

LYNN KAY, Petitioner,

v.

PHILIP KAPUSTA, Respondent.

Case No.: CL-2018-11871

PETITIONER’S URGENT LETTER TO THE COURT REGARDING FRAUD UPON THE COURT, ELDER NEGLECT, AND REQUEST FOR URGENT MEDICAL RELIEF AND STAY OF THE JULY 2025 HEARING UNTIL THE 2022 FRAUD UPON THE COURT RULING

July 24, 2025

To the Honorable Judge of the Fairfax County Circuit Court:

Petitioner Lynn Kay respectfully submits this URGENT LETTER to bring to the Court’s attention the urgent and egregious circumstances surrounding the continued harm and deprivation suffered by my mom, Elaine Mae Kapusta, under the current conservatorship and guardianship arrangements.

Since 2020, Ms. Kapusta and I have endured a pattern of misconduct by court-appointed fiduciaries that has resulted in the deprivation of critical medical and dental care, emotional and psychological harm, repeated breaches of fiduciary duty, and what I believe constitutes fraud upon the Court with BLATANT MATERIAL BREACH OF CONTRACT ON 7/8/22 BY THE FALSIFICATION OF COURT FILINGS NOT IN ANY WAY RESEMBLING THE TRUTH AND MEDICAL FACTS AND WITH THERE BEING ABSOLUTELY NO SUPPORTIVE EVIDENCE FOR THE JULY 2022 FILINGS WITH MOST ALL CONCEALED FROM LYNN KAY FOR 3 YEARS RECENTLY DISCOVERED ON 5/22/25.

The undersigned further asserts that:

1. Court-ordered guardianship has been grossly violated since July 31, 2020, including the wrongful and deceptive termination of my previously court-recognized authority as holder of Ms. Kapusta’s Medical Directive;

2. Medical directives from at least nine physicians have been ignored or denied between 2021–2025;

3. I, the Petitioner, have been repeatedly and unjustifiably denied THE RIGHTFUL REQUEST FOR BRINGING ELAINE-MY MOM HOME as substantial deterioration has occurred since she was "CRIMINALLY FORCIBLY ABDUCTED AND KIDNAPPED FROM OUR HOME BY PRIVATE ARMED GUARDS WITH GUNS AND THERE BEING WITH **NO LEGAL JUST CAUSE OR LEGAL RIGHT FOR THE CRIMINAL ABDUCTION-ALL FIDUCIARIES ATTEMPTING TO SEEK TO ESCAPE CRIMINAL INVESTIGATIONS FOR ELDER CRUELTY CRIMES BY ALL FIDUCIARIES" as on 6/6/23 recorded on NESTCAM VIDEOS

Ms. Kapusta has suffered multiple near-death episodes in 2022, 2023 and 2024-911 REVIVAL OF LIFE AND ALL HAS BEEN "CRIMINALLY CONCEALED BY ALL FIDUCIARIES" AND DIRECTLY OCCURRING as a result of being deprived of essential DENTAL AND MEDICAL CARE, dignity, and "THE CRIMINAL ABDUCTION OF OUR LIVES SINCE 7/8/22 TO PRESENT DAY WITH NO LEGAL JUST CAUSE"; AND MATERIALLY BREACHING THE 2020 SETTLEMENT AGREEMENT COURT ORDER

- Fiduciaries and attorneys involved have engaged in a pattern of misrepresentation, obstruction, and concealment of neglectful or abusive conditions, in violation of both ethical and statutory duties.

REQUEST FOR COURT-ORDERED RELIEF

Petitioner therefore respectfully requests the Court to issue the following relief:

1. Immediate removal of Ms. Elaine Mae Kapusta from the current assisted living placement;
2. Immediate return of Ms. Kapusta to reside in the care of her daughter, Lynn Kay, with all prior authority reinstated;
3. Restoration of Petitioner's legal authority, including:
 - Full legal Power of Attorney;
 - Reinstatement of Advance Medical Directive;
 - Sole decision-making authority over estate and health-related matters;
4. Appointment of a neutral care manager of Petitioner's choosing, to oversee and document all ongoing medical treatment, in coordination with weekday in-home care support;
5. Full dissolution of all fiduciary appointments and court orders entered from 2020 to present, as said parties have acted contrary to the best interests of the protected person;
6. Comprehensive medical evaluation by Dr. Feigert, or an independent hematologist of Petitioner's choice, for purposes of reviewing and commencing appropriate treatment for all ongoing and previously denied conditions.

This petition is submitted with deep urgency and in pursuit of long-overdue justice, dignity, and humane care for Elaine Mae Kapusta.

MALICE AND FRAUD UPON THE COURT

Under Virginia law, malice may be judicially inferred from conduct that is willful, wanton, or undertaken with a conscious disregard of another's rights. Here, malice is substantiated by a pattern of documented concealment, obstruction, and misrepresentation by individuals acting under color of fiduciary or legal authority.

Court records and exhibits demonstrate that multiple fiduciaries, attorneys, and care providers have knowingly withheld and falsified critical medical and legal information. These acts constitute not only violations of fiduciary duties, but also fraud upon the Court and actionable elder cruelty as defined under Virginia Code § 18.2-369(B).

PARTIES WHO HAVE PARTICIPATED IN OR CONCEALED ELDER CRUELTY

The following individuals and entities are named for their direct participation in, or concealment of, conduct that has contributed to the deprivation, exploitation, or abuse of Ms. Elaine Mae Kapusta:

1. Cary Cucinelli
2. Valerie Geiger
3. Elizabeth Wildhack
4. Laurie Kirkland
5. Suzanne Hanas
6. Liz Shifflett
7. Premier Planning
8. Jeanne Blue
9. Kate Mahoney
10. Rachelle Dornan
11. Elder Tree
12. Dr. Alan Dappen
13. DocTalker
14. Paragon Care
15. George W. Dodge
16. Dr. Naveen Doki
17. Stephen Hall (King Campbell)
18. Philip Kapusta (Respondent)
19. Justin Berger (Hale Ball)

BASIS FOR SETTING ASIDE ALL COURT ORDERS (2020–2025)

Petitioner respectfully asserts that the July 2022 Emergency Petition, without proper notice of Petition and hearing "secretively held". All underlying reports, and subsequent court orders were fraudulently obtained through material misstatements by CRIMINAL FALSIFICATION OF CARE MANAGER REPORTS CRIMINALLY CONCEALING 18.2-369-B-(CLASS 4 FELONY CRIMES) FOR 3 YEARS, omission of medical evidence, and the suppression of facts. These misrepresentations and blatantly deceptive acts by fiduciaries since 7/31/20 outlines along with the Petitioner's advance medical directive TERMINATION is all revealing MALICE INTENDED FOR 5 YEARS--without any legal right to terminate LYNN KAY'S RIGHT AS GUARDIAN TO CONTINUE TO PROTECT HER MOM.

This constitutes fraud upon the court, nullifying the validity of all orders and agreements entered from 2020 through 2025. The continued enforcement of these orders, in light of proven misconduct, serves only to perpetuate injustice and places the health and welfare of Ms. Kapusta in further jeopardy.

SYSTEMIC FAILURE AND DEMAND FOR JUDICIAL INTERVENTION

The total lack of oversight, accountability, and enforcement by responsible parties has enabled five continuous years of elder cruelty, financial exploitation, and legal harm. The guardianship and conservatorship system, as applied in this case, has functioned in a predatory and destructive manner—seeking to isolate, medicate, liquidate, decimate...cremate Elaine and ultimately silence the only daughter who has, for nearly two decades, fought to protect her mother's life and health and dignity. And nothing otherwise can be stated as Lynn Kay has sacrificed her life for her mom's life for almost 20 years.

LABORATORY RESULTS-GROSSLY ABNORMAL-ANEMIA, LYMPHOCYTOSIS, MONOCYTOPENIA AND BASOPHILIA-NEEDING IMMEDIATE DIAGNOSTIC TESTINGS AND MEDICAL CARE AND TREATMENT-HOSPITAL EVALUATION FOR SEEKING ALL REQUESTED DIAGNOSTIC TESTINGS FOR ELAINE MAE KAPUSTA'S FULL HEALTH RESTORATION.

Laboratory results on 6/27/25. were recently sent to me, reflecting tests conducted several weeks ago. This development may suggest that the individuals responsible for 3 years of ongoing unlawful misconduct are beginning to respond with concern, particularly following the distribution of the three PDF documents that I emailed on 7/21/25.

In that correspondence, I issued a strongly worded notice to all involved parties, addressing what I believe to be violations of definitive Virginia Code §§ 18.2-369(B) and 18.2-369(C), which define Class 4 and Class 3 felony elder abuse, respectively—with the latter applying in cases resulting in death. I explicitly demanded that a full panel of diagnostic testing be scheduled without further delay of which warning must be heeded urgently.

Petitioner's pleas for justice have been met with silence, and the suffering endured by both mother and daughter has reached an intolerable level. The time for decisive and corrective judicial action is now.

PRAYER FOR RELIEF

Petitioner reiterates her request for:

- Full dissolution of all fiduciary appointments and court orders issued from 2020–2025;
- Restoration of all prior legal authorities to Lynn Kay;
- Criminal and ethical referral for all named parties for investigation;
- Immediate court orders securing the medical care and humane treatment of Elaine Mae Kapusta;
- Any further relief the Court deems just and proper.

Respectfully submitted,



Lynn Kay,
Petitioner

7/24/25

NOTICE OF SERVICE:

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



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

7/24/25

IN THE CIRCUIT COURT FOR FAIRFAX COUNTY, VIRGINIA

LYNN KAY, Petitioner,

v.

PHILIP KAPUSTA, Respondent.

Case No.: CL-2018-1187

JULY 24, 2025

**URGENT LEGAL STATEMENT FOR EMERGENCY MEDICAL INTERVENTION AND VIRGINIA
CRIMINAL LAW SECTIONS 18.2-369-B AND C AND (EMTALA) AND ELAINE MAE KAPUSTA'S
PATIENTS BILL OF RIGHTS AND THE INHERENT RIGHT TO NOT SUFFER THREATS TO LIFE AND
HEALTH**

This statement is submitted in support of immediate hospital evaluation and ALL DIAGNOSTIC TESTING for Elaine Mae Kapusta who is presently in critical need of lifesaving and restorative medical care.

