

# DEFAMATION FOR 3 YEARS SINCE 7/5/22-FRAUDULENTLY "CRIMINALLY FALSIFIED" BOGUS EMERGENCY PETITION FILING HEARING

Date: 6/6/25

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

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

Dear Ms. Cucinelli and Ms. Geiger,

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

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

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

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

Accordingly, I demand that you:

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

WE, CARY CUCINELLI AND VALERIE GEIGER, AND ALL OTHER SIGNERS AS PARTIES INVOLVED ARE HEREBY PROPERLY FILING AN AMENDED COURT FILING-COURT AMENDMENT FOR JUDICIOUSLY PROPERLY WITHDRAWING ALL ALLEGATIONS AGAINST LYNN KAY.

SHE HAS PROVIDED US THE VERIFIABLE INFORMATION FOR THIS RETRACTION OF "ALL FALSE AND MISLEADING ALLEGATIONS WHICH WERE ASSUMED AND WRONGFLY NEVER EVER VERIFIED AS BEING TRUE", AS ALL ALLEGATIONS AGAINST LYNN KAY ARE DOCUMENTEDLY VERIFIABLY FALSE AND MISLEADING WITH ABSOLUTELY NO MERIT TO ANY OF THESE "FALSE AND MISLEADING ALLEGATIONS AGAINST LYNN KAY"

WE NOW HEREBY REQUEST THAT ALL OF THE JULY 2022-2025 COURT FILINGS AND COURT JUDGMENTS ALL BE ENTIRELY WITHDRAWN AND VACATED AND TO ALL JUDGMENTS TO ALL BE EXPUNGED FROM THE RECORDS AND TO IMMEDIATELY RESTORE LYNN KAY TO FULL AND SOLE GUARDIANSHIP WITH ONLY LYNN KAY ONCE AGAIN HOLDING LEGAL P.O.A. AND ADVANCE MEDICAL DIRECTIVE FOR ELAINE MAE KAPUSTA AS IT HAS BEEN DETERMINED THAT LYNN KAY NEVER SHOULD HAVE EVER BEEN TROUBLED BY OUR "UNWARRANTED EMERGENCY PETITION" COURT FILING AND WE TAKE FULL RESPONSIBILITY FOR OUR ACTIONS CAUSING "HORRENDOUS HARM FOR ALMOST 3 YEARS SINCE JULY 2022. AND WE HEREBY NOW IMMEDIATELY RESIGN AS CONSERVATORS OF ELAINE MAE KAPUSTA DUE TO OUR OUTLINED NOTARIZED AFFIDAVIT OF ADMISSION OF GROSS MALFEASANCE-(2020-2025) CAUSING TREMENDOUS HORRIFIC LIFE-ALTERING HARM TO BOTH ELAINE MAE KAPUSTA AND LYNN KAY AND TO "THE ESTATE OF ELAINE MAE KAPUSTA SINCE 2020-2025"

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

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

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

ALL OF THE FOLLOWING PERSONS WERE INVOLVED IN JULY 2022 IN THIS FILING OF AN UNWARRANTED AND BASELESS AND MERITLESS EMERGENCY PETITION AND ALL OF THE WRONGFUL ACTIONS TAKEN FOR THE LYNN KAY GUARDIANSHIP REMOVAL FOR ALL PERSONS TO NOW BE REQUIRED TO ALSO SIGN THE ATTACHED PROVIDED COURT AMENDMENT :

CARY CUCINELLI & VALERIE GEIGER-(CONSERVATORS)

ELIZABETH WILDHACK-(G.A.L.)

LAURIE KIRKLAND-(MOM'S LAWYER)

PHILIP KAPUSTA-(SON)

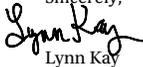
JUSTIN BERGER-(LAWYER OF PHILIP KAPUSTA)

LIZ SHIFFLETT AND SUZANNE HANAS-(PREMIER PLANNING)

Furthermore, this letter does not waive Lynn Kay's right to pursue civil actions for legal misconduct for fraud upon the court, and malicious prosecution with threats to our lives and defamation, violation of rights, etc. including damages for the harm caused by these knowingly false and uncorrected statements.

