEDICAL DIRECTIVE AS FULL AND SOLE GUARDIANSHIP WITH NO CONSERVATORSHIP NEEDED EVER AS I HAD FLAWLESSLY HELD PREVIOUSLY FOR 8 YEARS OF MOM AND I AND THE ESTATE ALL THRIVING AND HEALTHY AND HAPPY AND SAFE TOGETHER with there being no flaws in my care for my mom or The Estate prior to 2020 and thereafter being opinions and not facts.

5. The request for my FULL AND SOLE RIGHTFUL PLENARY GUARDIANSHIP without any need for a Conservatorship and without any fiduciaries as there never was prior to the 2020 Court Ordered Agreement which was already breached in 2020 by my receiving no guardianship annual salary ever and all of the other breaches of the Court Order occurring and then with the unwarranted 7/8/22 “The Material Breach of Guardianship Agreement” due to the unfactual concealed emergency petition filing with “FALSE ALLEGATIONS CONCEALED TO ME” and resulting restrictions to guardianship orders imposed based on that “unwarranted by facts” filing. AS THERE HAS BEEN 25+ PERSONS UNNECESSARILY INVOLVED IN OUR NOW DESTROYED LIVES FOR 5 YEARS BY ALL

FIDUCIARIES AND LAWYERS AND PHILIP KAPUSTA FAILING TO EVER CARE ABOUT THE TRUTH, THE FACTS, DOCUMENTED EVIDENCE, CRIMES, THE LAW AND OUR OWN LIVES.