The ongoing ACTS OF CRUELTY AND INHUMANENESS of ALL FIDUCIARIES CONCEALMENT OF COMMITTING ELDER CRUELTY CRIMES FOR NOW 3 YEARS OF LIFE-ENDANGERING DEPRIVATION OF CARE WHILE "CRIMINALLY ABDUCTING ELAINE AGAINST HER WILL SINCE 7/8/22 WITH ABSOLUTELY NO LEGAL RIGHT TO EVER DO SO."

Based on current observations of the recent attached documented GROSSLY ABNORMAL labs , there is a serious and credible risk to the patient's health and safety if further delay occurs.

Elaine Mae Kapusta has shown ONLY SUBSTANTIAL PHYSICAL AND MEDICAL DETERIORATION FOR THE ENTIRETY OF TIME UNDER CONSERVATORSHIP DUE TO “CRIMINAL DEPRIVATION OF CARE BEGINNING IN APRIL 2021”.

These GROSSLY ABNORMAL LABS SHOWING LYMPHOCYTOSIS, ANEMIA, BASOPHILIA AND MONOCYTOPENIA IS CRUEL AND UNUSUAL TO NOT RECEIVE PROPER MEDICAL TREATMENT BY ORDERING ALL DIAGNOSTIC TESTINGS FOR PROVIDING IMMEDIATE MEDICAL CARE AND LIFESAVING TREATMENT.

THIS strongly suggests potentially life-threatening conditions that requires immediate diagnostic imaging, laboratory work, and specialists evaluations.

BEING THAT ELAINE WAS CRIMINALLY REMOVED ILLEGALLY BY FORCE FROM HER HOME AGAINST HER WILL MORE THAN 2 YEARS AGO WITHOUT ANY LEGAL JUST CAUSE AND HAS ONLY SUBSTANTIALLY DETERIORATED IN THESE CRUEL FIDUCIARIES HANDS SHOWS THAT THEY ARE ALL CRIMINALLY SEEKING HARM AND NOT BEST INTERESTS, THEREFORE, I APPEAL TO THIS COURT TO SEEK THE PROTECTION OF ELAINE MAE KAPUSTA’S LIFE UNDER VIRGINIA CRIMINAL LAW SECTIONS 18.2-369-B AND C.

The failure to provide timely and thorough hospital-based evaluation may result in irreversible harm, disability, or death.

Accordingly, we are asserting the patient’s legal right under applicable federal and state laws — including but not limited to the Emergency Medical Treatment and Labor Act (EMTALA) and the Patient’s Bill of Rights — to receive urgent evaluation and treatment without discrimination or delay.

The "right to not suffer threats to life and health” is a core concept in human rights and legal frameworks, encompassing both the inherent right to life and the right to health.

We hereby demand:

Immediate hospital admission for full comprehensive evaluation and FULL MEDICAL CARE AND TREATMENT;

FULL AND COMPREHENSIVE DIAGNOSTIC TESTING to identify the underlying causes of the patient's LIFE- THREATENING conditions;

A medical treatment plan based on objective findings, with documentation of all clinical determinations.

Delays or denial of medically necessary care at this stage may result in 18.2-369-C DEATH-(CLASS 3 FELONY) AS IS NOW PRESENTLY ALL FIDUCIARIES ARE CRIMINALLY GUILTY OF 18.2-369-B-(CLASS 4 FELONY) BY 3 YEARS DEFYING "9 DOCTORS ORDERS TO PROVIDE ELAINE MAE KAPUSTA CARE"

§ 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.**

- 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.**

THESE CRIMINALLY IRRESPONSIBLE FIDUCIARIES HAVE ALMOST KILLED MY MOM 3 TIMES BY MEDICAL DOCUMENTATION OF CRIMINAL NEGLECT AND ABUSE.



Fw: IMMEDIATE DIAGNOSTIC TESTINGS ARE. REQUIRED FOR DIAGNOSIS AND SEEKING FULLHEALTH RECOVERY-Elaine Kapusta DEPRIVATION OF CARE FOR 3+ YEARS-PDFS

1 message

Lynn Kay <tweeter7@yahoo.com>
Reply-to: Lynn Kay <tweeter7@yahoo.com>
To: Lynn Kay <tweeter7@yahoo.com>, lynnkay7@gmail.com <lynnkay7@gmail.com>

Thu, Jul 24, 2025 at 1:16 AM

EMAILED SAMANTH RENNER
-(ADULT PROTECTIVE SERVICES)

----- Forwarded Message -----

From: "Lynn Kay" <tweeter7@yahoo.com>
To: "A. P. S. -SAMANTHA RENNER" <samantha.renner@fairfaxcounty.gov>, "Lynn Kay" <tweeter7@yahoo.com>, "lynnkay7@gmail.com" <lynnkay7@gmail.com>
Sent: Wed, Jul 23, 2025 at 2:49 PM
Subject: Fw: IMMEDIATE DIAGNOSTIC TESTINGS ARE. REQUIRED FOR DIAGNOSIS AND SEEKING FULLHEALTH RECOVERY-Elaine Kapusta DEPRIVATION OF CARE FOR 3+ YEARS-PDFS

----- Forwarded Message -----

From: Lynn Kay <tweeter7@yahoo.com>
To: Stephen Hall <stephen@kingcampbell.com>; George Dodge <gdodge@georgedodgelaw.com>; Cary Cucinelli <cary@cucinelliger.com>; Valerie Geiger <valerie@cucinelliger.com>; Elizabeth Wildhack <elizabeth@mwmlegalgroup.com>; Elizabeth Wolfe <wolfe@mhlawpllc.com>; Laurie Kirkland <lkirkland@bklawva.com>; philipkapusta@gmail.com <philipkapusta@gmail.com>; Justin B. Berger <jberger@haleball.com>; Samantha A. Renner <samantha.renner@fairfaxcounty.gov>; tweeter7@yahoo.com <tweeter7@yahoo.com>; lynnkay7@gmail.com <lynnkay7@gmail.com>
Sent: Wednesday, July 23, 2025 at 02:42:38 PM EDT
Subject: Re: IMMEDIATE DIAGNOSTIC TESTINGS ARE. REQUIRED FOR DIAGNOSIS AND SEEKING FULLHEALTH RECOVERY-Elaine Kapusta DEPRIVATION OF CARE FOR 3+ YEARS-PDFS

LYMPHOCYTOSIS
BASILPHILIA
MONOCYTOPENIA
ANEMIA

PLEASE ALSO ADD:

BLOOD SMEAR
BLOOD CULTURE
URINE CULTURE

HEPATITIS A AND B AND C TESTING FOR RULING THIS OUT ENTIRELY

BONE MARROW BIOPSY

****FULL DIAGNOSIS MUST BE DONE TO BEGIN IMMEDIATELY FOR MOM RECEIVE THE PROPER FULL MEDICAL CARE AND TREATMENT**

On Tuesday, July 22, 2025 at 07:00:49 AM EDT, Lynn Kay <tweeter7@yahoo.com> wrote:

IMMEDIATE DIAGNOSTIC TESTINGS ARE. REQUIRED FOR DIAGNOSIS AND SEEKING
FULLHEALTH RECOVERY-Elaine Kapusta DEPRIVATION OF CARE FOR 3+ YEARS-PDFS

PLEASE REVIEW THE ATTACHED DAMAGE DONE BY GEORGE W. DODGE AND ALL 2022-2025
FIDUCIARIES WHICH IS A CLASS 4 FELONY AGAINST THE LAW

AND CLASS 3 FELONY IF DEATH

HEAR ME LOUD AND CLEAR NOW:

IMMEDIATELY STOP ALL LAXATIVES AND SUPPOSITORIES

IMMEDIATELY STOP FUROSEMIDE-LASIX)

IMMEDIATELY STOP AMLODIPINE-(NORVASC)

IMMEDIATELY STOP ALL ANTIPSYCHOTICS.AND

GIVE MOM MELATONIN ONCE A DAY AT 8 PM

IMMEDIATELY STOP B12-(HIGH B12 FOR 3 YEARS IS DANGEROUS!)

***THIS WEEK SCHEDULE MY MOM FOR THE FOLLOWING DIAGNOSTIC TESTING :

BETA 2 MICROGLOBULIN

METHYLMALONIC ACID

Vitamin B1 (Thiamine)

VITAMINE B6

VITAMIN K

Kappa Light Chain, Free, Serum

Coenzyme Q10 [SERUM] [RF]

IMMUNOGLOBULIN PANEL

Immunoglobulin M

Immunoglobulin G

Immunoglobulin A

COMPLETE IRON PANEL

TRANSFERRIN

FERRITIN

TIBC

CD4/CD8 WITH CD3

SERUM PROTEIN ELECTRO

Erythropoietin

Reticulocyte Count

SED RATE

IMMUNOFIXATION SERUM

HIGH SENSITIVITY CRP

C REACTIVE PROTEIN

Homocysteine

LACTIC ACID

LACTATE DEHYDROGENASE (LD) ISOENZYMES BLOOD TEST

MAGNESIUM

ANA

DOPLER

NT PRO BNP

CHEST X-RAY

EKG

ABDOMINAL ULTRASOUND-(JANUARY 2023-KIDNEY CYST IGNORED FOR 30 MONTHS)

=====

SCHEDULE FAIRFAX VEIN CLINIC FULL EVALUATION OF DRUG-INDUCED LYMPHEDEMA-(

CENTER FOR VEIN RESTORATION

Monday - Friday 7:00 am - 6:00 pm EST

[8316 Arlington Boulevard](#)

[Suite 515](#)

[Fairfax, VA 22031](#)

