

IN THE VIRGINIA CIRCUIT COURT-FAIRFAX COUNTY, VIRGINIA

LYNN KAY-Petitioner,

VS

PHILIP KAPUSTA-Respondent.

Case No.: CL-2018-11871

JULY 24, 2025

RE: NEWLY DISCOVERED ON 5/22/25-CRIMINALLY CONCEALED “EVIDENCE OF FRAUD UPON THE COURT AND ELDER CRUELTY CRIMES CONCEALED”-(2022-2025) AND REQUEST FOR COURT ORDER TO COMPEL VALIDATION OF EXHIBITS AND TO REFUTE “LYNN KAY’S CLAIMS OF DOCUMENTED CRIMINALLY FALSIFIED CARE MANAGER REPORTS BEING USED FOR PREPARING SECRETIVELY CONCEALED FRAUDULENT JULY 2022 COURT FILINGS

MOTION FOR ESTABLISHING IN LAYING THE GROUNDWORK AND THE FOUNDATION FOR PRESENTING THE ELDER CRUELTY CRIMES COMMITTED BY ALL INVOLVED 2020-2025 FIDUCIARIES AND LAWYERS AND PHILIP KAPUSTA FOR THE LYNN KAY RIGHTFUL REQUEST FOR THIS COURT TO JUDICIALLY PROPERLY GRANT THE

REQUESTS TO ISSUE SUBPOENAS FOR VALIDATING THE EXHIBITS BY PROVIDING ADDITIONAL DOCUMENTS FROM LIZ SHIFFLETT AND SUZANNE HANAS OF PREMIER LIFE PLANNING CARE FOR THEIR SUBSTANTIATING AND VALIDATING THE ACCURACY OF THE “FALSIFIED 6/8/22 AND 6/30/22 CARE MANAGER REPORTS” BEING ONLY GIVEN A PERIOD OF JUST 7-(SEVEN) CALENDAR DAYS FOR FULL COMPLIANCE AND RESPONSE AFTER THE COURT ORDERED SUBPOENA HAS BEEN ISSUED AND EMAILED.

AND TO ALSO SUBPOENA DR. CUSUMANO FOR DEMANDING A NOTARIZED AFFIDAVIT VALIDATION OF ALL OFFICE VISITS AND NOTES VALIDATED IN WRITING FOR STATING ALL NOTES MADE IN EACH OFFICE VISIT AND VALIDATION OF EMAIL ON 1/4/24 FOR ORDERING ELAINE MAE KAPUSTA’S DENTAL CARE NOTES AND RECOMMENDATIONS AND DOCTORS

ORDERS GIVEN FOR ELAINE MAE KAPUSTA'S "UNTREATED SEVERE GUM DISEASE" AND "NEEDED ROOT CANALS" AND "TEETH PAIN "COMPLAINED ABOUT ON 4/13/21 AND 3/2/22 AND 9/20/22 "EDEMATOUS AND TEETH PAIN BEING RECORDED DURING ALL OF THE DENTAL OFFICE VISITS ALONG WITH RECOMMENDATION FOR "QUARTERLY DENTAL CLEANINGS ON 9/20/22 AND THE 5/8/23 AND 1/4/24 DOCTORS WRITTEN ORDERS FOR DENTAL GUM ABSCESS-SEDATION DENTAL AND COMPREHENSIVE EVALUATION AND FOLLOWUP TREATMENT.

PROVEN BY THESE SUBPOENAS WILL BE THE ORIGIN OF THE 1ST OF 9 TIMES OF FIDUCIARIES AND LAWYERS COMMITTING "BLATANTLY CONCEALED CRIMINAL ACTS AND RESULTING FRAUD UPON THE COURT-CRIMINAL CONCEALMENT AND LYING BY OMISSION-FAILING TO BE FORTHRIGHT AND FAILING TO DISCLOSE AS FIDUCIARIES-63.2-1606-MANDATED REPORTERS:

1. 7/5/22
2. 7/8/22
3. OCTOBER 2022
4. JANUARY 2023
5. 10/11/23
6. 1/4/24
7. MARCH-APRIL 2024
8. AUGUST- SEPTEMBER 2024
9. OCTOBER 2024 TO 2025 PRESENT DAY FRAUD UPON THE COURT BY ALL:

COLLUSIONS OF THE CONCEALMENT BY ALL FIDUCIARIES AND ALSO BY PHILIP KAPUSTA IN ALL PERSONS CONSPIRING WITH THE DELIBERATE FAILURE TO DISCLOSE "MATERIAL FACTS OF ELDER CRUELTY CRIMES-DEPRIVATION OF CARE FOR FORCED INCAPACITATION"- (2022-2025)

AND ALL 3+ YEARS OF CRIMES AND MALICIOUS PROSECUTION WITH WRITTEN THREATS AND CRIMINAL ABDUCTION OF THE CRIMINAL TAKING OVER OF OUR LIVES BY CRIMINAL FRAUD AND CRIMINAL WRITTEN THREATS SINCE BEGAN ON 7/5/22.

THE ILLEGAL TERMINATION OF LYNN KAY GUARDIANSHIP BY CRIMINALLY FRAUDULENTLY CONCEALING CRIMINAL ELDER CRUELTY CRIMES OF DEPRIVATION OF CARE.

FIDUCIARIES CAUSING ELAINE MAE KAPUSTA GRAVE INJURIES AND HOSPITAL ADMISSION FOR 15 DAYS AND ELAINE LEFT UNABLE TO WALK FOR WEEKS AFTER 7/14/22 HOSPITAL DISCHARGE ALONG WITH "CRIMINAL ELDER CRUELTY DEPRIVATION OF CARE NEGLECT AND ABUSE"-APRIL 2021-JUNE-JULY 2022 TO PRESENT DAY IGNORING AND DEFYING 9 DOCTORS ORDERS TO PROVIDE CARE AND TREATMENT-(2021-2025).

THESE SUBPOENAS ARE NOW RIGHTFULLY BEING REQUESTED AS NEWLY DISCOVERED CONCEALED FOR THE 3 YEARS CRIMINAL EVIDENCE DISCOVERED AS EXHIBITED ON 5/22/25 GIVES THIS RIGHT FOR LYNN KAY TO, IN DETAIL, AND WITH IRREFUTABLE VALIDATED DOCUMENTS BEGIN TO LAY THE GROUNDWORK FOR "FULLY ESTABLISHING ALL CRIMINALLY FRAUDULENT ACTS BY ALL FIDUCIARIES AND PHILIP KAPUSTA'S AND LAWYERS ALL KNOWINGLY AND WILLFULLY CONCEALING THEIR COMMITTED CRIMES COMMITTED FOR 3 YEARS" AGAINST ELAINE MAE KAPUSTA AND LYNN KAY.

TO THEN FINALLY BE JUDICIALLY RECOGNIZED AND DECLARED AFTER LIZ SHIFFLETT AND SUZANNE HANAS FAILURE TO PRODUCE DOCUMENTS OF VALIDATION FOR VALIDATING THEIR FABRICATED 2 CARE MANAGER REPORTS IN THEIR BEING UNABLE TO PRODUCE ANY DOCUMENTS FOR VALIDATING "CRIMINALLY CONCEALED FALSIFIED REPORTS". AS THERE ARE ABSOLUTELY NONE THAT EXIST FOR EVER VALIDATING "FRAUDULENTLY FABRICATED STATEMENTS IN THE CRIMINALLY FRAUDULENTLY FABRICATED 6/8/22 AND 6/30/22 LIZ SHIFFLETT CARE MANAGER REPORTS HAVING BEEN ENTIRELY CONCEALED FOR 3 YEARS.

THESE "CRIMINALLY FRAUDULENTLY FABRICATED CARE MANAGER REPORTS OF 6/8/22 AND 6/30/22" WERE DIRECTLY USED IN "THE BOGUS AND ALSO UNSUBSTANTIATED 7/5/22 AND 7/8/22 UNWARRANTED AND RECKLESS COURT FILINGS BY CARY CUCINELLI AND VALERIE GEIGER AND ELIZABETH WILDHACK AND LAURIE KIRKLAND AND JUSTIN BERGER AND PHILIP KAPUSTA ALL NAMED PARTICIPATING IN 3 YEARS OF CRIMES AND ONGOING UNCEASING DEFAMATION COMMITTED SINCE 2022 FROM THE FRAUD UPON THE COURT LEGAL MISCONDUCT. ALONG WITH ALL 2022-2025 INVOLVED PERSONS, THEREAFTER.

THESE 6/8/22 AND 6/30/22 PREMIER LIFE PLANNING CARE MANAGER REPORTS WERE "FRAUDULENTLY ENTIRELY FABRICATED TO DESPERATELY ATTEMPT TO SEEK TO ESCAPE CRIMINAL INVESTIGATIONS".

AND THE RESULTING DEFAMATION OF LYNN KAY FOR 3 YEARS AS A DIRECT RESULT OF THE FRAUD COMMITTED.

THIS FRAUD UPON THE COURT HAS ALSO OCCURRED IN EVERY SINGLE LEGAL PROCEEDING THEREAFTER ALONG WITH THREATS TO LIFE AND HEALTH AND HOME.

PHYSICAL AND WRITTEN AND VERBAL THREATS HAVE "PSYCHOLOGICALLY SCARRED BOTH ELAINE MAE KAPUSTA AND LYNN KAY FOR 3 YEARS OF ALL FIDUCIARIES AND ALL REPRESENTING LAWYERS AND PHILIP KAPUSTA INVOLVED IN ALL OF "THE MENTAL

TORMENTATION AND MENTAL TRAUMATIZATION OF UNCEASING 3 YEARS OF THREATS TO OUR LIFE AND HEALTH AND HOME SINCE JULY 2022 TO PRESENT DAY.”