Virginia, legal misconduct, such as failing to be forthright or filing false allegations that taints the judicial process, can be declared fraud upon the court under Virginia Code § 8.01-428(D). This voids all affected judgments, even if the misconduct occurred nearly three years ago, as there is no strict statute of limitations for such claims. In Virginia, the statute of limitations for fraud is 5 years under Va. Code § 8.01-243(B).

Sincerely,

  
Lynn Kay

6/6/25

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

LYNN KAY  
6/6/25

# CUCINELLI GEIGER NOTARIZED AFFIDAVIT OF ADMISSION OF GROSS MALFEASANCE AND "BREACH OF FIDUCIARY DUTY OF CARE" AND "MATERIAL BREACH OF THE 2020 LYNN KAY GUARDIANSHIP SIGNED AGREEMENT CONTRACT" -(2020-2025)

AS LAWYERS BEING "OFFICERS OF THE COURT" WITH OUR HAVING A DUTY TO BE FORTHRIGHT.

As officers of the court, attorneys licensed in the Commonwealth of Virginia bear a solemn and continuous duty to uphold the integrity of the judicial process by acting with honesty, candor, and forthrightness in all matters before the court. Pursuant to the Virginia Rules of Professional Conduct, a lawyer is not merely an advocate for their client but also a public citizen with a special responsibility for the quality of justice.

This includes a duty to avoid misrepresentation, to disclose material facts when necessary to avoid assisting a client in a criminal or fraudulent act, and to refrain from conduct involving dishonesty, fraud, deceit, or misrepresentation. The lawyer's obligation to the court and the legal system transcends personal or client interests, ensuring that justice is pursued with transparency and ethical fidelity at all times.

UNDER OATH NOTARIZATION OF CARY CUCINELLI AND VALERIE GEIGER- (CONSERVATORS) BEING AT RISK OF PENALTY OF PERJURY:

We, Cary Cucinelli and Valerie Geiger, hereby declare under oath to all of the following:

1. WE, WRONGFULLY, FAILED TO DO ANY DETAILED QUARTERLY FINANCIAL REPORTS FOR FINANCIALLY PROPERLY AND TRANSPARENTLY ACCOUNTING FOR EVERY SINGLE PENNY SPENT AND RECEIVED.
2. WE, WRONGFULLY FAILED TO PAY LYNN KAY HER ANNUAL GUARDIANSHIP SALARY IN 2020, 2021, 2022-(1/2 YEAR PAID SALARY DEDUCTING TAXES), AND WRONGFULLY PAID NOTHING TO LYNN KAY IN 2023 AND 2024 AND 2025 CAUSING LYNN UNDUE DETRIMENTAL FINANCIAL HARM TO LYNN'S FUTURE SOCIAL SECURITY RATE AND LYNN'S SAVINGS AND INVESTMENT FUNDS AND LYNN'S TAXES
3. \*\*LYNN RECEIVED AN ESTATE GIFT OF \$180,000 IN LATE 2022 FOR HER AGREED UPON \$90,000 ANNUAL GUARDIANSHIP SALARY FOR YEARS 2020 AND 2021\*
4. WE, WRONGFULLY SUED LYNN KAY FURTHER BURDENING LYNN IN 2020-2021 FOR AN ALREADY ONGOING 4134 NEIGHBOR LAWSUIT WHICH WAS THE ESTATE'S RESPONSIBILITY AND NOT LYNN'S AS THIS WAS OCCURRING SINCE 2018 PRIOR TO CONSERVATORSHIP AND LYNN WAS AT NO FAULT, WHATSOEVER, FOR ANYTHING AND SHOULD NOT, IN ANY WAY, HAVE BEEN BURDENED BY OUR WRONGFUL MERITLESS LAWSUIT AGAINST LYNN KAY.
5. WE, FAILED TO DO REAL ESTATE APPRAISALS.
6. WE, WRONGFULLY AND UNNECESSARILY SOLD 6 LONG HELD RENTAL PROPERTIES LOSING MULTI-MILLIONS IN ESTATE VALUE FROM UNNECESSARY TAX LOSSES, LOSS OF 5+ YEARS OF FUTURE RENTAL INCOME-(\$1,000,000/3 YEARS) AND FOREVER LOST REAL ESTATE VALUE EQUALLING MULTI-MULTI MILLIONS IN THE GROSS FINANCIAL MISMANAGEMENT OF THE ENTIRELY UNNECESSARY LIQUIDATION AND GROSS FINANCIAL MISMANAGEMENT CAUSING THE DETRIMENTAL DEPLETION OF ESTATE FUNDS. \*\*LYNN KAY HAD STATED IN 2020 THAT SHE WANTED THOSE ARLINGTON PROPERTIES AS HER INHERITANCE AS SHE HAD MORE THAN 20 YEARS INVESTMENT OF HER TIME AND MONEY IN THOSE PROPERTIES SINCE HER CHILDHOOD-THE 1960'S.\*\*
7. WE, FAILED TO EVER REPLACE THE 4136 BROKEN POWER GENERATOR
8. WE, FAILED TO PAY FOR 4136 WINDOW AND DOOR BLINDS AND FAILED TO DO ANY YEARLY ONGOING 4136 MAINTENANCE WORK AND FAILED TO PAY STANLEY STEEMER FOR STEAMCLEANING THE FLOORTILES.
9. WE, FAILED TO EVER FOR 5 YEARS DO ANY FINISHING WORK AT THE 4136 ESTATE HOME AND FAILED TO EVER PROVIDE FUNDS FOR CLEANING AND FOR THE UPKEEPING OF THE 4136 ESTATE HOME, BOTH INSIDE AND OUTSIDE ENTIRELY FAILING TO PROVIDE PROPER MAINTENANCE OF THE ESTATE HOME FOR THE ENTIRETY OF 2020-2025..