<https://share.google/0NIHnKEqwMc0E2bfw>

800-349-5347

UNTRASOUND OF LEGS LYMPHEDEMA CAUSES SEPSIS AND DESTRUCTION OF BLOODCELLS FROM UNDER THE SKIN INFECTIONS

PICS OF BARE LEGS

DOES MOM STILL HAVE THE "FOREVER BRUISE" ON HER LEFT LEG-SEE PIC" AND SNAP PICS TO SEND ME AS I ASKED FOR 2 YEARS AGO

PROVIDE ALL LAB TESTS DONE IN 2025

PROVIDE ALL DENTAL WORK DONE IN 2024 AND 2025-ROOT CANALS AND TOOTH EXTRACTIONS AND G DISEASE

****BRING MOM HOME AS SHE WAS CRIMINALLY KIDNAPPED BY PRIVATE ARMED GUARDS AGAINST HER WILL AND AGAINST BEST INTERESTS AND MY MOM WAS RECOVERING ON 6/5/23 AND NEEDED DENTAL GUM ABSCESS TRATEMENT DENIED TO MYOM WHILE SUFFERING SEPTICEMIA BACTERIAL BLOODSTREAM INFECTION SINCE OCTOBER 2022

MOM HAD NO EDEMA

MOM WAS ON NO LAXATIVES OR SUPPOSITORIES

MOM WAS NOT ON ANYTHING EXCEPT IRON SUPPLEMENTS AND COQ10 AND ELIQUIS AND B1-THIAMINE

SEE 10/24/22 AND 1/25/23 AND 6/5/23 LABS--MOM HAS ONLY DETERIORATED AWAY FROM HOME AS STEVE STINE EMAILED AND AS DR. MALLORY NOTARIZED AFFIDAVIT STATES:

2)7/25-DR. MALLORY-BASED ON LABS:

5. Based on the review of the medical records, and testimony from Ms. Lynn Kay, Ms. Elaine Kapusta went nearly two years with the disease of Myelodysplastic Syndrome-(MDS) and did not receive any medical treatment.

**It is my opinion, that this meets the criteria for medical elder neglect as per Virginia Criminal law under section 18.2-369-B.

6. I have further reviewed numerous emailed medical records sent to me from Ms. Lynn Kay regarding her mother and her medical care. Below are my opinions after reviewing them that I attest to.

a. I have reviewed all 30 emails or articles numbered on the associated pages.

b. I agree Ms. Lynn Kay was correct in requesting an anemia workup looking for the possible diagnosis of Myelodysplastic Syndrome-(MDS) in her mother in 2023 and 2024.

c. I agree that Ms. Kay was correct in requesting a dental evaluation in 2022 and 2023 to look for a dental abscess in her mother's mouth. Dr. Cusumano eventually diagnosed Ms. Kapusta with one on 5/8/23. Also Dr. Cusumano recommended sedation dentistry, Comprehensive Evaluation and follow-up Treatment.

d. I agree that Ms. Kay was correct in requesting blood cultures be drawn on Ms. Kapusta when Ms. Kapusta was suffering from multiple recurring urinary tract infections in 2022 and 2023.

e. I agree that in 2023 and 2024 and 2025, Ms. Kay was correct in requesting an iron panel testing for evaluation for Ms. Kapusta being evaluated for receiving an iron infusion as she has suffered since December 2022 with Myelodysplastic Syndrome-(MDS) and was eventually diagnosed with iron deficiency anemia on 5/22/23. Additionally, she was eventually diagnosed with Myelodysplastic Syndrome-(MDS) in February 2024 by both Dr. Dappen and Dr. Ershler.

f. I agree that Ms. Kay correctly and necessarily informed all fiduciaries since 1/28/23, including Dr. Dappen and Jeanne Blue- Eldertree regarding this very concerning occurrence of platelets and red blood cell destruction. This request for a hematologic evaluation should not have been ignored.

g. I agree that Myelodysplastic Syndrome-(MDS) is a "blood cancer" recognized by Cancer.org as being so.

7. These were Ms. Kapusta's last normal CBC values on 10/24/22. The lab results since then have all been abnormal in one way or another.

WBC-3.3

RBC-4.60

HGB-14.1

HCT-43.6

PLT-167

8. Ms. Kapusta has a history of Myelodysplastic Syndrome-(MDS) since December 2022. If she has not had an evaluation for red blood cell transfusion, and iron infusion to treat this disease, I recommend that she have this evaluation by a hematologist. The evaluation should include a bone marrow biopsy for confirming Myelodysplastic Syndrome-(MDS), and then beginning the proper treatment ..

9. Ms. Kapusta has a history of a dental abscess requiring a dental evaluation and antibiotics. However, an oral surgeon has to perform an incision and drainage procedure to fully treat the dental abscess properly. If Ms. Kapusta has not had this evaluated by a dentist or oral surgeon, to fully resolve the abscess diagnosed in May 2023, I recommend she have this done. She may require sedation for the evaluation and treatment to be done.

10. In both 2023 and 2024 Ms. Lynn Kay had concerns regarding her mother needing to be evaluated for "blood cancer and immunodeficiency". Ms. Kapusta was eventually diagnosed with "immunodeficiency" on 2/7 /24 by Dr. Ershler, and Myelodysplastic Syndrome-(MDS) on 2/9/24 by Dr. Dappen. Ill:

CONCLUSION:

1. Finally, there is a downward trend in comparing laboratory results from September 27, 2022 to August 2, 2024. Ms. Kapusta maintained lower hemoglobin, lower hematocrit, and lower platelet levels during this period. Although the white cell count remained normal, this trend is consistent with her diagnosis of Myelodysplastic Syndrome-(MDS).

2. Ms. Elaine Kapusta received antibiotics for a dental infection on May 9, 2023, from Dr. Cusumano.

3. Based on lab values, Elaine Kapusta has only deteriorated outside of her home from 6/5/23 to 8/2/24, the last available lab values, and without receiving any medical care suffering myelodysplastic syndrome since December 2022.

4. Ms. Kapusta failed to ever be provided any proper medical care. This shows that Elaine living away from the care of Ms. Lynn Kay and being away from home has been detrimental to Elaine's health.

<http://wearefightingforourlives.org/wp-content/uploads/2025/04/Clip-October-3-2023-at-313-PM.mp4>

"I WANT TO STAY HERE"...YOU'RE GOING TO KILL ME!"

<http://wearefightingforourlives.org/wp-content/uploads/2025/02/6623-219-PM-I-DONT-LIKE-IT.mp4>

6-6-23-"NO, NOW STOP IT! THIS IS MY HOUSE HERE. NOW YOU GET OUT OF HERE".

**CRIMINAL ABDUCTION
AND ARMED KIDNAPPING
AGAINST WILL:**

**BRING
MY
MOM
HOME
IMMEDIATELY!**

MOM HAS BEEN:

**CRIMINALLY DEPRIVED FOR
777 DAYS OF HER SPACIOUS AND
COMFY HOME AND HER
FREEDOM AND HER HEALTH AND
HER DAUGHTER AND HER**

HER DAUGHTER AND HER
SECURITY AND HER PEACE AND
HER SAFETY AND HER COMFY
BED AND HER THRIVING LIFE!

Code of Virginia
 Title 18.2. Crimes and Offenses Generally
 Chapter 4. Crimes Against the Person

§ 18.2-47. Abduction and kidnapping defined; forced labor; punishment.

A. Any person who, by force, intimidation or deception, and without legal justification or excuse, seizes, takes, transports, detains or secretes another person with the intent to deprive such other person of his personal liberty or to withhold or conceal him from any person, authority or institution lawfully entitled to his charge, shall be deemed guilty of "abduction."

B. Any person who, by force, intimidation or deception, and without legal justification or excuse, obtains the labor or services of another person, or seizes, takes, transports, detains or secretes another person or threatens to do so with the intent to subject him to forced labor or services, shall be deemed guilty of "abduction." For purposes of this subsection, the term "intimidation" shall include destroying, concealing, confiscating, withholding, or threatening to withhold a passport, immigration document, or other governmental identification, threatening to report another as being illegally present in the United States, or threatening to separate another from or to harm family member.

C. The provisions of this section shall not apply to any law-enforcement officer in the performance of his duty. The terms "abduction" and "kidnapping" shall be synonymous in this Code. Except as provided in subsection D, abduction of a minor shall be punished as a Class 2 felony. Abduction for which no punishment is otherwise prescribed shall be punished as a Class 5 felony.

D. If an offense under subsection A is committed by the parent or a family or household member, as defined in § 16.1-228, who has been ordered custody or visitation of the person abducted and punishable as contempt of court in any proceeding then pending, the offense shall be a Class 1 misdemeanor in addition to being punishable as contempt of court. However, such offense, if committed by the parent or a family or household member, as defined in § 16.1-228, who has been ordered custody or visitation of the person abducted and punishable as contempt of court in any proceeding then pending and the person abducted is removed from the Commonwealth by the abducting parent or a family or household member, as defined in § 16.1-228, who has been ordered custody or visitation, shall be a Class 6 felony in addition to being punishable as contempt of court.

Code 1950, §§ 18.1-36, 18.1-37; 1960, c. 358; 1975, cc. 14, 15; 1979, c. 663; 1980, c. 506; 1997, c. 747; 2009, c. 662; 2023, c. 400; 2024, c. 368.

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.

5/16/20

Virginia Law Library

The Code of Virginia, Constitution of Virginia, Charters, Authorities, Compacts and Uncodified Acts are now available in EPub eBook format.



Helpful Resources

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

For Developers

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

On Monday, July 21, 2025 at 08:30:20 PM EDT, Stephen Hall <stephen@kingcampbell.com> wrote:

Ms. Kay,

Please find the attached redacted copy of your mother's labs. You'll be happy to see that her levels continue to improve. I hope you have a great evening!

Best,

Steve

Stephen D. Hall, Esq.