3 YEARS OF INJUSTICE AND UNACCOUNTABILITY OF ALL INVOLVED CRIMINAL ACTS BY ALL INVOLVED PERSONS .

COMES NOW the undersigned, LYNN KAY, and respectfully DEMANDS that this Court issue IMMEDIATE SUBPOENAS to compel AUTHENTICATION AND VALIDATION with the full production of DISPROVING OR VALIDATING EXHIBITED MEDICAL RECORDS WHICH ENTIRELY INVALIDATES THE JULY 2022 COURT FILINGS AS BEING ENTIRELY BASELESS AND MERITLESS AND DEMANDING from LIZ SHIFFLETT and SUZANNE HANAS, employees or agents of PREMIER LIFE PLANNING CARE FOR VALIDATING “2 ENTIRELY FALSIFIED CARE MANAGER REPORTS OF 6/8/22 AND 6/30/22” WHICH ARE SHOWN BY EXHIBITS TO HAVE BEEN “FALSIFIED WITH UNTRUTHS AND CONCEALMENTS.”

This is being DEMANDED for the following critical and NON-NEGOTIABLE reasons:

This is a direct matter of justice, and failure to immediately address it would continue THE CONCEALMENT OF “3 ONGOING AND UNCEASING HORRIFIC YEARS OF ELDER CRUELTY AND OTHER HOREIFIC CRIMES COMMITTED BY ALL PERSONS INVOLVED” VIOLATING THE INTEGRITY OF THESE PROCEEDINGS, BEING COMMITTED WITHOUT ANY JUSTICE SERVED, EVER, AND ENTIRELY VIOLATING OUR RIGHTS TO NOT BE THREATENED FOR 3+ YEARS.

THIS MOTION LAYS THE “CRITICAL GROUNDWORK FOR “ALL REQUIRED FUTURE SUBPOENAS” TO ALSO BE REQUESTED HEREAFTER FOR THE 9 OCCURRENCES OF “FRAUD UPON THE COURT OCCURRING IN 2022, 2023, 2024 AND 2025 TO PRESENT DAY OF ALL FIDUCIARIES ALSO HEREAFTER BEING COURT ORDERED FOR BEING FORTHRIGHT IN VALIDATING FACTUAL DOCUMENTS AND OR TESTIFYING UNDER OATH FOR ESTABLISHING THE CRIMINAL FOUNDATION OF ALL FIDUCIARIES AND PHILIP KAPUSTA AND ALL LAWYERS INVOLVEMENT OF 3 YEARS OF “HORRIFIC CRIMES COMMITTED” AS JUNE-JULY 2022 BEING 100% OF THE ORIGIN OF THIS CASE FOR PRESENTING “IRREFUTABLE PROOF” FOR THE FULL AND PERMANENT DISSOLUTION OF CONSERVATORSHIP AND GUARDIANSHIP IN ALL SIGNERS HAVING MATERIALLY BREACHED THE 1/7/20 GUARDIANSHIP SETTLEMENT AGREEMENT CONTRACT SINCE 7/31/20 BY TERMINATING ALL MEDICAL HEALTH POWERS OVER MY MOM, MAKING LYNN KAY-“GUARDIAN IN NAME ONLY”-DECEPTIVELY AND MALICIOUSLY GREATLY ALTERING FULL AND SOLE GUARDIANSHIP TO “NO POWERS AS GUARDIAN”.

THEREBY RIGHTFULLY FULLY AND SOLELY RESTORING LYNN KAY TO ONCE AGAIN HAVING FULL AND SOLE POWER OVER ELAINE AND THE ESTATE AS PREVIOUS TO THE “MATERIALLY BREACHED GUARDIANSHIP AGREEMENT-(2020-2025)”

LYNN KAY NOW IN DETAIL ENTIRELY IRREFUTABLY SHOWING HOW ALL CRIMES BEGAN IN ORIGIN BY PREMIER PLANNING CARE MANAGEMENT FALSIFIED REPORTS USED IN THE FRAUDULENTLY AND SECRETIVELY FILED 7/5/22 EMERGENCY PETITION OF ENTIRELY FALSE ALLEGATIONS AND WITH THE SUPPORT OF ALL INVOLVED IN AIDING AND ABETTING IN THESE CONCEALED ELDER CRUELTY CRIMES-(2021-2025).

THIS IS JUST THE 1ST PIECE OF ESTABLISHING PRESENTING ALL OF THE CRIMINAL ACTS COMMITTED FOR 3+ YEARS FOR ALL PERSONS TO THEN BEING HELD CRIMINALLY, LEGALLY AND FINANCIALLY HELD FULLY ACCOUNTABLE SINCE 2022 BEING WILLFULLY AND KNOWINGLY INVOLVED IN THEIR DOCUMENTED FRAUDULENT CRIMINAL ACTS.

On or about MAY 22, 2025, previously CONCEALED SEALED COURT RECORDS were discovered to contain what now appears to be OVERWHELMING EVIDENCE of FRAUD UPON THE COURT — including CRIMINALLY FALSIFIED CARE MANAGER REPORTS authored by or involving the above-named individuals.

These reports were used to support BOGUS CONCEALED SECRETIVE RELATED EMERGENCY PETITIONS filed on JULY 5 and 8, 2022, all while KNOWINGLY CONCEALING MATERIAL FACTS regarding Elaine Kapusta’s health, safety, and dental neglect — which ultimately contributed to near-death conditions.

Under VIRGINIA LAW AND RULES OF CIVIL PROCEDURE, any party may request subpoenas for persons with DIRECT KNOWLEDGE OF FRAUD, NEGLIGENCE, OR ABUSE — and both Shifflett and Hanas are the DIRECT CAUSE OF ORIGIN ALONG WITH ALL FIDUCIARIES FAILURES IN BEING TASKED FOR “PROTECTING ELAINE MAE KAPUSTA FROM NEGLECT, ABUSE AND EXPLOITATION. AND FOR ENSURING THAT THE PROPER AND BASIC DENTAL AND MEDICAL CARE IS PROVIDED UNDER CONSERVATORSHIP GUARDIANSHIP CARE MANAGEMENT SINCE 2020.”

WITH ALL 2020-2025 FIDUCIARIES WILLFULLY AND KNOWINGLY HAVING A HAND IN ALL OF THESE DOCUMENTED CRIMES FOR 3 ONGOING YEARS CAUSED BY CRIMINAL FRAUDULENCE OF CRIMINAL CONCEALMENTS COMMITTED BY EVERY SINGLE FIDUCIARY FOR 4 YEARS OF CRIMES COMMITTED SINCE 2021 DEPRIVATION OF AND DENIAL OF CARE TO PROVIDE AND ENSURE ELAINE WITH DENTAL AND MEDICAL CARE ORDERED AND REQUESTED SINCE APRIL 2021 TO PRESENT DAY ALSO IGNORING 2022-2024 DR. CUSUMANO’S AND DR. LESSIN’S AND

VIRGINIA HEART'S AND DR. DOKI'S RECOMMENDATIONS AND THE 2/7/25 DR. MALLORY'S NOTARIZED AFFIDAVIT STATING THE PROPER CARE NEEDED.

Petitioner invokes the doctrine of FRAUD UPON THE COURT, and RULE 1:1 of the Virginia Supreme Court — demanding this Court act to protect the integrity of its own proceedings, especially in light of the ACTIVE COVER-UP and VIOLATION OF FIDUCIARY DUTIES by agents of the care agency AND BY ALL FIDUCIARIES AND PHILIP KAPUSTA BEING AWARE OF THIS FRAUD SINCE 2022 AS IS STATED IN THE EXHIBITED 8/17/22 STEVEN STINE AS LYNN'S LAWYER FOR “REAPPOINTMENT OF GUARDIANSHIP” FOR THE 7/5/22 UNWARRANTED EMERGENCY PETITION RECKLESSLY HAVING BEEN FILED WITH NO LEGAL JUST CAUSE.

The Petitioner also asserts her right to proceed under the TOLLING PROVISION for fraud discovered after the fact, demanding full investigation, testimony under oath, and complete documentary production by these witnesses.

The undersigned, LYNN KAY, hereby demands the immediate issuance of THREE SUBPOENAS for the following essential purposes:

- 1. DR. CUSUMANO – To validate with NOTARIZED AFFIDAVIT SUMMARY OF the complete dental care history of ELAINE MAE KAPUSTA from OFFICE VISIT NOTES OF APRIL 2021 through JANUARY 4, 2024 to the present day, including confirmation of the April 2021 diagnosis requiring THREE ROOT CANALS, initially documented by DR. HU (MCLEAN DENTAL) and later reaffirmed in DR. CUSUMANO’S APRIL 13, 2021 OFFICE VISIT NOTES.**
- 2. LIZ SHIFFLETT and SUZANNE HANAS of PREMIER LIFE PLANNING CARE – To compel production of all VIRGINIA HEART LABS RECORDS THAT ARE DIFFERENT FROM THE EXHIBITED 6/8/22 MEDICAL LABS OF ELAINE MAE KAPUSTA and VALIDATION OF THE EXHIBITED VIRGINIA HOSPITAL CENTER MEDICAL RECORDS 6/30/22–7/14/22 MEDICAL RECORDS PROVING THE 6/8/22 AND 6/30/22 CARE MANAGER REPORTS WERE “CRIMINALLY FABRICATED AND FALSIFIED AND ENTIRELY USED FOR THE ALSO FRAUDULENT AND DEFAMATORY FALSE ALLEGATIONS IN THE 7/5/22 AND 7/8/22 EMERGENCY PETITION AND COURT FILING WITH NO LEGAL JUST CAUSE CRIMINALLY TERMINATING LYNN KAY’S GUARDIANSHIP BY CRIMINALLY CONCEALING ALL**

FIDUCIARIES CRIMINAL ELDER DEPRIVATION OF CARE AND FOR THE 1ST OF MANY TIMES ALMOST CAUSING THE DEATH OF ELAINE MAE KAPUSTA UNDER “THIS DEADLY DANGEROUS CONSERVATORSHIP AND GUARDIANSHIP EVIL CARE MANAGEMENT SYSTEM OF INHUMANENENESS AND THE COMPLETE DISREGARD FOR LIFE” WITH “ELAINE BEING ENTIRELY LEFT ABANDONED TO DIE BY ALL FIDUCIARIES AND LEFT GRAVELY INJURED AS A RESULT LEFT UNABLE TO WALK FOR WEEKS AFTER 7/14/25 HOSPITAL DISCHARGE”.