10. WE, FAILED TO EVER NOTIFY LYNN KAY OF THE JULY 2022 EMERGENCY PETITION FILINGS AND THE EMERGENCY PETITION COURT HEARING WITH OUR WRONGFULLY ONLY NOTIFYING LYNN KAY 2 DAYS LATER ON THE LATE AFTERNOON OF 7/7/22.
11. WE, ALSO FAILED TO NEVER PROVIDE LYNN KAY WITH ANY OF THE 7/5/22 EMERGENCY PETITION FILINGS.
12. WE, FAILED TO EVER CALL LYNN KAY TO DO ANY PROPER "DUE DILIGENCE" FOR VERIFICATION OF ALLEGATIONS IN JULY 2022 PRIOR TO FILING AN UNWARRANTED EMERGENCY PETITION WHICH WE ENTIRELY FAILED TO EVER NOTIFY LYNN OF THIS OCCURRING, ENTIRELY DENYING LYNN HER RIGHT FOR DUE PROCESS TO DEFEND HERSELF WITH THE ESTABLISHED AND DOCUMENTED TRUTH.
13. WE, FAILED TO PAY ATTENTION TO LYNN KAY'S 7/7/22 & 7/8/22 EMAILED INFORMATION DOCUMENTING LIZ SHIFFLETT'S CARE MANAGER NEGLIGENCE SINCE MAY 2022. CARE MANAGER NEGLIGENCE HAVING DIRECTLY CAUSED ELAINE'S NEED FOR "EMERGENT HOSPITALIZATION FOR 15 DAYS-(6/30/22-7/14/22)"
14. WE, BY NEGLIGENT NEGLIGENCE CAUSED ELAINE TO SUFFER BY NOT ASSURING THAT SHE RECEIVED PROPER MEDICAL CARE PRIOR TO AND IN THE 6/30/22-7/14/22 VIRGINIA HOSPITAL CENTER-(VHC) IN OUR ENTIRELY ABANDONING HER WHILE UNKNOWINGLY SUFFERING UROSEPSIS AEROCOCCUS KIDNEY INFECTION WITH ELAINE'S ORGANS ALREADY BECOMING DAMAGED AND SHUTTING DOWN ON DAY 1 AND ALL BEING IGNORED BY ALL FIDUCIARIES, EXCEPT FOR LYNN.
15. WE, FAILED TO AS "MANDATED REPORTERS" TO EVER PROPERLY INFORM AUTHORITIES AND THE COURT REGARDING THIS DOCUMENTED CARE MANAGER AND FIDUCIARIES NEGLIGENCE AND DEPRIVATION OF CARE AND MEDICATION ABUSE OF ELAINE MAE KAPUSTA IN 2022-2025
16. WE, NOW ACKNOWLEDGE THAT BASED ON THE PROVIDED "VHC MEDICAL RECORDS", FACTUAL DOCUMENTATION PROVIDED BY LYNN KAY ON HER 1<sup>ST</sup> WEBPAGE ON HER WEBSITE [www.wearefightingforourlives.org](http://www.wearefightingforourlives.org), LYNN SHOWED "AMAZING MEDICAL ASTUTENESS AND GOOD JUDGMENT" IN HER KNOWING HER MOM BETTER THAN EVEN THE NURSE CARE MANAGER AND THE DOCTORS FOR LYNN KAY "MEDICALLY PROPERLY" STATING AND DOING EVERYTHING "MEDICALLY PROPER FOR HER MOM" EVEN PRIOR TO 6/30/22 AS "ALL TEXTS TO LIZ SHIFFLETT AS NURSE/ CARE MANAGER AND AS ALL MEDICAL RECORDS INDICATE THAT \*THE VIRGINIA HOSPITAL CENTER-(VHC) ENTIRELY FOLLOWED ALL OF "LYNN'S 6/29/22 & 6/30/22 MEDICALLY ASTUTE INSTRUCTIONS" FOR "PROVIDING ALL OF THE PROPER REQUESTED CARE FOR HER MOM".\*\*