King, Campbell, Poretz, and Mitchell PLLC

[118 North Alfred Street](#)

[Alexandria, Virginia 22314](#)

703.719.8885 (Cell)

703.683.7070 (Office)

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www.kingcampbell.com

stephen@kingcampbell.com

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**ANEMIA AND LYMPHOCYTOSIS AND MONOCYTOPENIA AND BASOPHILIA
12 GROSSLY ABNORMAL LABS NEEDING DIAGNOSIS**

Page: 3 of 4 2025-06-27 15:29:31 EDT

CLIENT ACCOUNT: [REDACTED] PATIENT: KAPUSTA, ELAIN
 [REDACTED] AGE: 87 GENDER: F
 [REDACTED] DOB: [REDACTED]
 [REDACTED] PT ID:
 [REDACTED] TEL: [REDACTED]

ACCT: [REDACTED]
 COLL DATE&TIME: 06/27/25 08:00
 RCVD: 06/27/25
 RPTD: 06/27/25

REQUESTING PHYS: [REDACTED] CHART: [REDACTED]
 FASTING: UNKNOWN
 PAGE: 2

REPORT STATUS: FINAL

RESULTS

TEST	(WITHIN RANGE)	OUT OF RANGE	REFERENCE RANGE	UNITS
LDL CHOLESTEROL	75		<100	mg/dL
VLDL CHOLESTEROL	24			
CHOLESTEROL/HDL RATIO	3.8		5-30	mg/dL

CHD RISK	CHOLESTEROL/HDL RATIO	
	MALE	FEMALE
0.5 X AVERAGE	3.4	3.3
1.0 X AVERAGE	9.6	7.1
3.0 X AVERAGE	13.4	11.0

TO PREVENT CORONARY HEART DISEASE "1/2 AVERAGE"
 RISK FACTOR OR LESS SHOULD BE USED AS NORMAL.

md CBC W/DIFFERENTIAL

LOW WBC	3.8 (L)	4.00-11.00	10 ³ /uL
LOW RBC	3.02 (L)	3.80-5.50	10 ⁶ /uL
LOW HEMOGLOBIN	10.9 (L)	12.0-16.0	g/dL
LOW HEMATOCRIT	33.9 (L)	36.0-46.0	%
HIGH MCV	112 (H)	80.0-97.0	fl.
HIGH MCH	36.1 (H)	26.0-32.0	pg/cell
HIGH MCHC	32.2	32.0-37.0	g/dL
HIGH RDW	16.6 (H)	11.5-14.5	%
✓ PLATELET COUNT	150	130-400	10 ³ /uL
NEUTROPHIL%	6.3	40.0-74.0	%
HIGH LYMPHOCYTES	49.3 (H)	19.0-47.0	%
LOW MONOCYTES	0.3 (L)	2.0-11.0	%
EOSINOPHIL%	2.4	0.0-7.0	%
BASOPHIL%	1.7 (H)	0.0-1.5	%
NEUTROPHIL#	1.8	1.7-7.7	10 ³ /uL
LYMPHOCYTE#	1.9	1.0-4.8	10 ³ /uL
MONOCYTE#	0.0	0.0-1.0	10 ³ /uL
EOSINOPHIL#	0.1	0.04-0.45	10 ³ /uL
BASOPHIL#	0.1	0.00-0.20	10 ³ /uL

ANEMIA

LYMPHOCYTOSIS

MONOCYTOPENIA

BASOPHILIA

DANGEROUS

** Continued on Page 3 **

To [REDACTED] Page: 2 of 4 2025-06-27 15:29:31 EDT [REDACTED]

CLIENT ACCOUNT: [REDACTED]	PATIENT: KAPUSTA, ELAIN	ACC#: [REDACTED]
[REDACTED]	AGE: 87 GENDER: F	COLL DATE&TIME: 06/27/25 08:00
[REDACTED]	DOB: 12/12/1937	RCVD: 06/27/25
[REDACTED]	PT ID: [REDACTED]	RPTD: 06/27/25
[REDACTED]	TEL: [REDACTED]	

REQUESTING PHYS: [REDACTED]	CHART: [REDACTED]	FASTING: UNKNOWN
		PAGE: 1

REPORT STATUS: FINAL

RESULTS

TEST	WITHIN RANGE	OUT OF RANGE	REFERENCE RANGE	UNITS
------	--------------	--------------	-----------------	-------

md CMP COMP METABOLIC

SODIUM	143		136-145	mEq/L
POTASSIUM	4.2		3.5-5.3	mEq/L
CHLORIDE	103		98-110	mEq/L
CARBON DIOXIDE	27.8		21-31	mEq/L
ANION GAP	16.4		12.0-20.0	mmol/L
GLUCOSE	86		74-109	mg/dL
BUN	21.64		7-25	mg/dL
CREATININE	1.06		0.60-1.30	mg/dL
B/C RATIO	20.4		8.0-25.0	
CALCIUM	8.9		8.60-10.30	mg/dL
ALT (SGPT)	16		7-52	U/L
AST (SGOT)	18		13-39	U/L
ALKALINE PHOSPHATASE	59		34-104	U/L
TOTAL BILIRUBIN	0.5		0.20-1.20	mg/dL
TOTAL PROTEIN	7.0		6.0-8.3	g/dL
ALBUMIN	3.6		3.5-5.7	g/dL
GLOBULIN	3.4		2.2-4.2	g/dL
A/G RATIO	1.1		0.8-2.0	
eGFR		51 (L)	>60 ml/min/1.73 m2	

KIDNEY INFECTION?

eGFR REFERENCE RANGE:

HEALTHY ADULTS	90 or >90	mL/min/1.73 m2
CHRONIC KIDNEY DISEASE:		
STAGE II MILD LOSS OF KIDNEY FUNCTION	60-89	
STAGE IIIA MILD TO MODERATE LOSS OF KIDNEY FUNCTION	45-59	
STAGE IIIB MODERATE TO SEVERE LOSS OF KIDNEY FUNCTION	30-44	
STAGE IV SEVERE LOSS OF KIDNEY FUNCTION	15-29	
STAGE V KIDNEY FAILURE	<15	

Reported eGFR is based on the CKD-EPI 2021 equation that does not use a race coefficient.

md LIPID PANEL				
CHOLESTEROL	134		<200	mg/dL
TRIGLYCERIDES	121		<150	mg/dL
HDL CHOLESTEROL		35 (L)	50-90	mg/dL

** Continued on Page 2 **

[REDACTED]
6/30/25

CLIENT ACCOUNT:	PATIENT: KAPUSTA, ELAIN	ACCH
	AGE: 87 GENDER: F	COLL DATE&TIME:
	DOB: 12/22/1937	06/27/25 08:00
	PT ID:	RCVD: 06/27/25
	TEL:	RPTD: 06/27/25
REQUESTING PHYS:	ICHART:	FASTING: UNKNOWN
		PAGE: 3
		REPORT STATUS: FINAL

RESULTS

TEST	[WITHIN RANGE]	OUT OF RANGE	REFERENCE RANGE	UNITS
md TSH	3.990		0.350-4.940	uIU/mL
MD HEMOGLOBIN A1C	4.9		4.1-6.0	%
md VITAMIN D, 25-HYDROXY	37.2		30-100	ng/mL
md VITAMIN B12	> 2000.0		213.0-816.0	pg/mL
md FOLIC ACID	13.90			ng/mL
	LOW	<3.4 ng/mL		
	BORDERLINE	3.4-5.4 ng/mL		
	NORMAL	>5.4 ng/mL		

HIGH

(md) - Test Performed At:

** End of Report **



Sunrise Medical Laboratories

4200 Pleasant Valley Road
Chantilly, VA 20151-1211
703-222-2313

Report Status: Final

Specimen Information	Patient Information	Ordering Physician
Specimen: MF428038	KAPUSTA, ELAINE	DAPPEN, ALAN
E Order: MF428038	DOB:	Client Information
Collected: 10/26/2023 12:40	Age: 85	DOCTALKER D25
Received: 10/26/2023 20:49	Gender: F	
Reported: 10/27/2023 08:52	Fasting:	
Printed: 01/09/2024 14:54	ID: 85590409	
	Phone: (571) 421-6813	

Test Name	In Range	Out Range	Reference Range
-----------	----------	-----------	-----------------

Lab Director: Milind Mondkar, MD

Sedimentation Rate 1 0-29 MM/HR

SML - Sunrise Medical Laboratories CLIA# 33D0654120

250 Miller Place, Hicksville, NY 11801

Lab Director: Milind Mondkar, MD

CBC/DIFF/PLT

WBC	3.0 L	3.6-11.0 THDS/CMM
MCV	105 H	75-100 fL
MCH	35.4 H	26.0-33.0 pg
Lymphocytes %	36.9	20-45 %
Basophils %	2.0	0-2 %
Eosinophils #	0.09	0.0-0.80 K/uL
Lymphocytes #	1.11	0.9-5.2 K/uL
Monocytes %	2.7	0-13 %
Monocytes #	0.08 L	0.1-1.0 K/uL
RBC	2.26 L	3.8-5.2 MILL/CMM
Neutrophils #	1.66 L	1.9-8.0 K/uL
Eosinophils %	3.0	0-5 %
Absolute Immature Grans	0.01	0.00-0.06 K/uL
Hemoglobin	8.0 L	11.9-16.0 G/DL
Basophils #	0.06	0.0-0.2 K/uL
MCHC	33.6	32.0-35.0 g/dl
Platelet Count	118 L	140-440 THOUS/CMM
Neutrophils %	55.1	45-75 %
Hematocrit	23.8 L	35-47 %
Immature Granulocytes	0.3	0-2 %
RDW	13.3	11.2-14.8 %

ABNORMAL LABS

DAPPEN IGNORED ENTIRELY PANCYTOPENIA

A transfusion is required for patients when their blood count is 7-8 g/dL. This is when a person's blood count is too low.