6/30/22-7/14/22 VIRGINIA HOSPITAL CENTER MEDICAL RECORDS were deliberately withheld, manipulated, and concealed and which concealments of “MATERIAL MEDICAL DOCUMENTS” were fraudulently concealed to falsely justify two CRIMINALLY FABRICATED CARE MANAGER REPORTS authored by LIZ SHIFFLETT WHICH ARE SHOWN BY EXHIBITED 6/8/22-7/14/22 MEDICAL RECORD LABS AND HOSPITAL RECORDS TO BE “BLATANTLY FALSE” IN ALL WAYS BY ADDING UNTRUTHS TO BOTH CARE MANAGER REPORTS NOT IN ANY WAY MATCHING “THE EXHIBITED CONCEALED MEDICAL RECORDS.”

These reports were weaponized to CONCEAL THE TRUTH from APS, law enforcement, and the Court about the ONGOING CRIMINAL ELDER NEGLECT AND CRUELTY that began in 2021 — neglect that resulted in NEAR-DEATH DENTAL AND SYSTEMIC INFECTIONS after repeated denials of critical medical and dental care.

THE JUDICIAL PURPOSE of these subpoenas is nothing less than exposing 3 YEARS OF CALCULATED FRAUD UPON THE COURT, orchestrated by fiduciaries who willfully ignored medical directives and concealed medical crises — and then shifted blame by painting LYNN KAY (THE GUARDIAN) as negligent having “LACK OF JUDGMENT AND IRRATIONAL BEHAVIOR” AND “THIS BLATANT AND UNCEASING ONGOING DEFAMATION WRITTEN IN PUBLIC COURT FILINGS AND POLICE REPORTS AND HOSPITAL RECORDS IN 2022 IN THE 7/5/22 EMERGENCY PETITION CONTINUES TODAY.

WITH ALL INVOLVED AND INFORMED 2022 PERSONS CRIMINALLY CONCEALING THEIR INVOLVEMENT AND REFUSING SINCE 6/9/25 TO RETRACT THEIR “BLATANTLY FALSE AND FRAUDULENT DEFAMATORY ALLEGATIONS AGAINST LYNN KAY”-(2022-2025)-3 YEARS OF ONGOING DEFAMATION ACTIONABLE FOR DEFAMATION LAWSUITS.

LIZ SHIFFLETT is accused of KNOWINGLY FABRICATING AND FALSIFYING EXHIBITED CARE MANAGER REPORTS ON 6/8/22 AND 6/30/22 — reports proven false by existing EXHIBITED hospital and lab records. These falsehoods:

1. **BLOCKED CRIMINAL INVESTIGATIONS** into elder abuse and neglect;
2. **PROTECTED** the very fiduciaries who inflicted harm;
3. **BLAMED THE GUARDIAN, LYNN KAY-(MYSELF),** with their “blatantly using distortions and lies to conceal all of their crimes.
4. **And were used in a SECRET, FRAUDULENT EMERGENCY PETITION FILED ON 7/5/22,** from which the Guardian was **NEVER NOTIFIED.**
5. **USED TO VALIDATE “THE CRIMINAL TAKEOVER OF OUR LIVES FOR 3 YEARS-(7/8/22 TO PRESENT DAY) WITH SO MANY MORE CRIMES OF ABDUCTION AND AIDING AND ABETTING AND VIOLATION OF RIGHTS WITH WRITTEN THREATS AND “CRIMINAL FORCED ARMED KIDNAPPING AGAINST WILL” TO ONCE AGAIN ATTEMPT TO CRIMINALLY CONCEAL ELDER CRUELTY CRIMES OF DEPRIVATION OF CARE AND OBSTRUCTION OF JUSTICE AND PERJURY BY LYING BY OMISSION WITH THE FAILURE TO DISCLOSE AS FIDUCIARIES AS MANDATED REPORTERS ONGOING TO PRESENT DAY WITH OUR RIGHTS BEING CRIMINALLY FRAUDULENTLY ENTIRELY STRIPPED AWAY FROM BOTH MOM AND I FOR 3 “HORRIFIC YEARS OF OUR HORRENDOUS SUFFERINGS AND PSYCHOLOGICAL ABUSE AND SCARRING BY UNCEASING THREATS TO OUR LIVES FOR 3 YEARS OF CRIMINALS AS ALL FIDUCIARIES AND PHILIP KAPUSTA AND ALL LAWYERS AIDING AND ABETTING CLASS 4 FELONY AS LIZ SHIFFLETT AND SUZANNE HANAS UNDER VIRGINIA CRIMINAL LAW SECTION 18.2-369-B-CRIMINAL ELDER CRUELTY CRIMES-(CLASS 4 FELONY)-2-10 YEARS PRISON SENTENCE.**
6. **In Virginia, a Class 4 felony under § 18.2-369(B) regarding abuse or neglect of a vulnerable adult, which results in serious bodily injury or disease, carries a prison sentence of two to ten years and a potential fine of up to \$100,000, according to Virginia law.**

KEY POINTS:

Virginia Code § 18.2-369(B):

This specific law addresses the abuse and neglect of vulnerable adults and outlines the penalties for such actions.

Class 4 Felony:

This classification of felony falls within a specific range of severity, resulting in a prison sentence of 2 to 10 years, according to Virginia Rules.

Vulnerable Adult:

The law defines a vulnerable adult as someone 18 or older who is impaired due to mental or physical conditions, limiting their capacity to make decisions about their well-being, according to Virginia Law (.gov).

Serious Bodily Injury or Disease:

The offense becomes a Class 4 felony when the abuse or neglect results in significant harm to the vulnerable adult, such as disfigurement, fractures, severe burns, mutilation, or life-threatening internal injuries, according to Virginia Law (.gov).

7. AND WITH ALL INVOLVED PERSONS IN THEIR "CRIMINAL CONCEALMENT" CAUSING FOR 3 YEARS THE HORRIFIC DEFAMATION OF THE GOOD NAME AND GOOD CHARACTER OF LYNN KAY CAUSING LYNN KAY "IRREPARABLE LIFE-ALTERING HARM"

WHEREFORE, Petitioner respectfully requests this Court issue IMMEDIATE SUBPOENAS DUCES TECUM for LIZ SHIFFLETT and SUZANNE HANAS to VALIDATE EXHIBITED 6/8/22-7/14/22- MEDICAL RECORDS AND DOCUMENTS, NOTES, EMAILS, VIRGINIA HEART AND VIRGINIA HOSPITAL RECORDS FOR VALIDATING *THE 6/8/22 AND 6/30/22 CARE MANAGER REPORTS*- "NOW BEING SHOWN WITH EXHIBITED EVIDENCE AS BOTH CARE MANAGER REPORTS HAVING BEEN CRIMINALLY FALSIFIED IN ALL WAYS NOT MATCHING ANY OF THE EXHIBITS" FOR ENTIRELY NOW WITH DOCUMENTATION IN **FULLY DISPROVING THE VALIDITY AND ACCURACY OF THE 6/8/22 AND 6/30/22 FRAUDULENTLY CRIMINALLY FALSIFIED AND FABRICATED CARE MANAGER ASSESSMENT REPORTS**-BEING ENTIRELY SHOWN TO BE UNTRUE STATEMENTS MADE OF THE ACTUAL HEALTH OF ELAINE MAE KAPUSTA, these untruths were entirely in whole relied upon in all petitions in the "SECRETIVELY FILED JULY 2022 EMERGENCY PETITION AND SECRETIVELY HELD 7/5/22-7/8/22 EMERGENCY PETITION COURT HEARINGS, and continuing through the present day CONCEALMENTS OF CRIMES COMMITTED AND CONCEALED FOR 3 DOCUMENTED YEARS OF FRAUD COMMITTED BY THE CONCEALMENT OF ALL OF THEIR CRIMES FOR 3 YEARS.

This motion is submitted to request FULL DISCLOSURE REQUIREMENTS IN BEING GIVEN A LIMIT OF 7-(SEVEN) CALENDAR DAYS FROM COURT ORDERED SUBPOENA ISSUED TO DISPROVE EXHIBITS PRESENTED FOR THIS COURT DEMANDING THERE TO FINALLY BE FORTHRIGHTNESS AND TRUTHFUL TESTIMONY with a LONG-NEEDED COURT-ORDERED RECKONING for the 3 YEARS OF "CRIMINALLY CONCEALED EVIDENCE OF UMPTEEN PERSONS CRIMES" that nearly cost ELAINE MAE KAPUSTA 3 TIMES her life AND NOW LEFT "GRAVELY INJURED AND DEPRIVED OF HER HEALTH AND HER HOME AND HER DAUGHTER AND HER FINANCES AND HER FREEDOM!

IT IS UP TO THIS COURT TO JUDICIALLY SEEK JUSTICE AND TO RESTORE THESE TO ELAINE MAE KAPUSTA AND TO THEN SEEK TO DEPRIVE ALL "NAMED CRIMINALS FOR 2-10 YEARS OF THEIRS WITH PRISON FOR CLASS 4 FELONY-VIRGINIA CRIMINAL LAW ELDER CRUELTY CRIMES 18.2-369-B FOR THE 3 YEARS THAT THEY HAVE ALL DESTROYED BOTH OF OUR ONCE ENTIRELY PERFECT THRIVING LIVES TOGETHER"!

Respectfully submitted,



Lynn Kay

TWEETERY7@YAHOO.COM

7/21/25

NOTICE OF SERVICE:

I HEREBY CERTIFY THAT ALL PARTIES AND ALEXIS SMITH WERE EMAILED THIS ON 7/21/25. 7-21-25-EMAILED PDFS FILED ON 7-24-25 AND BROUGHT TO JUDGE'S CHAMBERS



LYNN KAY TWEETERY7@YAHOO.COM-571-421-6813

7/21/25

IN THE VIRGINIA CIRCUIT COURT-FAIRFAX COUNTY, VIRGINIA

LYNN KAY-Petitioner,

v.

PHILIP KAPUSTA-Respondent.