17. WE, ADMIT THAT \*WE WERE WRONG TO STATE THAT LYNN SHOWED "IRRATIONAL BEHAVIOR AND LACK OF JUDGMENT, ETC." HAVING NOW ALL BEEN PROVEN FALSE BY "MATERIAL FACTS AS ALL ALLEGATIONS ARE FOUND TO ALL BE "FALSE AND MISLEADING STATED ALLEGATIONS OF OPINION ONLY" WITH "ABSOLUTELY NO MERIT TO ANY OF THE 7/5/22 CONCEALED EMERGENCY PETITION ALLEGATIONS EVEN BEING TRUE".
18. WE, ALLOWED ELAINE TO SUFFER FROM NEGLIGENCE AND ABUSE BY CARE MANAGER AND VIRGINIA HOSPITAL CAUSING ELAINE TO BE UNABLE TO WALK UPON HOSPITAL DISCHARGE ON 7/14/22 WITH ELAINE NEEDING TO RELEARN HOW TO WALK CAUSING WEEKS OF SUFFERING PHYSICAL INCAPACITATION DUE TO NEGLIGENCE CAUSED UNDER OUR CARE.
19. WE, WRONGFULLY SUPPORTED AND APPROVED THE UNJUST REMOVAL BY "PRIVATE ARMED GUARDS WITH GUNS" FORCING THE UNJUST AND WRONGFUL REMOVAL ABDUCTION AND KIDNAPPING OF ELAINE MAE KAPUSTA FROM HER OWN HOME OF 45 YEARS ON 6/6/23 WITH HER BEING PROPERLY CARED FOR BY LYNN 24/7/365 FOR 17 YEARS SINCE 2006. ELAINE AND LYNN WERE BOTH TRAUMATICALLY AFFECTED AS WE WRONGFULLY REMOVED ELAINE WITH THERE BEING NO LEGAL JUST CAUSE WHILE ELAINE WAS BEING DENIED BOTH DENTAL AND MEDICAL CARE FOR 8+ MONTHS SINCE 9/20/22. WHILE CAUSING HORRENDOUS LIFE-ALTERING HARM TO ELAINE SUFFERING FROM "DELIBERATE DEPRIVATION OF CARE BY ALL FIDUCIARIES NEGLIGENCE IN FAILING TO PROTECT ELAINE FROM NEGLIGENCE AND ABUSE AND EXPLOITATION" SINCE 2022.
20. WE, THEREAFTER FAILED TO PAY THE 2023-2025 4136 HOME UTILITIES AS WE WRONGFULLY BURDENED LYNN WITH THIS.
21. WE, DENIED AND FAILED TO PROVIDE AND FAILED TO REPORT THAT ELAINE HAD BEEN DEPRIVED OF 883 DAYS OF DENTAL X-RAYS-(3/2/22-8/1/24) AND 681 DAYS OF QUARTERLY DENTAL CLEANINGS-(9/20/22-8/1/24) WHILE ELAINE WAS DOCUMENTEDLY SUFFERING "SEVERE GUM DISEASE AND TEETH PAIN" SINCE 3/2/22 AND NEEDING DOCTOR-ORDERED ROOT CANALS WHICH WERE WRONGFULLY DENIED IN PART OR IN WHOLE TO ELAINE SINCE 2021.
22. WE, CONCEALED TO THE AUTHORITIES AND TO THE COURT THAT ELAINE ALMOST DIED ON 8/2/24 AS SHE NEEDED TO BE REVIVED BY 911 PARAMEDICS AS SHE WAS ONCE AGAIN FOR 3 YEARS WRONGFULLY BEING GIVEN FDA-UNAPPROVED ANTIPSYCHOTICS CAUSING ENLARGED HEART-(QT PROLONGATION) AND LYNN HAD PREVIOUSLY INFORMED TO STOP GIVING HER MOM ANTIPSYCHOTICS CONTINUALLY WARNING OF DEATH AND ALL FIDUCIARIES IGNORED LYNN'S WISDOM SINCE 2022 IN ALL FIDUCIARIES AND PHILIP KAPUSTA CONDEMNING LYNN AND SUPPORTING THE THREATENING OF LYNN KAY, INSTEAD OF RESPECTFULLY AND PROPERLY LISTENING TO LYNN.