(10/26/23-10-24-22)-
****51% DESTRUCTION OF BLOODCELLS-(4.60-2.26) AND**
****41% DESTRUCTION OF PLATELETS-(167-118) AND**
****60% DESTROYED IMMUNE SYSTEM**-(MONOCYTES #)-(0.14-.08)-**
(IGNORED BY DR. DAPPEN AND ALL FIDUCIARIES)- PANCYTOPENIA-
(8.0. HEMOGLOBIN)-NEEDING BLOOD TRANSFUSION AND IRON
AND MY MOM RECEIVED NOTHING

DAPPEN NEVER DID AN IRON TEST



Sunrise Medical Laboratories

4200 Pleasant Valley Road
Chantilly, VA 20151-1211
703-222-2313

Report Status: Final

Specimen Information	Patient Information	Ordering Physician
Specimen: MF428038	KAPUSTA, ELAINE	DAPPEN, ALAN
E Order: MF428038	DOB:	Client Information
Collected: 10/26/2023 12:40	Age: 85	DOCTALKER D25
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Reported: 10/27/2023 08:52	Fasting:	
Printed: 01/09/2024 14:54	ID: 85590409	
	Phone: (571) 421-6813	

Test Name	In Range	Out Range	Reference Range
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Hemoglobin A1c 5.1 <5.7 %

Prediabetes: 5.7% to 6.4%

Diabetes: >6.4%

Glycemic control for adults with diabetes: <7.0%

Use with caution in patients with abnormal hemoglobin variants as the half-life of red blood cells and in vivo glycation rates are affected.

Mean Glucose Est (calc) 100 <126 mg/dl

SML - Sunrise Medical Laboratories CLIA# 33D0654120

250 Miller Place, Hicksville, NY 11801

Lab Director: Milind Mondkar, MD

Folic Acid 13.6 >5.4 ng/mL

SML - Sunrise Medical Laboratories CLIA# 33D0654120

250 Miller Place, Hicksville, NY 11801

Lab Director: Milind Mondkar, MD

TSH SML
TSH 3.36 0.270-4.200 uIU/mL

SML - Sunrise Medical Laboratories CLIA# 33D0654120

250 Miller Place, Hicksville, NY 11801

Lab Director: Milind Mondkar, MD

Vitamin B-12 >2000 H 232-1245 pg/mL

It has been reported that between 5 and 10% of patients with values between 200 and 400 pg/ml may experience neuropsychiatric and hematologic abnormalities due to occult B12 deficiency. Less than 1% of patients with values above 400 pg/ml will have symptoms.

SML - Sunrise Medical Laboratories CLIA# 33D0654120

250 Miller Place, Hicksville, NY 11801

Lab Director: Milind Mondkar, MD

LIPID PANEL
Triglycerides 74 20-149 mg/dL



Sunrise Medical Laboratories

4200 Pleasant Valley Road
Chantilly, VA 20151-1211
703-222-2313

Report Status: Final

Specimen Information	Patient Information	Ordering Physician
Specimen: MF428038	KAPUSTA, ELAINE	DAPPEN, ALAN
E Order: MF428038	DOB:	Client Information
Collected: 10/26/2023 12:40	Age: 85	DOCTALKER D25
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Reported: 10/27/2023 08:52	Fasting:	
Printed: 01/09/2024 14:54	ID: 85590409	
	Phone: (571) 421-6813	

Test Name	In Range	Out Range	Reference Range
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LDL Cholesterol Calc	42		<130 mg/dL
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ADULT LDL CHOLESTEROL CLASSIFICATION

- <100mg/dL _____ Optimal
- 100-129 _____ Near/Above Optimal
- 130-159mg/dL _____ Borderline High
- >160mg/dL _____ High Risk

Desirable range <100 mg/dL for patients with CHD or diabetes and <70 mg/dL for diabetic patients with known heart disease.

HDL Cholesterol	57		>=50 mg/dL
Risk Ratio (CHOL/HDL)	2.0		2.0-4.5
Cholesterol	114		100-199 mg/dL
VLDL Chol Calc	15		<30 mg/dL

Direct LDL is recommended for patients with triglycerides >400.

SML - Sunrise Medical Laboratories CLIA# 33D0654120
250 Miller Place, Hicksville, NY 11801
Lab Director: Milind Mondkar, MD

COMP METABOLIC PANEL

Chloride	107		96-107 mmol/L
A/G Ratio	1.8		1.0-2.5 RATIO
AST (SGOT)	17		9-40 U/L
Bilirubin Total	0.2		<1.3 mg/dL
Creatinine	0.91		0.51-1.15 mg/dL
Sodium	143		135-148 mmol/L
BUN	21		8-23 mg/dL
Alkaline Phosphatase	61		30-146 U/L
Potassium	4.7		3.5-5.4 mmol/L
Total Protein		5.9 L	6.0-8.3 g/dL
Albumin	3.8		3.5-5.2 g/dL
Globulin	2.1		1.8-3.8 g/dL
eGFR 201 CKD-EPI	62		>59 mL/min/1.73m2
Carbon Dioxide	24		18-32 mmol/L
Calcium	9.1		8.6-10.5 mg/dL
Glucose Non-Fasting	88		65-125 mg/dL
BUN/Creatinine Ratio	23		8.0-28.0 RATIO
ALT (SGPT)	13		5-33 U/L
Anion Gap	12		7-16 mmol/L

SML - Sunrise Medical Laboratories CLIA# 33D0654120
250 Miller Place, Hicksville, NY 11801

RECOVERY LABS LESS THAN 1 MONTH AFTER BACTERIAL BLOODSTREAM DIAGNOSED AND GIVEN ANTIBIOTICS

5/8/23-"DENTALGUM ABSCESS BACTERIAL BLOODSTREAM INFECTION" SUFFERED FOR 7 MONTHS-(OCTOBER 2022) ENTIRELY DECIMATEDLY DESTROYING MY MOM'S PLATELETS & BLOODCELLS SINCE NOVEMBER 2022.



5/8/23-GIVEN AZITHROMYCIN & 5/22/23-6/5/23-IRON SUPPLEMENTS & MOM'S BLOODCELLS FINALLY BEGAN RECOVERING!

KAPUSTA, ELAINE

DOB: 12/28/1937 Age: 85 Specimen: CZ792411P Collected: 06/05/2023 00:00 Client #: 97555209
 Sex: F Fasting: Requisition: 0001958 Received: 06/05/2023 14:08 KAVANAGH, PATRICK
 Phone: (571) 421-6813 Lab Reference ID: 100513356 Reported: 06/10/2023 13:37 WALK-IN LAB
 Patient ID: 100513356 Report Status: FINAL / SEE REPORT AMITE, LA 70422-0898
 Phone: (800) 538-6119

6/5/23-1 DAY PRIOR TO "THE COBBDALE DEATHTRAP" WHERE MOM HAS BEEN ENTIRELY DECIMATEDLY DESTROYED BY CONTINUAL "MEDICAL ELDER NEGLECT & MEDICAL ELDER ABUSE" BY GIVING MOM IMPROPER & UNNEEDED DANGEROUS MEDICATIONS & WRONGLY GIVEN DANGEROUS DAILY LAXATIVES & "DEATH DRUGS"!

MULTIPLE TESTING PRIORITIES; ROUTINE TESTING TO FOLLOW.

▲ IRON AND TOTAL IRON BINDING CAPACITY

Analyte	Value	Reference Range
IRON, TOTAL	154	Reference Range: 45-160 mcg/dL
IRON BINDING CAPACITY	287	Reference Range: 250-450 mcg/dL (calc)
▲ % SATURATION	54 H	Reference Range: 16-45 % (calc)

COMPARE 6/5/23 CBC VALUES SHOWING MOM'S RECOVERING BLOODCELLS & PLATELETS & IRON COMPARED TO 1 DAY BEFORE COBBDALE. COMPARE TO 9/29/23, 10/12/23, 10/26/23-(WITHIN 1 YEAR OF "DODGE", "DAPPEN" & "ELDER TREE" CRIMINAL MEDICAL ELDER NEGLECT AND CRIMINAL MEDICAL ELDER ABUSE' DECIMATEDLY DESTROYED MY ONCE ENTIRELY HEALTHY MOM.

▲ COMPREHENSIVE METABOLIC PANEL

Analyte	Value	Reference Range
▲ GLUCOSE	102 H	Reference Range: 65-99 mg/dL

Fasting reference interval

For someone without known diabetes, a glucose value between 100 and 125 mg/dL is consistent with prediabetes and should be confirmed with a follow-up test.

UREA NITROGEN (BUN)	12	Reference Range: 7-25 mg/dL
CREATININE	0.90	Reference Range: 0.60-0.95 mg/dL
EGFR	63	Reference Range: > OR = 60 mL/min/1.73m2

The eGFR is based on the CKD-EPI 2021 equation. To calculate the new eGFR from a previous Creatinine or Cystatin C result, go to <https://www.kidney.org/professionals/kdoqi/gfr%5Fcalculator>

BUN/CREATININE RATIO	NOT APPLICABLE	Reference Range: 6-22 (calc)
SODIUM	141	Reference Range: 135-146 mmol/L
POTASSIUM	4.3	Reference Range: 3.5-5.3 mmol/L
CHLORIDE	103	Reference Range: 98-110 mmol/L
CARBON DIOXIDE	23	Reference Range: 20-32 mmol/L
CALCIUM	9.9	Reference Range: 8.6-10.4 mg/dL
PROTEIN, TOTAL	7.3	Reference Range: 6.1-8.1 g/dL
ALBUMIN	4.2	Reference Range: 3.6-5.1 g/dL
GLOBULIN	3.1	Reference Range: 1.9-3.7 g/dL (calc)
ALBUMIN/GLOBULIN RATIO	1.4	Reference Range: 1.0-2.5 (calc)
BILIRUBIN, TOTAL	0.7	Reference Range: 0.2-1.2 mg/dL
ALKALINE PHOSPHATASE	68	Reference Range: 37-153 U/L
AST	21	Reference Range: 10-35 U/L
ALT	13	Reference Range: 6-29 U/L

▲ CBC (INCLUDES DIFF/PLT)