6. That the Court take under consideration my formal report to the Bar and initiate any inquiry the Court deems appropriate into the misconduct of the attorneys who knowingly concealed the July 2022 filings and failed to ever do any "due diligence" prior to or after the July 2022 petition and all threats to our lives and all contributed to the 3 continual years of unceasing ongoing procedural and life-altering physical and psychological harm with umpteen threats to our lives which never would have ever occurred as George W. Dodge only began harming mom and I in October 2022 along with Elder Tree and Dr. Dappen and all other continual harm directly only due to the fiduciaries and Philip Kapusta's also entirely unwarranted Court Filings in July 2022 also having never notifying me ever properly. And this "collateral damage" occurring only due to the July 2022 unwarranted Concealed Court Filings.
7. REQUEST THAT FRAUD UPON THE COURT IS DECLARED AFTER FINDING THAT THE JULY 2022 BASELESS UNWARRANTED COURT FILING WITH DOCUMENTED WRITTEN AND PHYSICAL THREATS TO OUR LIVES TAINTED ALL COURT JUDGMENTS AND CAUSED "3 YEARS OF DETRIMENTAL AND IRREPARABLE AND INEXCUSABLE LIFE-ALTERING HARM TO BOTH MY MOM AND I" AT THE HANDS OF ALL MALFEASANT FIDUCIARIES AND PHILIP KAPUSTA.
8. I AM REQUESTING THAT FRAUD UPON THE COURT NOW BE DECLARED BASED ON THE NEWLY DISCOVERED CONCEALED EVIDENCE OF LIZ SHIFFLETT'S FRAUDULENTLY FALSIFIED AND FELONIOUS STATEMENTS WHICH WERE DIRECTLY USED AS ALLEGATIONS AGAINST ME WITH NO PROOF.
9. FOR NOW DUE TO THIS 5/22/25 SEALED DISCOVERY OF FURTHER CONCEALED AND FALSIFICATIONS FRAUDULENCE FOR MY BASIS TO REQUEST EXTENDING THE STATUTE TO 5 YEARS FOR A NOW 2027 STATUTE FOR COURT FILINGS BEING ALLOWED FOR MY MOM AND I SEEKING FULL AND RIGHTFUL JUSTICE FOR ALL OF THE UNWARRANTED LIFE-ALTERING HARM CAUSED TO OUR LIVES BY ALL INVOLVED MALFEASANCES OF ALL INVOLVED 2020-2025 PARTIES.
10. Further requests for full compensatory and maximum punitive damages from all involved parties will be filed hereafter with this requested Court Declaration of the "Fraud Upon the Court with Malicious Prosecution" with life-altering 3 years of threats and psychological scarring occurring to both my mom and I as a direct result of the July 2022 entirely unwarranted baseless Court filings finally being declared as legal misconduct of fraud upon the Court and Malicious Prosecution with THREATS TO LIFE AND HEALTH AND HOME committed by all parties involved occurring.
11. I did not attend the July 2022 Emergency Petition Hearing because I was never notified until days afterwards and I was never provided with any of the July 2022 Emergency Petition Hearing or documents filed and or used for that Emergency Petition Hearing entirely denying my **"DUE PROCESS TO DEFEND MYSELF AGAINST FALSE OPINIONATED DISRESPECTFUL STATEMENTS OF OPINIONS AND NOT FACTUALLY TRUE ALLEGATIONS"**. Specifically the 6/30/22 Report from Liz SHIFFLETT that is "VERIFIABLY OPINIONATED AND FRAUDULENTLY FALSIFIED AND DOCUMENTEDLY FALSE AND DISRESPECTFUL CONJECTURAL STATEMENTS NOT MATCHING ANY OF THE "MATERIAL DOCUMENTED FACTS" AND THESE DOCUMENTS ARE CRIMINAL EVIDENCE OF CRIMINAL CONCEALMENT OF CRIMINAL FELONIOUS EVIDENCE OF MEDICAL NEGLIGENCE AND CRIMINAL CONCEALMENT OF CRIMINAL MEDICAL ELDER NEGLECT-18.2-369-B.
12. This "6/30/22 Opinion" was concealed as it is entirely "A REPORT OF LIES" for concealing Liz Shifflett's documented months/year of failing to provide proper dental and medical care to my mom as per 2 doctor's orders.
13. Please also keep in mind that my mom wouldn't have suffered almost demise 3 times and left now gravely injured each time from the documented neglect and abuse for unceasing physical and mental suffering from documented "cruelly inhumane deprivation of care" if there had ever been a "unified lawyer appointed in 2020 to fully assure the "protection of my mom, myself and the estate," but there was none and this "detrimental court oversight" left my mom and I fighting for our lives from all criminal fiduciaries and also Philip Kapusta knowingly and willfully AIDING AND ABETTING IN ELDER CRUELTY CRIMES OF DEPRIVATION OF CARE for "3 long horrifically suffered years" which has decimatedly destroyed our lives from umpteen now clearly shown corrupt fiduciaries seeking only harm and "the deprivation of basic dental and medical care for my mom being physically incapacitated by this deprivation in failing to provide care and all fiduciaries for 3 continual years" as has been also documented with Dr. Edward Mallory attesting to all of "THE CRIMINAL EVIDENCE OF EMAILS REQUESTING "THE PROPER MEDICAL STANDARD OF CARE" CONTINUALLY IGNORED BY ALL FIDUCIARIES AND ALSO IGNORED NEGLIGENCE INFORMED AND IN EMAILS AND BEING KNOWN BY PHILIP KAPUSTA ALSO BEING WELL-INFORMED AND HIM TOO ALSO SIMPLY NOT EVER CARING AND FURTHER THREATENING OUR LIVES WITH FURTHER WRITTEN AND PHYSICAL THREATS SUFFERED BY BOTH MOM AND I OF WHICH NEVER WOULD HAVE OCCURRED IF JULY 2022 HAD NEVER OCCURRED."
14. Had I ever been properly informed of this EMERGENCY PETITION AND HEARING occurring, as I never was, then none of the last "3 horrific years of our sufferings" would have ever occurred.

15. STRONG PROOF AND MOTIVES FOR ALL FIDUCIARIES CONCEALING THEIR DOCUMENTED ELDER CRUELTY NEGLECT AND ABUSE CRIMES CAUSING ALMOST DEMISE OF MY MOM ON 3 SEPARATE OCCASIONS AND EACH TIME LEAVING HER GRAVELY INJURED AND UNABLE TO WALK AS A RESULT. THIS CONCEALMENT FOR 3 UNCEASING YEARS OF FRAUD UPON THE COURT HAS BEEN DOCUMENTEDLY COMMITTED DURING EACH LEGAL PROCEEDING BEING SOLELY DONE TO PROTECT THEMSELVES FROM A.P.S. AND POLICE CRIMINAL INVESTIGATION.