23. WE, WRONGFULLY NEVER DID ANY DUE DILIGENCE TO EVER SEEK TO VERIFY ANY OF THE CARE MANAGER'S ALLEGATIONS AGAINST LYNN KAY IN JULY 2022 AS "WE ASSUMED AND DID NOT EVER SEEK TO VERIFY" THAT THERE WAS ANY "MATERIAL CORROBORATING FACTS TO BACKUP ANY OF THE ALLEGATIONS. NOW DETERMINING ALL ALLEGATIONS WERE OPINIONS AND NOT FACTUAL.
24. WE, NOW BEING ATTESTED TO HAVING NOW BY FACTUAL DOCUMENTATION PROVIDED BY LYNN KAY ON HER 1ST WEBPAGE ON HER WEBSITE [www.wearefightingforourlives.org](http://www.wearefightingforourlives.org) HAVE NOW DETERMINED THAT ALL ALLEGATIONS AGAINST LYNN KAY BEING FALSE AND MISLEADING ALLEGATIONS WITH "THERE BEING NO MATERIAL FACTS" TO SUPPORT ANY OF THE JULY 2022 EMERGENCY PETITION FALSE AND MISLEADING STATEMENTS OF "MERE CONJECTURAL OPINION" STATED AND REPORTED IN THE "FALSE 6/30/22 LIZ SHIFFLETT REPORT WHICH WE ENTIRELY FAILED TO EVER VERIFY AND ENTIRELY CONCEALED THIS FROM LYNN ALONG WITH THE 7/5/22 EMERGENCY PETITION COURT FILING.
25. WE, NOW HEREBY PROPERLY RETRACT ALL ALLEGATIONS AGAINST LYNN KAY AND SEEK BASED ON THIS THAT ALL 2022-2025 COURT JUDGMENTS AGAINST LYNN KAY ALL BE OVERTURNED AND VACATED AND EXPUNGED FROM THE COURT RECORDS AS ALL BEING FALSE ALLEGATIONS WITH "THERE BEING "NO MATERIAL FACTS", AT ALL TO SUPPORT ANY OF THE FALSE AND MISLEADING ALLEGATIONS AS WE ADMIT NOW THAT LYNN DID NOTHING WRONG.
26. WE, WRONGFULLY THREATENED BOTH ELAINE'S AND LYNN'S LIFE SINCE 2022 BY OUR WRONFFUL ACTIONS OF FAILING TO ASSURE ELAINE THE PROVISION TO PROVIDE ELAINE WITH PROPER AND TIMELY DENTAL AND MEDICAL CARE AND FAILED TO ASSURE THE FOLLOWING OF 7 DOCTOR'S ORDERS OF DR. HU-(MCLEAN DENTAL-2021) AND DR. LESSIN-(5/10/22 & 12/13/22) AND DR. CUSUMANO-(9/20/22 AND 5/8/23 AND 1/4/24) AND DR. DOKI-(5/22/23).
27. WE, THREATENED LYNN'S LIFE ON 7/8/22 BY UNDUE WRONGFUL WRITTEN AND PHYSICAL THREATS REALIZED CAUSING UNDUE PSYCHOLOGICAL HARM TO LYNN UNJUSTLY FOR 3 CONTINUAL YEARS DUE DIRECTLY TO OUR WRONGFUL ACTIONS IN JULY 2022.
28. WE, WRONGFULLY CAUSED THE 24/7 FORCED HOME INVASION IN THE MIDDLE OF THE COVID PANDEMIC ENDANGERING BOTH ELAINE'S AND LYNN'S LIVES AND ENTIRELY VIOLATING THEIR RIGHTS TO NOT FEEL THREATENED AND BEING IN DANGER IN THEIR OWN HOME-(7/14/22-6/6/23).
29. WE, AS TEMPORARY CO-GUARDIANS AND LATER AS CONSERVATORS WRONGFULLY ALLOWED ELAINE TO RECEIVE FDA-UNAPPROVED ANTIPSYCHOTICS OF ZYPREXA AND SEROQUEL THAT ARE EBLACK-BOXED WARNING NOT FOR ELDERLY AND NOT FOR CARDIAC PATIENTS AS STATED AT RISK OF DEATH OF HEART ATTACK AND STROKE AS LYNN HAD WARNED SINCE JULY 2022 THAT THEY WERE DESTROYING HER MOM AND WE WRONGLY AND UNCARINGLY JUST SIMPLY IGNORED IT ALL