Analyte	Value	
WHITE BLOOD CELL COUNT	4.5	Reference Range: 3.8-10.8 Thousand/uL
▲ RED BLOOD CELL COUNT	3.53 L	Reference Range: 3.80-5.10 Million/uL
▲ HEMOGLOBIN	11.6 L	Reference Range: 11.7-15.5 g/dL
HEMATOCRIT	35.0	Reference Range: 35.0-45.0 %
MCV	99.2	Reference Range: 80.0-100.0 fL
MCH	32.9	Reference Range: 27.0-33.0 pg
MCHC	33.1	Reference Range: 32.0-36.0 g/dL
RDW	12.8	Reference Range: 11.0-15.0 %
▲ PLATELET COUNT	136 L	Reference Range: 140-400 Thousand/uL
MPV	12.0	Reference Range: 7.5-12.5 fL
ABSOLUTE NEUTROPHILS	2372	Reference Range: 1500-7800 cells/uL
ABSOLUTE LYMPHOCYTES	1760	Reference Range: 850-3900 cells/uL
▲ ABSOLUTE MONOCYTES	140 L	Reference Range: 200-950 cells/uL
ABSOLUTE EOSINOPHILS	131	Reference Range: 15-500 cells/uL
ABSOLUTE BASOPHILS	99	Reference Range: 0-200 cells/uL
NEUTROPHILS	52.7	%
LYMPHOCYTES	39.1	%
MONOCYTES	3.1	%
EOSINOPHILS	2.9	%
BASOPHILS	2.2	%

▲ IMMUNOGLOBULINS

Analyte	Value	
▲ IMMUNOGLOBULIN A	466 H	Reference Range: 70-320 mg/dL
IMMUNOGLOBULIN G	1494	Reference Range: 600-1540 mg/dL
IMMUNOGLOBULIN M	63	Reference Range: 50-300 mg/dL

▲ ERYTHROPOIETIN

Analyte	Value	
▲ ERYTHROPOIETIN	57.0 H	Reference Range: 2.6-18.5 mIU/mL

▲ BETA 2 MICROGLOBULIN, SERUM

Analyte	Value	
▲ BETA 2 MICROGLOBULIN, SERUM	3.52 H	Reference Range: < OR = 2.51 mg/L

COMMENT

This test was performed using the Abbott Immunosubstrate method. Values obtained from different assay methods cannot be used interchangeably. Beta-2 Microglobulin levels, regardless of value, should not be interpreted as absolute evidence of the presence or absence of disease.

METHYLMALONIC ACID**Analyte****Value****METHYLMALONIC ACID****155**

Reference Range: 87-318 nmol/L

This test was developed and its analytical performance characteristics have been determined by Quest Diagnostics Nichols Institute Chantilly, VA. It has not been cleared or approved by the U.S. Food and Drug Administration. This assay has been validated pursuant to the CLIA regulations and is used for clinical purposes.

COENZYME Q10**Analyte****Value****COENZYME Q10****0.89**

Reference Range: >0.35 ug/mL

Coenzyme Q10 is a key component of the electron transport chain, which creates energy. It is also involved in antioxidant pathways, including the regeneration of the protective functions of Vitamin E. CoQ10 may interact with the anticoagulant (blood thinner) warfarin and the diabetes drug insulin, and it may not be compatible with some types of cancer treatment. For more information, visit <https://www.nccih.nih.gov/health/coenzyme-q10>. This test was developed and its analytical performance characteristics have been determined by Quest Diagnostics Cardiometabolic Center of Excellence at Cleveland HeartLab. It has not been cleared or approved by the U.S. Food and Drug Administration. This assay has been validated pursuant to the CLIA regulations and is used for clinical purposes.

SED RATE BY MODIFIED WESTERGREN**Analyte****Value****SED RATE BY MODIFIED WESTERGREN****6**

Reference Range: < OR = 30 mm/h

D-DIMER, QUANTITATIVE**Analyte****Value****D-DIMER, QUANTITATIVE****0.33**

Reference Range: <0.50 mcg/mL FEU

The D-Dimer test is used frequently to exclude an acute PE or DVT. In patients with a low to moderate clinical risk assessment and a D-Dimer result <0.50 mcg/mL FEU, the likelihood of a PE or DVT is very low. However, a thromboembolic event should not be excluded solely on the basis of the D-Dimer level. Increased levels of D-Dimer are associated with a PE, DVT, DIC, malignancies, inflammation, sepsis, surgery, trauma, pregnancy, and advancing patient age.
[Jama 2006 11:295(2):199-207]

For additional information, please refer to:
<http://education.questdiagnostics.com/faq/FAQ149>
(This link is being provided for informational/educational purposes only)

TRANSFERRIN

Analyte	Value
✓ TRANSFERRIN	206 Reference Range: 188-341 mg/dL

FERRITIN

Analyte	Value
✓ FERRITIN	57 Reference Range: 16-288 ng/mL

HEMOGLOBIN A1c

Analyte	Value
HEMOGLOBIN A1c	5.2 Reference Range: <5.7 % of total Hgb

For the purpose of screening for the presence of diabetes:

- <5.7% Consistent with the absence of diabetes
- 5.7-6.4% Consistent with increased risk for diabetes (prediabetes)
- > or =6.5% Consistent with diabetes

This assay result is consistent with a decreased risk of diabetes.

Currently, no consensus exists regarding use of hemoglobin A1c for diagnosis of diabetes in children.

According to American Diabetes Association (ADA) guidelines, hemoglobin A1c <7.0% represents optimal control in non-pregnant diabetic patients. Different metrics may apply to specific patient populations. Standards of Medical Care in Diabetes(ADA).

Performing Sites

AMD Quest Diagnostics/Nichols Chantilly-Chantilly VA, 14225 Newbrook Dr, Chantilly, VA 20151-2228 Laboratory Director: Patrick W Mason M.D.,PhD
 Z4M Cleveland HeartLab Inc.-Cleveland HeartLab Inc., 6701 Carnegie Ave, Suite 500, Cleveland, OH 44103-4623 Laboratory Director: Bill Richendollar MD
 Z99 Quest Diagnostics-Clifton, 1 Insights Drive, Clifton, NJ 07012-2355 Laboratory Director: Peter E Fisher

Key

 Priority Out of Range  Out of Range

These results have been sent to the person who ordered the tests. Your receipt of these results should not be viewed as medical advice and is not meant to replace discussion with your doctor or other healthcare professional.

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Sunrise Medical Laboratories

4200 Pleasant Valley Road
Chantilly, VA 20151-1211
703-222-2313

Report Status: Final

Specimen Information	Patient Information	Ordering Physician
Specimen: ME883893	KAPUSTA, ELAINE	DAPPEN, ALAN
E Order: ME883893	DOB: 12/30/1937	Client Information
Collected: 10/24/2022 01:00	Age: 84	DOCTALKER D25
Received: 10/24/2022 21:05	Gender: F	
Reported: 10/31/2022 16:05	Fasting:	
Printed: 01/09/2024 14:55	ID: 85590409	
	Phone: (571) 421-6813	

-MOM'S BLOOD WAS AS HEALTHY AS MY OWN!-

Test Name	In Range	Out Range	Reference Range
Casts-Hyaline	NONE		NONE LPF
White Blood Cells	0-5		0-5 HPF
Red Blood Cells	0-2		0-2 HPF
SML - Sunrise Medical Laboratories CLIA# 33D0654120			
250 Miller Place, Hicksville, NY 11801			
Lab Director: Milind Mondkar, MD			

UA W/RFLX MICROSCOPIC

Ketones	Negative		NEGATIVE
Bilirubin	Negative		NEGATIVE
Color	Yellow		YELLOW
Glucose	Negative		NEGATIVE
Appearance	Clear		CLEAR
Specific Gravity	1.015		1.005-1.030
Urobilinogen	<2.0		<2 mg/dL
Blood	Negative		NEGATIVE
Protein	Negative		NEGATIVE
Nitrite	Negative		NEGATIVE
pH	7.0		5.0-8.0
Leukocyte Esterase		Trace A	NEGATIVE

SML - Sunrise Medical Laboratories CLIA# 33D0654120
 250 Miller Place, Hicksville, NY 11801
 Lab Director: Milind Mondkar, MD

Sedimentation Rate	11		0-29 MM/HR
SML - Sunrise Medical Laboratories CLIA# 33D0654120			
250 Miller Place, Hicksville, NY 11801			
Lab Director: Milind Mondkar, MD			

-MOM'S BLOOD WAS AS HEALTHY AS MY OWN!-

CBC/DIFF/PLT

Eosinophils %	1.5		0-5 %
MCV	95		75-100 fL
Basophils #	0.05		0.0-0.2 K/uL
Absolute Immature Grans	0.01		0.00-0.06 K/uL
Neutrophils %	47.5		45-75 %
Platelet Count	167		140-440 THOUS/CMM
Monocytes %	4.2		0-13 %
Monocytes #	0.14		0.1-1.0 K/uL
RBC	4.60		3.8-5.2 MILL/CMM

-MOM'S BLOOD WAS AS HEALTHY AS MY OWN!-



Sunrise Medical Laboratories

4200 Pleasant Valley Road
Chantilly, VA 20151-1211
703-222-2313

Report Status: Final

Specimen Information	Patient Information	Ordering Physician
Specimen: ME883893	KAPUSTA, ELAINE	DAPPEN, ALAN
E Order: ME883893	DOB:	Client Information
Collected: 10/24/2022 01:00	Age: 84	DOCTALKER D25
Received: 10/24/2022 21:05	Gender: F	
Reported: 10/31/2022 16:05	Fasting:	
Printed: 01/09/2024 14:55	ID: 85590409	
	Phone: (571) 421-6813	

-MOM'S BLOOD WAS AS HEALTHY AS MY OWN!-

Test Name	In Range	Out Range	Reference Range
Eosinophils #	0.05		0.0-0.80 K/uL
Immature Granulocytes	0.3		0-2 %
Basophils %	1.5		0-2 %
MCHC	32.3		32.0-35.0 g/dL
Hemoglobin	14.1		11.9-16.0 G/DL
Lymphocytes %	45.0		20-45 %
Hematocrit	43.6		35-47 %
RDW	13.8		11.2-14.8 %
Lymphocytes #	1.50		0.9-5.2 K/uL
WBC		3.3 L	3.6-11.0 THDS/CMM
Neutrophils #		1.58 L	1.9-8.0 K/uL
MCH	30.7		26.0-33.0 pg