Case No.: CL-2018-11871

JULY 24, 2025

RE: FRAUD UPON THE COURT AND ELDER CRUELTY CRIMES CONCEALED

PLAINTIFF'S REQUEST FOR COURT ORDER TO COMPEL VALIDATION OF EXHIBITS AND TO REFUTE "LYNN KAY'S DOCUMENTED CLAIMS OF FALSIFIED CARE MANAGER REPORTS BEING USED FOR PREPARING SECRETIVELY CONCEALED FRAUDULENT JULY 2022 COURT FILINGS AND FOR THE DEMAND FOR FULL AND COMPREHENSIVE FORENSIC FINANCIAL AUDIT AND REVIEW FOR 5 YEARS OF GROSS FINANCIAL MISMANAGEMENT AND FULL COMPENSATORY AND MAXIMUM PUNITIVE DAMAGES ALONG WITH REMEDIAL RELIEF

STATED AS BEING FALSIFIED AND FRAUDULENTLY PREPARED CARE MANAGER REPORTS OF 6/8/22 AND 6/30/22 AND FRAUDULENTLY SOUGHT THE 7/5/22" AND 7/8/22 AND OCTOBER 2022 AND JANUARY 2023 AND ALL 2020-2025 COURT FILINGS TO NOW BE JUDICIALLY COURT-ORDERED TO BE DECLARED AS BEING ALL ENTIRELY VOIDED AND OVERTURNED AND EXPUNGED IN THEIR ENTIRETY FOR BEING FRAUD COMMITTED BY FALSIFICATION OF RECORDS FRAUDULENTLY PREPARED IN ORDER TO DECEIVE THIS COURT AND TO HIDE ALL FIDUCIARIES DOCUMENTED CRIMINAL ELDER NEGLECT SINCE APRIL 2021 FROM THE AUTHORITIES FOR "FAILURE TO ACT AS RESPONSIBLE FIDUCIARIES TO PROTECT ELAINE MAE KAPUSTA FROM 4 YEARS OF DOCUMENTED NEGLECT, ABUSE AND FINANCIAL EXPLOITATION AND FAILURE TO UPHOLD THE SETTLEMENT GUARDIANSHIP AGREEMENT TO LYNN KAY AS 1/7/20 AGREED UPON TERMS WERE DECEPTIVELY AND MALICIOUSLY GREATLY ALTERED AND THE FAILURE TO PROVIDE ELAINE MAE KAPUSTA WITH BASIC DENTAL AND MEDICAL CARE FOR 5 YEARS IN ALSO DEFYING 9 DOCTORS ORDERS

LEGAL STATEMENT REGARDING FRAUD UPON THE COURT AND 5/22/25 NEWLY DISCOVERED EVIDENCE

Petitioner respectfully submits the following for the Court's immediate consideration:

Following the filing of the Emergency Petition on October 21, 2024, which has been continued for 9 months without any resolution for THE EMERGENCY PETITION, new and material evidence was discovered on May 22, 2025, indicating the existence of sealed court records containing "CRIMINALLY FABRICATED AND FALSIFIED CARE MANAGEMENT REPORTS BY LIZ SHIFFLETT AND SUZANNE HANAS AND PREMIER LIFE PLANNING CARE". THESE RECORDS, which were CRIMINALLY ALTERED AND CONCEALED FROM THE PETITIONER AND THE COURT, REVEAL A 3 YEAR-LONG FIDUCIARIES ORCHESTRATED EFFORT TO MISLEAD THE TRIBUNAL AND SUPPRESS THE TRUTH AND "MATERIAL FACTS" REGARDING THE CARE AND CONDITIONS AT ISSUE IN THIS MATTER.

This "criminal evidence", uncovered by Petitioner Lynn Kay, constitutes overwhelming proof of a fraud upon the Court, in direct violation of due process and ethical obligations. Specifically, these falsified documents appear to have originated from or been submitted by Liz Shifflett, Suzanne Hanas, and Premier Planning Care, and were deliberately concealed to obstruct justice.

Under 8.01-428 and relevant case law, fraud upon the court permits relief from orders or judgments at any time upon the discovery of such fraud. The date of discovery—May 22, 2025—makes this filing timely and urgent having suffered FRAUDULENT ACTS FOR 3+ YEARS

Oh what a tangled web we weave, when first we practice to deceive!" (Sir Walter Scott, 1808)

Petitioner respectfully demands:

That this Court recognize the newly discovered 3 YEARS CONCEALED FRAUD and give immediate legal precedence to this evidence;

That subpoenas be issued to Liz Shifflett, Suzanne Hanas, of Premier Planning Care;

That these individuals be compelled to PROVIDE SUBSTANTIATED DOCUMENTS FOR 6/8/22 & 6/30/22 CARE MANAGER REPORTS AND OR appear and testify under oath regarding the origin, authorship, and purpose of the CONCEALED FALSIFIED CARE MANAGER REPORTS NEWLY DISCOVERED HAVING BEEN CONCEALED FOR 3 YEARS.

FRAUD UPON THE COURT IS SERIOUS LEGAL MISCONDUCT AND A JUDICIAL MATTER OF INJUSTICE WHICH HAS ALSO TAINTED ALL COURT PROCEEDINGS THEREAFTER-(2022-2025) FOR ALL COURT JUDGMENTS AND ALL COURT ORDERS ALL BEING ORDERED TO BE JUDICIALLY PROPERLY FULLY OVERTURNED AND VACATED AND EXPUNGED FOR RECOGNIZED FRAUD UPON THE COURT AND MALICIOUS PROSECUTION OF CRIMINAL THREATS TO LIFE AND HEALTH AND HOME SINCE 7/8/22.

This is a direct matter of justice, and failure to address it would continue THE CONCEALMENT OF 3 ONGOING AND UNCEASING YEARS OF ELDER CRUELTY CRIMES VIOLATING THE INTEGRITY OF THESE PROCEEDINGS, BEING COMMITTED WITHOUT ANY JUSTICE SERVED, EVER.

LEGAL STATEMENT REGARDING FRAUD UPON THE COURT CAN BE BROUGHT AT ANY TIME WITHOUT NEEDING TO APPEAL WITH AN APPELLATE COURT. AND FRAUD UPON THE COURT APPLIES WHEN LEGAL MISCONDUCT TAINTS THE JUDICIAL DECISION WITH MATERIAL FACTS BEING CONCEALED AND BY FALSIFYING DOCUMENTS USED IN A CASE AND HIDDEN. THERE IS NO STATUTE TO FILING A FRAUD UPON THE COURT MOTION FOR OVERTURNING ALL COURT JUDGMENTS AND ALL COURT ORDERS TAINTED BY THE FRAUD THAT WAS COMMITTED.

PETITION OF FRAUD UPON THE COURT FOR OVERTURNING COURT ORDERS AND COURT JUDGMENTS ENTIRELY OVERTURNING THE COURT ORDERS AND COURT JUDGMENTS, EVEN FINAL ORDERS CAN BE FULLY OVERTURNED AND EXPUNGED WHEN MATERIAL FACTS HAVE BEEN HIDDEN OR FALSIFIED. AS JUDICIAL DECISIONS ARE BASED UPON PRESUMED FACTS PRESENTED BY A LAWYER BEING TRUE AND FORTHRIGHT AND THE PRESENTATION BEING FACTUALLY PROVEN, BEYOND A SHADOW OF A DOUBT. WHEN THERE IS "DELIBERATE FALSIFICATION AND CONCEALMENT AND COVERUPS OF EVIDENCE PRESENTED BEING FABRICATED, THIS THEN IMMEDIATELY ENTIRELY OVERTURNS ALL OF THE COURT JUDGMENTS AND ALSO ALL COURT ORDERS, THEREAFTER AS ALSO BEING FRAUDULENTLY BASED SINCE THE ORIGINATING LEGAL MISCONDUCT OF COMMITTING FRAUD UPON THE COURT.

Statement Regarding Fraud Upon the Court

Fraud upon the court is a grave legal wrong that strikes at the heart of the justice system. It occurs when officers of the court—such as attorneys or parties—engage in intentional deception that taints the judicial process, including by concealing material facts, fabricating evidence, or falsifying documents relied upon by the court in reaching its decision.

This form of fraud is not subject to any statute of limitations. It may be raised at any time, including after a final judgment, without the need to file an appeal with an appellate court. The U.S. Supreme Court and numerous lower courts have recognized that fraud upon the court undermines the integrity of the entire proceeding and demands extraordinary relief.

When such fraud is proven—particularly when it involves deliberate falsification or concealment of material evidence—the result is that all judgments and court orders affected by the fraud are void. These orders must be vacated and are subject to being expunged from the record, as they are legally invalid and unjust.

Judicial decisions are premised on the presumption that the parties and their counsel are truthful and that evidence presented is authentic. When this fundamental trust is broken, and the process is corrupted by fraud, the court has both the authority and the obligation to remedy the injustice in full, including the original years ago Court Orders to Present day recognized and terminated for being "ENTIRELY TAINTED BY UNCEASING AND ONGOING FRAUDULENT ACTS!"

Code of Virginia

Title 8.01. Civil Remedies and Procedure

Chapter 17. Judgments and Decrees Generally

FRAUD UPON THE COURT IS SERIOUS LEGAL MISCONDUCT AND A JUDICIAL MATTER OF INJUSTICE WHICH AUTOMATICALLY RETURNS ALL LEGAL PROCEEDINGS ALSO THEREAFTER.

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

A. Default judgments and decrees pro confesso; summary procedure. Upon motion of the plaintiff or judgment debtor and after reasonable notice to the opposite party, his attorney of record or other agent, the court may set aside a judgment by default or a decree pro confesso upon the following grounds: (i) fraud on the court, (ii) a void judgment, (iii) on proof of an accord and satisfaction, or (iv) on proof that the defendant was, at the time of service of process or entry of judgment, a servicemember as defined in 50 U.S.C. § 3911. Such motion on the ground of fraud on the court shall be made within two years from the date of the judgment or decree.