I will be providing all relevant documents—including the demand letter which was emailed to ALL PARTIES ON OR AROUND 6/9/25 and further emailed evidence being submitted to the Bar—to the Court and parties. If there is no voluntary compliance as Requested in the Demand Letter, voluntary compliance for my receiving the filed by Cary Cucinelli COLLECTIVELY SIGNED COURT AMENDMENT requested to be emailed to me by June 16, 2025, for all parties collectively signing the included provided emailed Court Amendment for their all “properly retracting all “now entirely proven baseless opinionated False Allegations Made Unwarrantedly” being “entirely now proven as all being baseless” and “false and misleading statements of mere opinion” and “not based on “any material facts” with factual evidenced documents” now sent by email to all July 2022 involved parties, for their all reviewing MY FRONTPAGE WEBSITE OF [www.wearefightingforourlives.org](http://www.wearefightingforourlives.org) where I have posted all criminal SUPPORTIVE evidence to fiduciaries malfeasance regarding the concealed July 2022 Emergency Petition and Hearing also concealed to me. See attached email with the demand letter, and the Court Amendment to be signed by all 2022 involved parties entirely retracting all allegations and the entire Emergency Petition in its entirety being recognized as baseless and without any merit. Signing the provided by me Court Amendment either separately or all together for finally ending this charade of concealed gross malfeasance.

I will respectfully then submit the full evidence for the Court’s sealed review, if all of the parties having already having been emailed prior to or on 6/9/25 do not sign the requested attached Court Amendment for their judicially and properly entirely retracting all of the entire Emergency Petition as recognized now as being baseless and meritless and admitting that it was fully unwarranted and wrongly concealed to me and FULLY RESTORING my full and sole guardianship with there now being no Conservatorship with my fully and solely and rightfully once again having all power over our now fully destroyed lives. With my rightfully fully and solely holding Guardianship with Advance Medical Directive and Legal P.O.A.-and my once again having full custody and control over my mom and the entire estate as I previously surrendered this for the disastrous LIFE-ALTERING irreparably harmed conservatorship.

I am now being so egregiously wronged for 5 CONTINUAL years seeking our full recovery of our destroyed lives with our being “the egregiously wronged parties for 5 years of “horrific unceasing suffering” with breached Agreement since 2020” for 5 continual years”.

And as documented evidence disproves all “false and all misleading allegations”. And the failure to receive a Court-Ordered Annual Guardianship Salary breached the Agreement in 2020, along with all of the other breaches by all 2020 parties.

Lynn Kay is now once again rightfully seeking Dissolution of Conservatorship for documented physical, financial and psychological harm done to both my mom and I which has been directly caused only due to CONSERVATORSHIP for 5 detrimental years of harm done to mom, myself and to “The Estate” having been fully being depleted day by day by Gross Financial Mismanagement and Malfeasance of Crimes COMMITTED THEREAFTER WORSENING DAILY TO PRESENT DAY

Judge Tran, I deeply appreciate the Court’s attention to these serious matters and submit this letter in good faith, with the goal of finally restoring fairness and truth to these proceedings which all of the last 3 years of Court Proceedings and Judgments never should have ever occurred, ever, if July 2022 Legal Misconduct and Fiduciary Misconduct had never occurred.

Once again, my lawyer, JC LAW has been no longer cooperating, with any communication response to me since his partner unexpectedly left the firm at the end of April 2025, as no substantial communication occurred previous also, so I am submitting this for myself. So that fairness occurs based on facts and no longer being based on all persons false and misleading statements and opinions, while all persons for the last almost 3 years willfully and knowingly deliberately concealing all “material facts from the Court.”

In closing, Judge Tran, I respectfully ask the Court to view this letter not only as a record of wrongful actions but as a mother and daughter’s desperate attempt to reclaim their previously once entirely perfect lives and bring to light a truth that has been silenced for far too long. **OUR LIVES HAVE BEEN STOLEN FROM US BY 15+ MALFEASANT PERSONS SINCE 2020 AND THE CALLOUS DISREGARD OF MY MOM’S LIFE AND WELL-BEING BY ALL FIDUCIARIES AND ALSO BY PHILIP KAPUSTA.**

The documents I have email attached with this URGENT Letter for Judge Tran’s Urgent Attention includes the 6/9/25 EMAILED DEMAND LETTER EMAILED TO ALL 2022 INVOLVED PARTIES AND THE EMAILED COURT AMENDMENT TO BE SIGNED BY ALL INVOLVED 2022 PARTIES FOR THEIR ALL TOGETHER OR SEPARATELY NOW PROPERLY JUDICIALLY RETRACTING ALL PROVEN BY DOCUMENTATION ALL FALSE ALLEGATIONS AGAINST ME TO BE COMPLIED TO WITHIN 1 WEEK OF 6/9/25 ON OR BEFORE 6/16/25. ALONG WITH ALSO INCLUDED IS THE REQUESTED CUCINELLI GEIGER NOTARIZED AFFIDAVIT OF ADMISSION OF GROSS MALFEASANCE-(2020-2025) FOR THE LYNN KAY REQUEST FOR THE RESIGNATIONS OF ALL FIDUCIARIES CAUSING 5 YEARS OF UNCEASING SUFFERINGS SINCE 2020 AS IS ALL STATED IN THIS ATTACHED.