**10/24/22-3 DAYS
AFTER FINISHING
BACTRIM FOR
U.T.I-KLEBSIELLA
PNEUMONIAE**

-MOM'S BLOOD WAS HEALTHY AS MY OWN!-

**AFTER UROSEPSIS- JUNE-JULY
2022 & 2 MORE TIMES-8/11/22 &
11/7/22**

SML - Sunrise Medical Laboratories CLIA# 33D0654120
250 Miller Place, Hicksville, NY 11801
Lab Director: Milind Mondkar, MD

VITAMIN D 25 OH

Vitamin D, 25 OH	58.2	30-100 ng/mL
**25-OH VITAMIN D INTERPRETATION		
Deficiency....	<20.0 ng/ml	
Insufficiency..	20.0-29.0 ng/ml	
Sufficiency....	30.0-100.0 ng/ml	
Possible Toxicity...	>150 ng/ml	
SML - Sunrise Medical Laboratories CLIA# 33D0654120 250 Miller Place, Hicksville, NY 11801 Lab Director: Milind Mondkar, MD		

LYME AB SCREEN RFX IB

Lyme Abs (IgG/IgM)	NEGATIVE	NEGATIVE
A negative result does not exclude the possibility of B. burgdoferi infection in the first 4-6 weeks of infection. If lyme disease is suspected, a second sample should be collected. False positive results have been reported in patients with other spirochaetal diseases such as tick-borne relapsing fever, syphilis or leptospirosis.		
Supplemental testing with LYME IMMUNOBLOT IgG and IgM should be performed on Positive Lyme screening results as an aid to diagnosis.		
SML - Sunrise Medical Laboratories CLIA# 33D0654120 250 Miller Place, Hicksville, NY 11801		



Sunrise Medical Laboratories

4200 Pleasant Valley Road
Chantilly, VA 20151-1211
703-222-2313

Report Status: Final

Specimen Information	Patient Information	Ordering Physician
Specimen: ME883893	KAPUSTA, ELAINE	DAPPEN, ALAN
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	Phone: (571) 421-6813	

Test Name	In Range	Out Range	Reference Range
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Lab Director: Milind Mondkar, MD

AFTER JUNE-JULY
2022-UROSEPSIS & 2 MORE
U.T.I.'S UROSEPSIS-8/11/22
& 10/7/22

COMP METABOLIC PANEL

eGFR 2021 CKD-EPI **42 L** **>59 mL/min/1.73m2**

Effective 12/13/2021, Sunrise Medical Laboratories has implemented the NKF-ASN recommended 2021 CKD-EPI eGFR Refit Calculation that does not include a coefficient for race.

Albumin	4.6	3.5-5.2 g/dL
Total Protein	6.8	6.0-8.3 g/dL
BUN/Creatinine Ratio	13	8.0-28.0 RATIO
Glucose	97	70-100 mg/dL
AST (SGOT)	20	9-40 U/L
Carbon Dioxide	24	18-32 mmol/L
Anion Gap	15	7-16 mmol/L
BUN	17	8-23 mg/dL
A/G Ratio	2.1	1.0-2.5 RATIO
Calcium	9.8	8.6-10.5 mg/dL
Chloride	100	96-107 mmol/L
Bilirubin Total	0.5	<1.3 mg/dL
ALT (SGPT)	15	5-33 U/L
Sodium	139	135-148 mmol/L
Globulin	2.2	1.8-3.8 g/dL
Alkaline Phosphatase	71	30-146 U/L

Creatinine **1.26 H** **0.51-1.15 mg/dL**

** New reference range as of 09/12/22 **

Potassium 4.5 3.5-5.4 mmol/L

SML - Sunrise Medical Laboratories CLIA# 33D0654120
250 Miller Place, Hicksville, NY 11801
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C REACTIVE PROTEIN

C-Reactive Protein 0.1 <0.5 mg/dL

Effective 07/11/2016, the result unit for CRP will be changed from mg/L to mg/dL.

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250 Miller Place, Hicksville, NY 11801
Lab Director: Milind Mondkar, MD

**Sunrise Medical Laboratories**4200 Pleasant Valley Road
Chantilly, VA 20151-1211
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Report Status: Final

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	Phone: (571) 421-6813	

Test Name	In Range	Out Range	Reference Range
Magnesium	2.3		1.6-2.4 mg/dL

SML - Sunrise Medical Laboratories CLIA# 33D0654120
250 Miller Place, Hicksville, NY 11801
Lab Director: Milind Mondkar, MD

URINE CULTURE SEE BELOW

URINE CULTURE

CULTURE

Result See Notes

CULTURE/SENS, URINE

REPORT STATUS: FINAL

SOURCE: URINE

CULTURE: NO SIGNIFICANT GROWTH
(<10,000 CFU/ML BACTERIA)

SML - Sunrise Medical Laboratories CLIA# 33D0654120
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Hemoglobin A1c 5.6 <5.7 %

Prediabetes: 5.7% to 6.4%

Diabetes: >6.4%

Glycemic control for adults with diabetes: <7.0%

Use with caution in patients with abnormal hemoglobin
variants as the half-life of red blood cells and in vivo
glycation rates are affected.

Mean Glucose Est (calc) 114 <126 mg/dl

SML - Sunrise Medical Laboratories CLIA# 33D0654120
250 Miller Place, Hicksville, NY 11801
Lab Director: Milind Mondkar, MD

URINE MICROSCOPIC

Bacteria NONE NONE

Epithelial Cells 3-5 NONE

This is not just liability for neglect or medical malpractice.

THIS IS 1ST DEGREE MURDER OCCURRING!

First-degree murder is the most serious murder charge in the US legal system, requiring both intent and premeditation. It can apply to killings that are planned or deliberate, or that occur during certain felonies. The prosecution must prove the defendant had “malice aforethought”, meaning they intended to kill with no regard for human life.

We respectfully request immediate compliance with this notice and are prepared to escalate through appropriate legal and regulatory channels if action is not taken promptly.

ATTACHED WITH THIS LETTER ARE THE EMAIL AND THE 6/27/25 SHOWING “12 GROSSLY ABNORMAL LABS SHOWING LYMPHOCYTOSIS AND MONOCYTOPENIA AND ANEMIA AND BASOPHILIA-DANGEROUS IMMUNODEFICIENCY-GROSSLY BEING ENTIRELY IGNORED FROM RECEIVING MEDICAL CARE FOR 3 YEARS OF FAILURE TO PROVIDE MEDICAL CARE AND TREATMENT IN FAILING TO CARE AS FIDUCIARIES.

URGENT DEMAND FOR LYNN KAY TO BE RIGHTFULLY RESTORED IMMEDIATELY HAVING ALL LEGAL POWER OVER ELAINE MAE KAPUSTA AS TO SEEK MEDICAL CARE FOR ELAINE MAE KAPUSTA BEFORE SHE IS “MIRDERED BY THESE “CRUEL AND INHUMANE FIDUCIARIES APPOINTED BY THIS COURT.”

THIS COURT HAS ALLOWED 20+ CRIMINALS TO ILLEGALLY TAKE CONTROL OF OUR LIVES FOR 5 YEARS OF ONLY MALFEASANCE OCCURRING SINCE 2020.

AND THE JULY 2022 FRAUD UPON THE COURT WAS CRIMINAL FRAUD TO BEGIN “THE CRIMINAL TAKEOVER OF OUR LIVES” AS “THE CRIMINAL CONCEALMENT OF 18.2-369-B”

OCCURRED BY ALL FIDUCIARIES ONGOING FOR. MORE THAN 3 YEARS OF ELDER CRUELTY
CRIMES COMMITTED BY "DEPRIVATION OF BOTH DENTAL AND MEDICAL CARE WHILE ELAINE
MAE KAPUSTA DOCUMENTEDLY SUFFERING SINCE APRIL 2021.

RESPECTFULLY SUBMITTED



LYNN KAY

NOTICE OF SERVICE

I HEREBY CERTIFY THAT ALL PARTIES WERE EMAILED THIS ON 7/24/25 AND FILED AND
BROUGHT TO THE JUDGE'S CHAMBERS



LYNN KAY

TWEETERY7@YAHOO.COM

571-421-6813

IN THE CIRCUIT COURT FOR FAIRFAX COUNTY, VIRGINIA

LYNN KAY,

Petitioner,

v.

PHILIP KAPUSTA,

Respondent.

JULY 24, 2025

Case No.: CL-2018-11871

RE: THE LIFE AND HEALTH AND WELL-BEING OF ELAINE MAE KAPUSTA AND LYNN KAY

PETITION FOR DISSOLUTIONS OF CONSERVATORSHIP AND GUARDIANSHIP FOR GROSS FIDUCIARY MALFEASANCE AND ONGOING AND UNCEASING FRAUD UPON THE COURT BY ALL 2020 FIDUCIARIES AND LAWYERS AND CARE MANAGERS AND BY PHILIP KAPUSTA (2020–2025)

RE: PROVEN FRAUD UPON THE COURT AND ELDER CRUELTY CRIMES AGAINST ELAINE MAE KAPUSTA-(2021-2025) AND CRIMINAL WRITTEN THREATS TO LIFE AND HEALTH AND HOME UNDER CONSERVATORSHIP/ GUARDIANSHIP

RE: 7/23/25-URGENT LETTER TO THE JUDGE FOR THE DEMAND FOR COURT-ORDERED JUSTICE AND CORRECTIONS WITH FULL AND PERMANENT DISSOLUTION OF THE ENTIRE “DEADLY DANGEROUS AND INHUMANE CONSERVATORSHIP AND GUARDIANSHIP SYSTEM PERMANENTLY WITH “THE 5 YEARS BREACH OF THE LYNN KAY GUARDIANSHIP AGREEMENT” AND “REEVALUATION FOR CAPACITY IN 6 MONTHS” AFTER ELAINE MAE KAPUSTA RECEIVES ALL PROPER DENTAL AND LIFESAVING MEDICAL CARE HAVING BEEN DEMANDED FOR 3 YEARS OF DEPRIVATION WITH 3+ YEARS OF ELDER CRUELTY CRIMES CONCEALED BY ALL FIDUCIARIES AND BY PHILIP KAPUSTA AND ALL LAWYERS TO ALL NOW BEING COURT-ORDERED TO BE

CRIMINALLY INVESTIGATED FOR CRIMINAL PROSECUTIONS SEEKING JUSTICE FOR ALL CRIMES COMMITTED FOR 4+ YEARS.