B. Clerical mistakes. Clerical mistakes in all judgments or other parts of the record and errors therein arising from oversight or from an inadvertent omission may be corrected by the court at any time on its own initiative or upon the motion of any party and after such notice, as the court may order. During the pendency of an appeal, such mistakes may be corrected before the appeal is docketed in the appellate court, and thereafter while the appeal is pending such mistakes may be corrected with leave of the appellate court.

C. Failure to notify party or counsel of final order. If counsel, or a party not represented by counsel, who is not in default in a circuit court is not notified by any means of the entry of a final order and the circuit court is satisfied that such lack of notice (i) did not result from a failure to exercise due diligence on the part of that party and (ii) denied that party an opportunity to pursue post-trial relief in the circuit court or to file an appeal therefrom, the circuit court may, within 60 days of the entry of such order, modify, vacate, or suspend the order or grant the party leave to appeal. Where the circuit court grants the party leave to appeal, the computation of time for noting and perfecting an appeal shall run from the entry of such order, and such order shall have no other effect.

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.

E. Nothing in this section shall constitute grounds to set aside an otherwise valid default judgment against a defendant who was not, at the time of service of process or entry of judgment, a servicemember as defined in 50 U.S.C. § 3911.

1977, c. 617; 1991, c. 39; 1993, c. 951; 2005, cc. 333, 909.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

7/11/20



FRAUD UPON THE COURT IS SERIOUS LEGAL MISCONDUCT AND A JUDICIAL MATTER OF INJUSTICE WHICH HAS ALSO TAINTED ALL COURT PROCEEDINGS THEREAFTER FOR ALL COURT JUDGMENTS AND ALL COURT ORDERS ALL BEING FULLY OVERTURNED AND VACATED AND EXPUNGED.

LEGAL STATEMENT REGARDING FRAUD UPON THE COURT CAN BE BROUGHT AT ANY TIME WITHOUT NEEDING TO APPEAL WITH AN APPELATE COURT. AND FRAUD UPON THE COURT APPLIES WHEN LEGAL MISCONDUCT TAINTS THE JUDICIAL DECISION WITH MATERIAL FACTS BEING CONCEALED AND BY FALSIFYING DOCUMENTS USED IN A CASE AND HIDDEN. THERE IS NO STATUTE TO FILING A FRAUD UPON THE COURT MOTION FOR OVERTURNING ALL COURT JUDGMENTS AND ALL COURT ORDERS TAINTED BY THE FRAUD THAT WAS COMMITTED. PETITION OF FRAUD UPON THE COURT FOR OVERTURNING COURT ORDERS AND COURT JUDGMENTS ENTIRELY OVERTURNING THE COURT ORDERS AND COURT JUDGMENTS, EVEN FINAL ORDERS CAN BE FULLY OVERTURNED AND EXPUNGED WHEN MATERIAL FACTS HAVE BEEN HIDDEN OR FALSIFIED. AS JUDICIAL DECISIONS ARE BASED UPON PRESUMED FACTS PRESENTED BY A LAWYER BEING FORTHRIGHT AND THE PRESENTATION BEING FACTUALLY PROVEN, BEYOND A SHADOW OF A DOUBT. WHEN THERE IS "DELIBERATE FALSIFICATION AND CONCEALMENT AND COVERUPS OF EVIDENCE PRESENTED BEING FABRICATED, ENTIRELY OVERTURNS THE COURT JUDGMENTS AND ALL COURT ORDERS, THEREAFTER AS ALSO BEING FRAUDULENTLY BASED.

Statement Regarding Fraud Upon the Court

Fraud upon the court is a grave legal wrong that strikes at the heart of the justice system. It occurs when officers of the court—such as attorneys or parties—engage in intentional deception that taints the judicial process, including by concealing material facts, fabricating evidence, or falsifying documents relied upon by the court in reaching its decision.

This form of fraud is not subject to any statute of limitations. It may be raised at any time, including after a final judgment, without the need to file an appeal with an appellate court. The U.S. Supreme Court and numerous lower courts have recognized that fraud upon the court undermines the integrity of the entire proceeding and demands extraordinary relief.

When such fraud is proven—particularly when it involves deliberate falsification or concealment of material evidence—the result is that all judgments and court orders affected by the fraud are void. These orders must be vacated and are subject to being expunged from the record, as they are legally invalid and unjust.

Judicial decisions are premised on the presumption that the parties and their counsel are truthful and that evidence presented is authentic. When this fundamental trust is broken, and the process is corrupted by fraud, the court has both the authority and the obligation to remedy the injustice in full.

Plaintiff respectfully requests that this Court issue an order requiring the opposing party to formally and specifically rebut the *EXHIBITED MEDICAL RECORDS* and to verify with VERIFIED EVIDENCE FOR FULLY SUBSTANTIATING "THE FALSIFIED AND FRAUDULENTLY FABRICATED CARE MANAGER REPORTS OF 6/8/22 AND 6/30/22 ALONG WITH FULLY SUBSTANTIATING THE JULY 2022 AND OCTOBER 2022 AND JANUARY 2023 FRAUDULENT COURT FILINGS within seven (7) CALENDAR days of the Court's order.

These "FALSIFIED DOCUMENTS" were directly relied upon to support the "SECRETIVELY HELD AND "CRIMINALLY CONCEALED FIDUCIARY ELDER CRUELTY" emergency petitions filed on July 5, 2022, and July 8, 2022, which ultimately led to the unlawful and extrajudicial termination of Lynn Kay's ORIGINAL valid contractual guardianship agreement dated January 7, 2020.

Should the opposing party fail to disprove the authenticity or validity of the attached exhibits within the seven-day period, Plaintiff respectfully requests that this Court:

1. Invalidate and PERMANENTLY DISSOLVE in full the guardianship and conservatorship for COURT DECLARED "BREACH OF THE FIDUCIARY DUTY OF CARE BY ALL FIDUCIARIES"

"DETRIMENTALLY" imposed over the past five (5) years;

2. Declare that the "CRIMINALLY EGREGIOUS AND FRAUDULENT TERMINATION OF THE 2020 CONTRACTUAL GUARDIANSHIP AGREEMENT WAS GROSSLY IMPROPER AND IN BREACH OF CONTRACT AND THEREFORE ENTIRELY PERMANENTLY TERMINATES THE CONSERVATORSHIP AND GUARDIANSHIP IN ITS ENTIRETY RESTORING LYNN KAY TO PRIOR TO 2020 POSITIONS OF FULLY AND SOLELY HOLDING LEGAL P.O.A. AND ADVANCE MEDICAL DIRECTIVE-(2013-2020)"

3. Freeze the full amount of the conservatorship bond immediately;

4. Order a Court-supervised forensic financial audit of all conservatorship and guardianship transactions from 2020 through 2025, including a review of all disbursements, accountings, and expenditures TO FULLY ACCOUNT FOR EVERY SINGLE PENNY AS ALL GROSS FINANCIAL MISMANAGEMENT HAS OCCURRED FOR 5 YEARS

-(2020-2025) LOSING 4+ MILLION TO THE ESTATE BY UNNECESSARILY LIQUIDATING ENTIRELY RENOVATED AND RENEWED RENTAL PROPERTIES HELD FOR DECADES;

5. ORDER ALL 2020-2025 FIDUCIARIES TO REPAY IN FULL ALL OF THEIR SALARIES AND ALL COMPENSATION PAID FOR ALL FIDUCIARIES FAILING FOR 5 YEARS BREACHING THEIR FIDUCIARY

"DUTY OF CARE TO PROTECT ELAINE MAE KAPUSTA AND "THE ESTATE" AND LYNN KAY FOR 5 YEARS AS WAS AGREED TERMS BREACHED IN 2020-2025 AND FOR ENTIRELY BREACHING THE GUARDIANSHIP AGREEMENT SINCE DAY 1 IN FAILING TO UPHOLD THE TERMS OF THE 1/7/20 FULL AND SOLE GUARDIANSHIP SETTLEMENT AGREEMENT TO LYNN KAY AND ELAINE MAE KAPUSTA AND "THE ESTATE" WITH GROSS FINANCIAL MISMANAGEMENT

6. ORDER CARY CUCINELLI AND VALERIE GEIGER TO REPAY THE ESTATE FOR ALL CARE MANAGEMENT AND ALL CARE GIVEN AFTER JUNE 2022 AS THEIR FRAUD COMMITTED CAUSED THE LOSS OF 3 YEARS OF FUNDS FOR UNNECESSARY CARE AND EXPENSES FOR ELAINE MAE KAPUSTA HAVING SUFFERED BY DEPRIVATION OF CARE SINCE APRIL 2021-DENIAL OF ROOT CANALS

7. ORDER PHILIP KAPUSTA TO REPAY IN FULL THE ESTATE AND LYNN KAY FOR ALL 2022-2025 ENTIRELY UNNECESSARY LEGAL AND OTHER RELATED EXPENSES PAID DUE TO "THE FRAUD COMMITTED BY PHILIP KAPUSTA" IN "JULY 2022 TO PRESENT DAY "WITH NO LEGAL CAUSE FRAUDULENTLY TERMINATING LYNN KAY'S GUARDIANSHIP AGREEMENT WITH NEVER DOING ANY DUE DILIGENCE IN JULY 2022 AND FOR SUPPORTING "THE CRIMINAL ABDUCTION OF OUR LIVES FOR 3+ YEARS WITH CRIMINAL THREATS TO OUR LIFE AND HEALTH AND HOME AND FOR 3 YEARS "CRIMINALLY CONCEALING KNOWLEDGE OF INFORMED BY LYNN CRIMINAL MEDICAL ELDER NEGLECT AND ABUSE"-SINCE 2022 TO PRESENT DAY IN "CRIMINALLY AIDING AND ABETTING IN ALL FIDUCIARIES CRIMES, INCLUDING CRIMINAL ABDUCTIONS AND VIOLATIONS OF OUR RIGHTS AND THE 6/6/23 ARMED KIDNAPPING WITH ALL CRIMES" AIDING AND ABETTING IN ALL FIDUCIARIES CRIMES COMMITTED SINCE JULY 2022 TO PRESENT DAY.