THIS COURT AMENDMENT AND CARY CUCINELLI AND VALERIE GEIGER'S NOTARIZED CONSERVATORSHIP RESIGNATION AFFIDAVIT OF ADMITTANCE OF MALFEASANCE FOR THE COMPLETE 2022 RETRACTIONS OF THE 2022 EMERGENCY PETITION WAS NOT AS LYNN KAY REQUESTED TO BE PROPERLY FILED TOGETHER ON OR BEFORE 6/16/25, BY CUCINELLI GEIGER.

WITH ALL REQUESTED SIGNATURES, THEN I WOULD LIKE TO THEN PROCEED WITH FILING EVERYTHING UNDER SEAL BY EMAILING FOR YOUR URGENT REVIEW IN MY ONCE AGAIN "MEDICALLY PROPERLY" SEEKING TO PROVIDE LIFESAVING RESTORATIVE CARE FOR MY MOM-DEPRIVED FOR NOW 3 CONTINUAL HORRIFIC YEARS OF MY MOM SUFFERING SO INHUMANELY.

WITH MY NOW PROPERLY SAFELY HAVING MY MOM BACK HOME WITHBME FINALLY-

2 YEARS AGO MY MOM WAS FILMED BY NESTCAM VIDEO BEING ILLEGALLY AND UNJUSTIFIABLY REMOVED ON 6/6/23 UNJUSTIFIABLY AND ILLEGALLY BEING "CRIMINALLY ABDUCTED WITH AN AN ARMED KIDNAPPING BY CRIMINAL FIDUCIARIES" WHILE DEPRIVED OF NOW 3 YEARS OF PROPER DENTAL AND MEDICAL CARE AND HUMANITY FOR MY MOM.

TO ONCE AGAIN, HAVING THE COURT ORDER FOR MOM TO BE SOLELY ONCE AGAIN UNDER MY RIGHTFUL FULL AND SOLE COMPLETE CARE OF PROTECTION AND FULL CUSTODY OF HER LIFE AND HER WELL-BEING WITH THE NOW DEMANDED REQUESTED FULL AND PERMANENT DISSOLUTION OF CONSERVATORSHIP AND GUARDIANSHIP ALONG WITH THE PERMANENT REMOVAL OF PHILIP KAPUSTA WHO HAS BEEN DIRECTLY RESPONSIBLE FOR ALLOWING MY MOM TO SO INHUMANELY KNOWINGLY AND WILLFULLY CAUSING MY MOM AND I TO HORRENDOUSLY SUFFER WITH BOTH OF OUR LIVES ENTIRELY DESTROYED FOR OUR SIMPLY BEGGING FOR BOTH BASIC DENTAL AND MEDICAL RESTORATIVE LIFESAVING CARE FOR MY CONTINUALLY PHYSICALLY NEGLECTED AND ABUSED AND ABANDONED TO DIE AND SUFFERING AND SCARED AND LONELY MOM NOW BEING ILLEGALLY IMPRISONED AGAINST HER WILL AND AGAINST HER BEST INTERESTS IN A LIFE THAT SHE NEVER WOULD HAVE EVER CHOSEN FOR HERSELF, EVER. AS MY MOM HAS ONLY EVER CHOSEN HER HOME AND MYSELF CARING FOR MY MOM IN OUR HOME TOGETHER SINCE 2006 WHERE ON 10/24/22 AS DR. MALLORY HAS ATTESTED TO MY MOM WAS HEALTHY NORMAL AND SHE HAS NEVER RECOVERED TO HER THEN BEING AS HEALTHY NORMAL AS ME EVER SINCE DUE TO DOCUMENTED TO AND ATTESTED TO VIRGINIA CRIMINAL ELDER CRUELTY-18.2-369-B OF WHICH HAS BEEN "CRIMINALLY CONCEALED BY ALL CRIMINAL FIDUCIARIES OF WHICH ALL MUST RESIGN AND BEING PERMANENTLY REMOVED AND PROSECUTED FOR THEIR CRIMES.

ALL CRIMINAL FIDUCIARIES AND PHILIP KAPUSTA CHOSE THE INHUMANE CRUELTY SUFFERED BY MY MOM FOR NOW 3 YEARS!