30. WE, WRONGFULLY TERMINATED MYCHART ACCESS AGAINST COURT ORDER ON 7/8/22 FOR 4 MONTHS. THE TERMINATION OF MYCHART ACCESS TO MEDICAL RECORDS PREVENTED THE DISPROVING EVIDENCE FROM BEING SEEN AND WE ADMIT THIS WRONGLY CAUSED HARM TO BOTH ELAINE AND LYNN.
31. WE, CONCEALED AS MANDATED REPORTERS ON 1/17/23 THAT GEORGE W. DODGE AND JEANNE BLUE AND ELDER TREE AND DR. ALAN DAPPEN AND ALL FIDUCIARIES HAD ALL DENIED ELAINE DENTAL AND MEDICAL CARE WHILE ELAINE WAS SUFFERING AND BEGGING FOR CARE. FOR 3 MONTHS-(10/10/22-1/17/23 TO PRESENT DAY BY "DEPRIVATION OF LIFESAVING RESTORATIVE DENTAL AND MEDICAL CARE" AS LYNN HAS "MEDICALLY PROPERLY BEEN BEGGING FOR 3 YEARS FOR HER MOM-ELAINE MAE KAPUSTA AND WE HAVE IGNORED IT ALL CAUSING GRAVE INJURIES AND DISEASE TO ELAINE BY ALL FIDUCIARIES AND PHILIP KAPUSTA ALSO IGNORING IT ALL IN FAILING TO EVER CARE.
32. WE, ALSO AGAIN FAILED TO REPORT THE NEGLIGENCE AND NEGLECT ON BOTH 1/4/24-EMERGENCY PETITION HEARING AND 10/23/24-CALENDAR CONTROL 8 MONTHS AGO WHEN IT WAS WRONGLY CONCEALED FROM THE COURT THAT ELAINE WAS IN DESPERATE NEED OF CARE AND WE REMAINED SILENT AND AS ALL FIDUCIARIES ALSO DID, FULLY CONCEALED FROM LYNN THE ALMOST DEMISE OF ELAINE-(LYNN'S MOM) ON 8/1/24.
33. WE, HAVE FAILED TO PROTECT ELAINE AND LYNN AND THE ESTATE FROM HARM AND HAVE CAUSED THEM BOTH "LIFE-ALTERING IRREPARABLE HARM" UNDER OUR NEGLIGENT CONSERVATORSHIP FOR 5 CONTUNUAL YEARS SINCE 2020 BREACHING OUR FIDUCIARY DUTY OF CARE.
34. WE, NOW CLEARLY RECOGNIZE THAT OUR GROSS MALFEASANT ACTIONS SINCE 2020 HAVE CAUSED TREMENDOUS LIFE-ALTERING IRREPARABLE HARM TO BOTH ELAINE AND LYNN AND ALSO TO THE ESTATE.
35. WE, RECOMMEND THE REINSTATEMENT OF LYNN KAY AS FULL GUARDIANSHIP AND ALSO TO HER PRIOR POSITION OF FULLY AND SOLELY HOLDING LEGAL P.O.A. AND ADVANCE MEDICAL DIRECTIVE-(2013-2020) AS WE ACKNOWLEDGE, WITH NO JUST CAUSE, THAT WE NEGLIGENTLY ENTIRELY HAVE MATERIALLY BREACHED THE CONSERVATORSHIP/GUARDIANSHIP COURT ORDERED AGREEMENT SINCE 2020 IN DEFYING ALL COURT-ORDERED TERMS, GIVING LYNN THE RIGHTFUL PRIOR POSITION OF FULL CUSTODY OF HER MOM AND THE ESTATE WITH NO FIDUCIARIES INVOLVEMENT AT ALL.
36. WE, HAVE ENTIRELY, IN ALL WAYS, BEEN RESPONSIBLE AS CONSERVATORS FOR THE BREACH OF OUR FIDUCIARY DUTY OF CARE TO ELAINE MAE KAPUSTA SINCE 2020-2025 AND AS SIGNER AS FIDUCIARY