8. Direct full compensation to Elaine Mae Kapusta and Lynn Kay for the 5 YEARS OF FINANCIAL LOSS, PERSONAL HARDSHIP AND IRREPARABLE LIFE-ALTERING HORRIFIC HARM SUSTAINED FOR 5 CONTINUAL YEARS throughout the duration of THE ENTIRE "DEADLY DANGEROUS AND INHUMANE AND CORRUPT FRAUDULENT 2020-2025 conservatorship and guardianship and Care Management System of "PURE EVIL DEPRAVED INDIVIDUALS OF INHUMANESS AND CORRUPTION"

Plaintiff asserts that the foundation of the entire conservatorship was fraudulent, retaliatory, and filled with "DEPRAVED INDIVIDUALS SHOWING DEPRAVED INDIFFERENCE OF THE LIFE AND HEALTH AND WELL-BEING OF BOTH ELAINE MAE KAPUSTA AND LYNN KAY" being endangered and threatened for 5 unceasing years of harm with Elaine being entirely unsupported by any competent fiduciaries providing medical and dental care-(DEPRIVATION OF CARE AND DENIAL OF CARE) and with there never being any proper financial management under contractual authority, and that immediate remedial action is necessary to prevent ONGOING INJUSTICE and FURTHER HARM TO BOTH ELAINE MAE KAPUSTA, "THE ESTATE" AND LYNN KAY DETRIMENTALLY HARMED SINCE 2020.

681 DAYS DENIED "QUARTERLY DENTAL CLEANINGS"-(9/20/22-8/1/24)

883 DAYS DENIED DENTAL X-RAYS SUFFERING "TEETH PAIN AND SEVERE GUM SWELLING"-(3/2/22-8/1/24)

Code of Virginia

Title 18.2. Crimes and Offenses Generally

Chapter 8. Crimes Involving Morals and Decency

§ 18.2-369. Abuse and neglect of vulnerable adults; penalties.

A. It is unlawful for any responsible person to abuse or neglect any vulnerable adult. Any responsible person who abuses or neglects a vulnerable adult in violation of this section and the abuse or neglect does not result in serious bodily injury or disease to the vulnerable adult is guilty of a Class 1 misdemeanor. Any responsible person who is convicted of a second or subsequent offense under this subsection is guilty of a Class 6 felony.

B. Any responsible person who abuses or neglects a vulnerable adult in violation of this section and the abuse or neglect results in serious bodily injury or disease to the vulnerable adult is guilty of a Class 4 felony. Any responsible person who abuses or neglects a vulnerable adult in violation of this section and the abuse or neglect results in the death of the vulnerable adult is guilty of a Class 3 felony.

C. For purposes of this section:

"Abuse" means (i) knowing and willful conduct that causes physical injury or pain or (ii) knowing and willful use of physical restraint, including confinement, as punishment, for convenience or as a substitute for treatment, except where such conduct or physical restraint, including confinement, is a part of care or treatment and is in furtherance of the health and safety of the vulnerable adult.

"Neglect" means the knowing and willful failure by a responsible person to provide treatment, care, goods, or services which results in injury to the health or endangers the safety of a vulnerable adult.

"Responsible person" means a person who has responsibility for the care, custody, or control of vulnerable adult by operation of law or who has assumed such responsibility voluntarily by contract or in fact.

"Serious bodily injury or disease" includes but is not limited to (i) disfigurement, (ii) a fracture, (iii) a severe burn or laceration, (iv) mutilation, (v) maiming, or (vi) life-threatening internal injuries or conditions, whether or not caused by trauma.

"Vulnerable adult" means any person 18 years of age or older who is impaired by reason of mental illness, intellectual or developmental disability, physical illness or disability, or other causes, including age, to the extent the adult lacks sufficient understanding or capacity to make

communicate, or carry out reasonable decisions concerning his well-being or has one or more limitations that substantially impair the adult's ability to independently provide for his daily needs or safeguard his person, property, or legal interests.

D. No responsible person shall be in violation of this section whose conduct was (i) in accordance with the informed consent of the vulnerable adult that was given when he was not vulnerable a person authorized to consent on his behalf; (ii) in accordance with a declaration by the vulnerable adult under the Health Care Decisions Act (§ 54.1-2981 et seq.) that was given when he was not vulnerable or with the provisions of a valid medical power of attorney; (iii) in accordance with the wishes of the vulnerable adult that were made known when he was not vulnerable or a person authorized to consent on behalf of the vulnerable adult and in accordance with the tenets and practices of a church or religious denomination; (iv) incident to necessary movement of, placement of, or protection from harm to the vulnerable adult; or (v) a bona fide recognized, or approved practice to provide medical care.

1992, c. 551; 1994, c. 620; 2000, c. 796; 2001, c. 181; 2004, c. 863; 2007, cc. 562, 653; 2012, cc. 476, 507; 2019, c. 234; 2022, cc. 259, 642.

The chapters of the acts of assembly referenced in the historical citation at the end of this section may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired. 11/27/20

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[Virginia Register of Regulations](#)
[U.S. Constitution](#)

☒ For Developers

The Virginia Law website data is available via a web service. ☒



MALLORY-2-7-25-MEDICAL EXPERT Affidavit #3 revised on Kapusta.pdf ATTESTING TO VIRGINIA CRIMINAL MEDICAL ELDER NEGLECT-18.2-369-B OF ELAINE MAE KAPUSTA SINCE OCTOBER 2022-TEETH PAIN

GEORGE W. DODGE AND ALL FIDUCIARIES DEFIED AND IGNORED ALL DOCTOR'S ORDERS INSTRUCTING TO PROVIDE CARE AND TREATMENT ON-9/20/22 & 12/2/22, 1/28/23, 5/8/23, 5/22/23, 12/26/23 AND 1/4/24. AND 2/7/25 AND GAVE MY MOM FDA-UNAPPROVED BLACK-BOXED ANTIPSYCHOTICS NOT APPROVED FOR ELDERLY DEMENTIA AND NOT APPROVED FOR HEART PATIENTS AT RISK OF DEATH OF HEART ATTACK AND STROKE CAUSING QT PROLONGATION-ENLARGED HEART AND SIGNED D.N.R.-DO NOT RESUSCITATE ON MOM DEPRIVED FOR 4 YEARS OF PROPER AND DOCTOR-ORDERED DENTAL AND MEDICAL CARE SINCE APRIL 2021.

9 DOCTORS ORDERS IGNORED AND CRIMINALLY DEFIED AND DENIED:

DOCUMENTED "CRIMINAL MEDICAL
ELDER NEGLECT" BY ALL FIDUCIARIES-
(2021-2025):

9 DOCTORS ORDERS DEFIED AND
PLATELETS/BLOODCELLS DESTRUCTION
IGNORED:

1. APRIL 2021-DR. HU
2. 5/10/22-DR. LESSIN
3. 9/20/22-DR. CUSUMANO
4. 12/2/22-DR. LESSIN
5. 1/25/23-VIRGINIA HEART
6. 5/8/23-DR. CUSUMANO
7. 5/22/23-DR. DOKI
8. 1/4/24-DR. CUSUMANO
9. 2/7/25-DR. MALLORY

*1. APRIL 2021-DR. HU-(MCLEAN DENTAL)
INFORMED LIZ SHIFFLETT-(PREMIER
PLANNING) THAT MOM NEEDED 3 ROOT
CANALS AND TO CHECK TO REPLACE OLD
FILLINGS

***2. 5/10/22-DR. LESSIN INFORMED LIZ SHIFFLETT 1 MONTH FOLLOWUP VISIT OR SOONER IF NEEDED P.R.N., DUE TO LOW PLATELETS AND DECREASED BLOODCELLS AND ELEVATED SED RATE**

***3. 9/20/22-DR. CUSUMANO INFORMED LIZ SHIFFLETT DUE TO SEVERE GUM DISEASE AND "TEETH PAIN" MOM NEEDS "QUARTERLY DENTAL CLEANINGS" AND THIS WAS IGNORED BY ALL FIDUCIARIES FOR 681 DAYS- (9/20/22-8/1/24)**

4. 10/16/22-ALL FIDUCIARIES IGNORED REQUEST FOR DENTAL X-RAYS-SUFFERING TEETH PAIN-IGNORED 883 DAYS WITHOUT DENTAL X-RAYS-(3/2/22-8/1/24)

5. 11/18/22-THE DESTRUCTION OF PLATELETS AND BLOODCELLS IGNORED BY DR. DAPPEN- (DOCTALKER)

***6. 12/2/22-DR. LESSIN ADVISED TO MONITOR FOR CONTINUAL DROP IN BLOODCELLS AND PLATELETS- (IGNORED BY DR. DAPPEN AND ALL FIDUCIARIES)**

7. 12/13/22-IGNORED PLATELETS AND BLOODCELLS DESTRUCTION

8. DECEMBER 2022-REPORTED SIGNS OF UROSEPSIS AND SUFFERING- (IGNORED BY DR. DAPPEN AND ALL FIDUCIARIES)

*9. 1/25/23-VIRGINIA HEART RECOMMENDATION FOR FOLLOWUP WITH PLATELETS AND BLOODCELLS DESTRUCTION DETERIORATION AND BONE MARROW DAMAGE-(IGNORED BY DR. DAPPEN AND ALL FIDUCIARIES)

*10. 1/28/23-VIRGINIA HEART RECOMMENDED AND LYNN REQUESTED HEMATOLOGIST-(IGNORED BY DR. DAPPEN AND ALL FIDUCIARIES)

*11. 5/8/23-DENTAL GUM ABSCESS SEPTICEMIA-(DR. CUSUMANO WRITTEN ORDERS: SEDATION DENTAL, COMPREHENSIVE EVALUATION AND FOLLOWUP TREATMENT)-(IGNORED BY DR. DAPPEN AND ALL FIDUCIARIES)

12. 5/11/23-"22 GROSSLY ABNORMAL LABS AND 5 BLOOD DISORDERS"- (IGNORED BY DR. DAPPEN AND ALL FIDUCIARIES)