My rightful request for my emailing all PDF DOCUMENTS for being placed Under seal will be all newly uncovered felonious criminal evidence and previously concealed "FACTUALLY UNTRUE EVIDENCE OF CRIMINAL CONCEALMENTS" documents, expert affidavit and other affidavit of 1/4/24-Emergency Petition fiduciaries malfeasance with further information for disproving ALL FALSE ALLEGATIONS AND DOCUMENTS.

The absence of my due process by all fiduciaries misconduct and concealments, paints a chilling picture of systemic negligence and crimes of neglect and abuse and all other crimes committed against my mom for now 4 years ongoing since 2021.

I understand the gravity of my request to vacate years of judgments and dissolve the Conservatorship, but I also know that had the July 2022 emergency petition not been wrongfully filed—and deliberately concealed—none of our daily suffering would have occurred for 3 more continual years of 5 total years of all concealed fiduciary malfeasance suffered only by my mom and I being under a "grossly malfeasant Predatory Conservatorship, with all fiduciaries and Philip Kapusta DOCUMENTEDLY seeking and causing only "detrimental harm to our lives since 2020".

I submit this letter and attachments in good faith and ask the Court to grant me the opportunity to present the full truth under seal and with the respect that my mom and I have long been denied any justice at all, ever, as all "CRIMINAL FIDUCIARIES" have all attempted their continued "criminal concealments of all material facts" in order to protect themselves from criminal investigations under Virginia Criminal Law Section 18.2-369-B-(CLASS 4 FELONY)!

Let this finally be the moment when truth replaces assumption, facts replace opinions, and justice replaces the silence of all fiduciaries and Philip Kapusta for the permanent removal of all malfeasant criminal persons and to cease all further harm to my mom and I as we have only suffered, for now almost 5 years of all persons unceasing progressively worsening decimating malfeasance and crimes.

IN SUMMARY:

THE PROOF AND MOTIVES FOR THE FIDUCIARIES CONCEALMENTS

It is alleged that the care managers' reports were fraudulently authored and deliberately concealed, containing materially false statements, with the intent to obstruct or evade lawful investigation into allegations of neglect, thereby constituting potential criminal misconduct.

I have offered substantial evidence and can establish probable motive indicating that the fiduciaries willfully concealed documented instances of neglect, which directly contributed to the severe physical deterioration and eventual almost demise of my mother 3 times-(2022,2023,2024), including grave injuries and rendering her non-ambulatory upon hospital discharge on 7/14/22. Such concealment appears to have been undertaken with the intent to shield themselves from potential criminal investigation and liability by Adult Protective Services and law enforcement authorities.

I conclude with this powerful statement:

A person's "statements of mere opinion" should not ever hold any power over "the truth and factual documents". As "mere opinion is not facts"!

“Only facts are facts” and for 8 years of mom and I suffering and being under suspicion, has never ever been based on “any facts”-merely opinion only. Which opinions have all now been proven as being entirely “false”.

Judge Tran, I am requesting for my mom and I to be judged only upon facts, not on opinions.

As opinions can be entirely skewed and swayed by corrupt persons for their criminally protecting their own interests, as they all have been. For now 8 continual years of our sufferings experienced, since 2017 and facts do not ever change.

Dated: June 17, 2025

Respectfully,



Lynn Kay

#### NOTICE OF SERVICE

I hereby certify that on the below date of 6/17/25, a copy of this was EMAILED TO ALL 2022 PERSONS AND ALSO TO ALEXIS SMITH-ALONG WITH emailed attachments only being EMAILED to ALL INVOLVED 2022 PERSONS FILING AND CONTRIBUTING TO THE JULY 2022 UNWARRANTED CONCEALED FALSIFIED COURT FILINGS.

**\*\*ALEXIS SMITH, PLEASE CONFIRM THESE PDFS WERE GIVEN TO JUDGE TRAN. AS THIS IS A MATTER OF URGENCY!\*\***

OR DO I NEED TO BRING THEM TO JUDGE'S CHAMBERS?

Dated: June 17, 2025

Respectfully,



Lynn Kay

#### ATTACHMENTS:

LYNN KAY DEFAMATION-DEMAND LETTER TO CUCINELLI^LJ GEIGER FOR COURT AMENDMENT WITH FALSE ALLEGATIONS RETRACTION-EMAILED.pdf

COURT AMENDMENT FOR JULY 2022-2025

RETRACTIONS OF ALL ALLEGATIONS WRONGLY MADE AGAINST LYNN KAY-PAGED-EMAILED.pdf

CUCINELLI GEIGER-NOTARIZED AFFIDAVIT ADMISSION OF GROSS MALFEASANCE- 2020-2025-EMAILED.pdf