HAVE ALSO WRONGLY “MATERIALLY BREACHED THE 2020 LYNN KAY GUARDIANSHIP SIGNED AGREEMENT CONTRACT” –(2020-2025), WITH THERE BEING NO JUST CAUSE.

WE, CARY CUCINELLI AND VALERIE GEIGER, NOW HEREBY RESIGN AS CONSERVATORS IMMEDIATELY FOR OUR NOW PROPERLY FULLY RECOGNIZING ALL OF “THE HORRIFIC HARM CAUSED TO THE ELAINE MAE KAPUSTA ESTATE AND PERSONALLY TO BOTH ELAINE MAE KAPUSTA AND TO LYNN KAY UNDER OUR NEGLIGENCE AND GROSS MALFEASANCE ACTIONS TAKEN SINCE JULY 2020.”

\_\_\_\_\_

I, affirm under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

\_\_\_\_\_  
CARY CUCINELLI

\_\_\_\_\_  
VALERIE GEIGER

Notary Signature

\_\_\_\_\_

DATE: \_\_\_\_\_

Notary: Subscribed and sworn to before me On this \_\_\_\_\_ day of June 2025

CASE #2018-11871  
RE: ELAINE MAE KAPUSTA

**Civil Case No. 2018-11871**

**IN THE CIRCUIT COURT OF FAIRFAX COUNTY, VIRGINIA**

**Lynn Kay, *Petitioner***  
**v.**

**ALL NAMED JULY 2022 INVOLVED PERSONS**

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

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

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

We, the signatories, state the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**3 YEARS OF OUR DESTROYED LIVES**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[Signatures of all involved parties]

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Cary Cucinelli

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Valerie Geiger

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Elizabeth Wildhack

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Laurie Kirkland

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Philip Kapusta

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Justin Berger

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Liz Shifflett

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Suzanne Hanas

LYNN KAY STATEMENT:

THIS CRIMINAL TAKEOVER OF OUR LIVES BEGAN MALFEASANCE IN 2020.

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

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

3 YEARS OF OUR LIVES ENTIRELY STOLEN AWAY FROM US!

TIME IS NOT REPLACEABLE!

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

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

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

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

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

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

TIME AND HEALTH CANNOT BE RECOVERED ONCE DESTROYED!

MY MOM AND I WANT OUR LIVES BACK!



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LYNN KAY

Date: 6/8/25

NOTICE OF SERVICE:

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

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

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



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LYNN KAY