***13. 5/22/23-DR. DOKI/DR. DAPPEN-ALL FIDUCIARIES REFUSED TO PROVIDE ELAINE MAE KAPUSTA ANY FURTHER MEDICAL CAREIMONITORING-*GAVE 2 WEEKS IRON PILL/COQ10 SUPPLEMENTS- REFUSED TO GIVE LONGER THAN 2 WEEKS-NEVER RECHECKED THE LAB VALUES)-**REFUSED TO PROVIDE IRON SUPPLEMENTS AFTER 6/5/23-SUFFERING IRON-DEFICIENCY**

14.(10/24/22-10/26/23)-PLATELETS/BLOOD CELLS/IMMUNE SYSTEM/BONE MARROW DESTRUCTION:

****51% DESTRUCTION OF BLOODCELLS-(4.60-2.26) AND**

****41% DESTRUCTION OF PLATELETS-(167-118) AND**

****60% DESTROYED IMMUNE SYSTEM**-(MONOCYTES #)-(.014-.08)-**

(IGNORED BY DR. DAPPEN AND ALL FIDUCIARIES)- PANCYTOPENIA-(8.0. HEMOGLOBIN)-NEEDING HOSPITAL EVALUATION FOR BLOOD TRANSFUSION/IRON INFUSION-*MOM RECEIVED NOTHING!*



***15. 1/4/24-DENTAL GUM ABSCESS
SEPTICEMIA-*5/8/23-FOLLOWUP ORDER*-
(DR. CUSUMANO 2ND WRITTEN ORDERS:
SEDATION DENTAL, COMPREHENSIVE
EVALUATION AND FOLLOWUP
TREATMENT)-(IGNORED BY DR. DAPPEN
AND ALL FIDUCIARIES)**

**8/2/24-SO BADLY NEGLECTED AND ABUSED
AND "MEDICALLY ABANDONED" AND
"MEDICALLY ABUSED" AND "IMPRISONED
AND ISOLATED" AND DEPRIVED OF SIMPLE
BASIC DENTAL AND MEDICAL CARE-**911
PARAMEDICS NEEDED TO REVIVE MY MOM'S
HEART** AND AT THE HOSPITAL MY MOM
BEGGED "PLEASE LET ME GO HOME, I WANT
TO GO HOME" AND THAT WAS 354 DAYS
AGO AND 775 DAYS SINCE 6/6/23 THE DAY
MY MOM WAS "CRIMINALLY ABDUCTED AND
KIDNAPPED BY "ARMED GUARDS" FROM
OUR HOME**

***2/7/25-DR. MALLORY NOTARIZED AFFIDAVIT**

**681 DAYS DENIED "QUARTERLY DENTAL
CLEANINGS WHILE SUFFERING TEETH PAIN
AND DENTAL GUM ABSCESS-(9/20/22-8/1/24)**

**883 DAYS DENIED DENTAL X-RAYS
SUFFERING SEVERE GUM DISEASE WITHOUT
TREATMENT-(3/2/22-8/1/24)**



7/8/22-"THE CRIMINAL TAKEOVER OF OUR LIVES BY FRAUDULENT AND CRIMINAL MEANS.

ELAINE MAE KAPUSTA-(6/3/23-1ST REPORTED ELDER CRUELTY CRIMES OF NEGLECT ON 6/3/23 TO THE POLICE)-6/6/23-ELAINE MAE KAPUSTA CRIMINALLY ABDUCTED AND KIDNAPPED FROM OUR HOME BY FIDUCIARIES PRIVATE ARMED GUARDS WITH GUNS AGAINST HER WILL FOR ALL FIDUCIARIES TO CONTINUE CRIMINALLY CONCEALING THEIR CRIMES SINCE 2021 COLLECTIVELY HAVING NOW DEFIED ALL DOCTORS ORDERS TO PROVIDE DENTAL AND MEDICAL CARE AND BY "DEPRIVATION OF CARE NEGLECT AND ABUSE-ELAINE ALMOST KILLED 3 TIMES IN JUNE/JULY 2022 AND ON 9/29/23 & 8/2/24 WITH ALL FIDUCIARIES AND PHILIP KAPUSTA AND ALL LAWYERS COLLECTIVELY CONSPIRING TO CONCEAL ALL OF THEIR CRIMINAL ACTS OF WHICH CRIMINAL INVESTIGATIONS ARE WARRANTED ALONG WITH THE DISBARMENTS OF ALL LAWYERS WILLFULLY AND KNOWINGLY "CRIMINALLY CONCEALING THEIR CRIMES SINCE 2021".



LYNN KAY

571-421-6813

NOTICE OF SERVICE

I HEREBY CERTIFY THAT ALL PARTIES AND ALEXIS SMITH WERE EMAILED THIS ON 7/21/25. 7-21-25-EMAILED PDFS FILED ON 7-24-25 AND BROUGHT TO JUDGE'S

CHAMBERS



LYNN KAY

TWEETERY7@YAHOO.COM-571-421-6813

7/21/25

CIRCUIT COURT FOR FAIRFAX COUNTY, VIRGINIA

LYNN KAY

Petitioner,

v.

PHILIP KAPUSTA

Respondent.

Case No.: CL-2018-11871

7/24/25

[PROPOSED] COURT ORDER GRANTING REQUEST TO ISSUE SUBPOENA DUCES TECUM FOR DOCUMENTS RELATING TO FRAUD UPON THE COURT AND ELDER CRUELTY CRIMES

This matter having come before the Court upon Petitioner's urgent motion for issuance of three Subpoenas Duces Tecum, and the Court having reviewed the record and being otherwise fully advised, it is hereby:

ORDERED that Petitioner is granted leave to serve the following Subpoenas Duces Tecum by *ALLOWED EMAIL ONLY TO EXPEDITE COMPLIANCE AND THE EASILY PROVIDING THE PDF DOCUMENTS TO ALL PARTIES IN THE SAME EMAIL FOR TRANSPARENCY AND EXPEDIENCY PURPOSES*, AS URGENCY IS REQUIRED WITHOUT FURTHER DELAY for purposes of obtaining records essential to establish a showing of fraud upon the court and ELDER CRUELTY CRIMES OF NEGLECT AND DISREGARD OF DOCTORS ORDERS, in order to now JUDICIALLY PROPERLY FULLY INVESTIGATE ALL CLAIMS OF CONCEALED ELDER NEGLECT INVOLVING ELAINE MAE KAPUSTA BY ALL FIDUCIARIES SINCE APRIL 2021 DENYING DENTAL AND MEDICAL CARE:

1. SUBPOENA TO DR. JOHN CUSUMANO, DDS DENTAL OFFICE-4350 N. Fairfax Drive, Suite 135, Arlington, VA 22203-info@cusumanoandstuver.com

To produce within 7-(seven) calendar days and to be emailed to all recipients for complete transparency and prompt expediency any and all 2021-2025 dental records, emails, clinical notes and progress notes, treatment summaries, and visit logs for Elaine Mae Kapusta from April 13, 2021 through January 4, 2024 to PRESENT DAY, including all office visit notes records referencing 3 root canals as 4/13/21 documented referencing Dr. Hu of McLean Dental. These records shall include a notarized affidavit authenticating the records and attesting to the factual accuracy and timing of clinical entries, A NOTARIZED SUMMARY OF ALL 4/13/21, 6/4/21, 9/16/21, 3/2/22, 9/20/22, 5/8/23 AND 1/4/24 TO COMPREHENSIVELY INCLUDE ALL REFERENCES TO SWOLLEN GUMS-3/2/22 AND GUM DISEASE, EDEMATOUS CONDITION OF GUM DISEASE-9/20/22, TEETH PAIN RECORDED, LAST DENTAL X-RAYS-3/2/22, LAST DENTAL CLEANING-9/20/22, RECOMMENDED "QUARTERLY DENTAL APPOINTMENTS FOR DENTAL CLEANINGS-9/20/22", DENTAL GUM ABSCESS BACTERIAL BLOODSTREAM INFECTION DIAGNOSED ON 5/8/23 AND TREATMENT PROVIDED AND RECOMMENDATIONS FOR DENTAL GUM ABSCESS-5/8/23 AND 1/4/24 AND ANY FURTHER DENTAL RECORDS IN 2024 AND 2025, to be submitted in lieu of live testimony. TO BE EMAILED TO ALL PARTIES IN THE SAME EMAIL FOR LYNN KAY REQUEST FOR DENTAL RECORDS AUTHENTICATION-2021 TO PRESENT DAY-2025.

2. SUBPOENA TO ELIZABETH "LIZ" SHIFFLETT, PREMIER LIFE PLANNING CARE:
l.shifflett@premierlifeplanning.com

To produce within 7-(seven) calendar days and to be emailed to all recipients for complete transparency and prompt expediency all records for SUBSTANTIATING THE 6/8/22 AND 6/30/22 EXHIBITED CARE MANAGER REPORTS WHICH ARE CLAIMED BY LYNN KAY TO BE "FRAUDULENTLY FALSIFIED AND FABRICATED AND CONCEALED TO LYNN KAY", VERIFICATION OF TEXTS AND emails INFORMING OF CARE NEEDED FOR ELAINE AND FIDUCIARIES NEGLECT SHOWN TO ELAINE AS IS SHOWN BY LYNN KAY OCCURRING IN MAY-JUNE 2022, notes, reports, and materials related to SUBSTANTIATING THE VALIDITY OF the 6/8/22 Virginia Heart Lab findings NOT MATCHING THE CARE MANAGER REPORT STATEMENTS AND THE 6/30/22 CARE MANAGER REPORT ALSO BEING SHOWN TO BE FALSIFIED AND FABRICATED WITH FALSE UNTRUE STATEMENTS and TO VALIDATE THE EXHIBITED 6/30/22-7/14/22 Virginia Hospital Center EXHIBITED MEDICAL RECORDS for Elaine Mae Kapusta. ALONG WITH VIEWING THE NESTCAM VIDEOS OF 6/30/22 PROVIDED ON WEBSITE www.wearefightingforourlives.org FOR EASY VIEWING OF WHAT ACTUALLY HAPPENED ON 6/30/22. These VALIDATIONS OF THE EXHIBITED VIRGINIA HOSPITAL MEDICAL RECORDS are sought to verify or refute the validity of two written "Care Manager Reports" dated 6/8/22 and 6/30/22 that were allegedly "CRIMINALLY FALSIFIED AND FABRICATED" and were used to conceal elder neglect and deflect legal and criminal blame away from Liz SHIFFLETT and ALL FIDUCIARIES ELDER NEGLECT DEPRIVATION OF CARE AND DENIAL OF CARE SINCE APRIL 2021 IN ELAINE MAE KAPUSTA NEEDING 3 ROOT CANALS AS PER DR. HU AND RECEIVING NONE AND NOT BEING MONITORED FOR TEETH PAIN AND SWELLING OF GUMS SUFFERED SINCE 2021 TO 2023 TO PRESENT DAY DENIED ROOT CANALS.

3. SUBPOENA TO SUZANNE HANAS, PREMIER LIFE PLANNING CARE:-
suzanne.hanas@premierlifeplanning.com

To produce within 7-(seven) calendar days and to be emailed to all recipients for complete transparency and prompt expediency identical materials listed above as co-manager fiduciary of receiving said emailed reports during the period in question in JUNE-JULY 2022. All responsive documents must reflect the medical accuracy or inaccuracy of stated facts and STATED CONCLUSIONS made in the EXHIBITED 6/8/22 and 6/30/22 care manager reports and the EXHIBITED 7/5/22 EMERGENCY PETITION WHICH ENTIRELY MIRRORS THESE FALSIFIED REPORTS.

IT IS FURTHER ORDERED that due to the urgent nature of the request, as the fraud alleged dates back more than three years, during which the Petitioner and her mom have unceasingly suffered prolonged and preventable injury from the FRAUD COMMITTED BY ALL INVOLVED PERSONS IN JULY 2022, this Court finds good cause to allow Petitioner to serve the subpoenas via "allowed email only" for expediting and for full transparency to all involved parties receipt of the same emailed PDFS, and that prompt compliance responses are due no later than 7 calendar days from receipt of emails.

And that Cary Cucinelli and Valerie Geiger having been part of committing the FRAUD UPON THE COURT COMMITTED must as CONSERVATORS provide access to ALL MEDICAL AND HEALTH RECORDS FROM 2022 AND ENSURE THAT BOTH LIZ SHIFFLETT AND SUZANNE HANAS FOLLOW-THROUGH ON ANSWERING THESE COURT SUBPOENAS FOR PROMPT 7 CALENDAR DAYS COMPLIANCE WITH TRANSPARENTLY PROVIDING ALL MATERIAL FACTS AND THE VALIDATION OF SUCH EXHIBITED MEDICAL DOCUMENTS WHICH THE EXHIBITED FRAUDULENTLY FALSIFIED AND FABRICATED 6/8/22 AND 6/30/22 CARE MANAGER REPORTS WERE USED IN THE EXHIBITED UNWARRANTED FRAUDULENT 7/5/22 EMERGENCY PETITION WHICH WAS ALSO CONCEALED FROM LYNN KAY.

AND FOR ALL COMPLIANCE COURT-ORDERED TO BE COMPLETED WITHIN 7 FULL CALENDAR DAYS FROM THE DATE AND TIME OF THE EMAIL COURT ORDERED SUBPOENAS EMAILED TO ALL PARTIES FOR EACH OF THE 3 SUBPOENAS REQUESTED ALL TO BE INCLUDED IN EACH SEPARATE EMAILED SUBPOENA RECIPIENT.

The matters raised regarding fraud upon the court, first orchestrated and concealed in 2022 and continuing through 2025, must be given precedence over the currently scheduled hearing in July 2025. As a result, the July 2025 hearing will be stayed, pending the Court's ruling on the fraud issues, as the resolution of this 2022 fraud is dispositive and has the potential to judicially

properly overturn every single order and judgment issued between 2020 and 2025 in fully dissolving the Conservatorship and Guardianship both being breached IRREPARABLY SINCE 2020-2025 TAINTED BY FRAUD AND ALTERATIONS NOT APPROVED IN THE 1/7/20 FULL AND SOLE GUARDIANSHIP SETTLEMENT AGREEMENT FOR LYNN KAY HAVING FULL SAY OVER ELAINE MAE KAPUSTA'S HEALTH AND WELFARE HOLDING ADVANCE MEDICAL HEALTH DIRECTIVE AND THE SERVICES OF A CARE MANAGER. THE ADVANCE MEDICAL HEALTH DIRECTIVE WAS THEN FRAUDULENTLY TERMINATED MAKING LYNN KAY GUARDIAN IN NAME ONLY DECEPTIVELY GREATLY ALTERING THE SETTLEMENT AGREEMENT WITH MALICIOUS ADDITIONS TO THE AGREEMENT NOT AGREED TO ON 1/7/20.

THE FRAUD IN QUESTION WAS KNOWINGLY AND DELIBERATELY CONCEALED FOR OVER THREE YEARS AND INCLUDES ACTS OF CRIMINAL MISCONDUCT BY FIDUCIARIES, ATTORNEYS, AND BY PHILIP KAPUSTA IN HIS SUPPORTING AND CONCEALING ALL MATERIAL FACTS FOR MORE THAN 3 YEARS, WHO IS ALLEGED TO HAVE SUPPRESSED MATERIAL FACTS AND CONCEALED DOCUMENTED ACTS OF INFORMED ELDER NEGLECT AND ABUSE, THREATS TO LIFE AND HEALTH AND HOME, AND DEPRIVATION OF MEDICAL AND DENTAL CARE ESSENTIAL TO THE WELL-BEING OF ELAINE AND GREATLY ALSO AFFECTING LYNN AS BEING DEFAMED FOR 3 UNCEASING ONGOING YEARS BY THE CRIMINAL CONCEALMENT OF FIDUCIARIES CRIMINAL ELDER NEGLECT BEING CONCEALED SINCE APRIL 2021 AND THEN IN COURT PROCEEDINGS SINCE JULY 2022 DUE TO ALL FRAUD UPON THE COURT BEING CONCEALED .

Such fraud must now entirely invalidate all proceedings tainted by it, under the doctrine that fraud upon the court overrides procedural finality. And Breach of Contract terminates all original court orders and agreements not ever being fulfilled. Along with Breach of Fiduciary Duty since 2021.

The Court will therefore issue an expedited ruling within two weeks from the date of the PROPOSED Court Order GRANTING THE REQUEST FOR 3 SUBPOENAS on this matter of fraud upon the court, to then, UPON FINDING FRAUD, JUDICIALLY PROPERLY enter an order DECLARING FRAUD UPON THE COURT IN JULY 2022 FOR FULLY STRIKING ALL PROCEEDINGS IN 2022-2025 BEING DECLARED TAINTED BY FRAUD by this documented recognized malicious and unceasing fraud and declaring breach of contract and breach of fiduciary duty, based on the pattern of concealment, misconduct, and disregard for fiduciary duty along with malicious written threats from the fraud committed and concealed for 3+ years by ALL FIDUCIARIES AND BY PHILIP KAPUSTA FOR 3 CONCEALED YEARS REFUSING TO JUDICIALLY PROPERLY RETRACT ALL FALSE ALLEGATIONS, DEFAMING AND GREATLY HARMING AND DESTROYING THE PREVIOUSLY THRIVING LIVES OF ELAINE MAE KAPUSTA AND LYNN KAY FOR OVER 134 MILLION SECONDS SUFFERED SINCE APRIL 2021 WHEN ELDER NEGLECT DEPRIVATION OF AND DENIAL OF DENTAL AND MEDICAL CARE 1ST BEGAN BY DENYING 3 ROOT CANALS TO ELAINE MAE KAPUSTA, ENTIRELY BREACHING FIDUCIARY DUTY OF CARE AND FURTHER BREACHING THE COURT-ORDERED TERMS IN ALL FIDUCIARIES FAILING TO PROTECT FROM NEGLECT AND ABUSE AND EXPLOITATION AND FAILURE TO ENSURE AND PROVIDE

NECESSARY DENTAL AND MEDICAL CARE WHICH FAILURE TO DO SO CAUSING GRAVE INJURIES IS IN FACT, CRIMINAL UNDER VIRGINIA CRIMINAL LAW SECTION 18.2-369-B AND ALL FIDUCIARIES IRRESPONSIBLY FAILING TO ENSURE THIS PROVISIONAL DENTAL AND MEDICAL PROVISIONAL CARE IS DIRECTLY INVOLVED IN ALL FIDUCIARIES ELDER CRUELTY CRIMES COMMITTED AND CONCEALED AS ALL FIDUCIARIES HAVE COLLECTIVELY DONE SINCE 2021-2025 PRESENT DAY WHICH IS A CLASS 4 FELONY AND IS PUNISHABLE BY 2-10 YEARS PRISON AND FOR WHICH THIS COURT WILL ORDER A.P.S. AND THE MAJOR CRIMES BUREAU FULL AND THOROUGH CRIMINAL INVESTIGATION OF ALL 2020-2025 FIDUCIARIES AND LAWYERS AND CARE MANAGEMENT AND PHILIP KAPUSTA TO DETERMINE ALL INVOLVED IN COMMITTING AND CONCEALING 4+ YEARS OF ELDER CRUELTY CRIMES COMMITTED-18.2-369-B FOR SEEKING FULL FINANCIAL AND LEGAL AND CRIMINAL ACCOUNTABILITY FOR ALL HARM TO ELAINE MAE KAPUSTA, THE ESTATE AND TO LYNN KAY

SO ORDERED. _____

JUDGE OF THE CIRCUIT COURT

Dated: _____, 2025

Prepared and Submitted by: LYNN KAY

TWEETERY7@YAHOO.COM



NOTICE OF SERVICE: I HEREBY CERTIFY THAT ALL PARTIES AND ALEXIS SMITH WERE EMAILED THIS ON 7/21/25. 7-21-25-EMAILED PDFS FILED ON 7-24-25 AND BROUGHT TO JUDGE'S CHAMBERS



LYNN KAY
7/21/25