Comes now the Petitioner, Lynn Kay, and respectfully submits this Petition to the Court, seeking the immediate dissolution of all fiduciary appointments and all prior court orders (2020–2025) based on incontrovertible evidence of gross fiduciary malfeasance, elder cruelty crimes, and fraud upon the court. This filing is made on behalf of myself and my mom, Elaine Mae Kapusta, a protected person under this Court’s jurisdiction, having been denied 4 years of doctor-ordered and requested care.

Since 2020, Ms. Kapusta and I have endured a pattern of misconduct by court-appointed fiduciaries that have resulted in the deprivation of critical medical and dental care, emotional and psychological harm, repeated breaches of fiduciary duty, and what I believe constitutes fraud upon the Court. The undersigned further asserts that: • Court-ordered guardianship has been grossly violated since July 31, 2020, including the wrongful and deceptive termination of my previously court-recognized authority as holder of Ms. Kapusta’s Medical Directive and Power of Attorney; • Medical directives from at least nine physicians have been ignored or denied between 2021–2025;

Petitioner respectfully asserts that the July 2022 Emergency Petition, underlying reports were criminally falsified and criminally concealed for 3 years until Lynn Kay discovered on 5/22/23 in Sealed Court Filings never provided to Lynn Kay in June or July 2022, and subsequent court orders were fraudulently obtained through material misstatements, omission of medical evidence, and the suppression of material medical facts”.

These misrepresentations formed the foundation for the invalidation of Petitioner’s GUARDIANSHIP WITH NO LEGAL JUST CAUSE—also, without proper notice or hearing. This constitutes fraud upon the court, nullifying the validity of all orders and agreements entered from 2020 through 2025.

The continued enforcement of these orders, in light of proven misconduct, serves only to perpetuate injustice and places the health and welfare of Ms. Kapusta in further jeopardy.

SYSTEMIC FAILURE AND DEMAND FOR JUDICIAL INTERVENTION

The total lack of oversight, accountability, and enforcement by responsible parties has enabled five continuous years of elder cruelty, financial exploitation, and legal harm.

THE GUARDIANSHIP AND CONSERVATORSHIP SYSTEM, AS APPLIED IN THIS CASE, HAS FUNCTIONED IN A PREDATORY AND DESTRUCTIVE MANNER—SEEKING TO ISOLATE, MEDICATE, LIQUIDATE, DECIMATE...CREMATE ELAINE AND ULTIMATELY SILENCE THE ONLY

DAUGHTER WHO HAS, FOR NEARLY TWO DECADES, FOUGHT TO PROTECT HER MOTHER'S LIFE AND HEALTH AND DIGNITY. AND NOTHING OTHERWISE CAN BE STATED AS LYNN KAY HAS SACRIFICED HER LIFE FOR HER MOM'S LIFE FOR ALMOST 20 YEARS, WHILE ELAINE AND LYNN AND "THE ESTATE" ALL THRIVED SINCE 2006 TOGETHER IN THEIR HOME.

LYNN KAY AND ELAINE MAE KAPUSTA HAVING SUFFERED "UNSPEAKABLE HORRORS" SINCE 2020 ARE NOW DEMANDING THE FOLLOWING BASED ON PROVEN FRAUD UPON THE COURT AND FRAUDULENTLY DECEPTIVE PRACTICES SINCE 2020-CONCEALED FOR 5 YEARS BY ALL "CRIMINAL FIDUCIARIES" ATTEMPTING TO "CRIMINALLY CONCEAL" AND SHOWING ONLY "MALICE TOWARDS MY MOM AND I-LYNN KAY FOR 5 YEARS OF FIDUCIARIES GROSS MALFEASANCE" AND ENTIRELY "BREACHING THE FIDUCIARY DUTY OF CARE ENTRUSTED FOR 5 YEARS OF FAILING TO PROVIDE FIDUCIARY CARE-(2020-2025)."

9 DOCTORS ORDERS "CRIMINALLY IGNORED/ DEFIED/DENIED"-2021-2025: DOCUMENTED "CRIMINAL MEDICAL ELDER NEGLECT-ELDER CRUELTY CRIMES" BY ALL FIDUCIARIES-18 2-369-B:

AND "LYNN HAS BEEN "CRIMINALLY FRAUDULENTLY DENIED LIVING WITH MY MOM" AND "MOM HAS BEEN CRIMINALLY FRAUDULENTLY DENIED HER RIGHT TO NOT SUFFER FROM DEPRIVATION OF PROPER DENTAL AND MEDICAL CARE" FOR "4 YEARS OF OUR HORRIFIC SUFFERINGS AND MOM'S ALLMOST DEATH 3 TIMES AND LEFT ENTIRELY GRAVELY ILL SUFFERING UNDER "ALL INHUMANE FIDUCIARIES DENYING 4 YEARS OF THE PROPER MEDICAL AND DENTAL STANDARD OF CARE SINCE APRIL 2021."

SINCE 2022-2025 AND COLLECTIVELY DEPRIVED OF HEALTH AND HAPPINESS AND THRIVING WITH HER DAUGHTER AND HER HOME AND HER FREEDOM AND HER SECURITY AND HER PEACE FOR MORE THAN 38 MONTHS.

****LEGAL DEFINITION OF MALICE:**

MALICE AND FRAUD UPON THE COURT

Under Virginia law, malice may be judicially inferred from conduct that is willful, wanton, or undertaken with a conscious disregard of another's rights. Here, malice is substantiated by a pattern of documented concealment, obstruction, and misrepresentation and threats to Lynn Kay and Elaine Mae Kapusta by individuals acting under color of fiduciary or legal authority.

OUR CURRENT DEMANDS FOR BEGINNING THE LONG PROCESS OF RIGHTING WRONGS FROM 20+ CRIMINALS:

COURT ORDERS:

- 1. COURT-ORDERED FOR ELAINE MAE KAPUSTA TO BE IMMEDIATELY REMOVED FROM ASSISTED LIVING**

- 2. COURT-ORDERED FOR ELAINE MAE KAPUSTA TO BE BROUGHT HOME TO LYNN KAY-(MYSELF)**

- 3. COURT ORDER RESTORING LYNN KAY'S FRAUDULENTLY TERMINATED LEGAL P.O.A. AND ADVANCE MEDICAL DIRECTIVE FOR 5 YEARS**

- 4. COURT ORDERED FOR LYNN TO SOLELY HAVE ALL CONTROL OF THE ESTATE AND ELAINE TO CARE FOR ELAINE HER MOM IN THEIR HOME AS LYNN KAY BEING THE ONLY ONE ONCE AGAIN FOR 8 YEARS PREVIOUS-(2013-2020) MAKING ALL ESTATE AND HEALTH DECISIONS FOR ELAINE WITH THE HELP OF A CARE MANAGER OF LYNN'S CHOOSING FOR FACILITATING ALL DOCTORS APPOINTMENTS AND WEEKLY MONITORING AND ENTIRELY DOCUMENTING ELAINE'S HEALTH WITH LYNN KAY HAVING THE HELP OF A 6-8 HOUR WEEKDAYS ONLY AIDE OF LYNN'S CHOOSING TO EMPLOY OR TO NOT EMPLOY, AS IS NEEDED, WITH LYNN ONCE AGAIN FULLY AND SOLELY ONLY HOLDING ADVANCE MEDICAL DIRECTIVE AND FULLY AND SOLELY HOLDING LEGAL P.O.A. AS THE 2020 COURT ORDER FOR LYNN KAY AS FULL AND SOLE GUARDIAN HAS BEEN "HORRIFICALLY BREACHED" SINCE 2020 HAVING UNJUSTIFIABLY DECEPTIVELY TERMINATED LYNN KAY'S ADVANCE MEDICAL DIRECTIVE ON 7/31/20 WHICH WAS NOT AGREED TO ON 1/7/20 FOR LYNN BEING GUARDIAN.**

- 5. COURT ORDER HEREBY ENTIRELY DISSOLVING ALL COURT ORDERS OF 2020-2025 WITH NO LONGER THERE BEING ANY FIDUCIARIES AS 20+ FIDUCIARIES AND ALL LAWYERS AND PERSONS RESPONSIBLE FOR PROVIDING ELAINE CARE HAVE CONCEALED THEIR ELDER NEGLECT AND ABUSE CRIMES FOR 3+ YEARS NOW DEFYING ALL DOCTORS ORDERS TO PROVIDE ELAINE WITH DENTAL AND MEDICAL CARE AND "THREATENING AND DESTROYING THE LIVES OF BOTH ELAINE MAE KAPUSTA AND LYNN KAY FOR 5 YEARS OF FRAUD BEING COMMITTED BY CRIMINALS DEFINED BY ACTIONS AND INACTIONS AND AS PER VIRGINIA LAW".**

6. COURT-ORDERED FOR ELAINE MAE KAPUSTA TO BE FULLY EVALUATED AND FULLY TREATED BY DR. FEIGERT- INDEPENDENT ONCOLOGIST FOR EVALUATING ALL 3 YEARS OF MEDICAL CARE AND TREATMENT AND 3 YEARS OF ELAINE'S MEDICAL HISTORY SINCE 2022 BEING PREVIOUSLY AS HEALTHY AS HER THEN 60 YEAR OLD DAUGHTER FOR DR. FEIGERT-(HEMATOLOGIST) OR ANY OTHER HEMATOLOGIST OR ONCOLOGIST OF LYNN KAY'S CHOOSING FOR AN INDEPENDENT HEMATOLOGIST EVALUATING ELAINE'S DEPRIVATION OF CARE FOR 3+ YEARS FOR GIVING A FULL MEDICAL REPORT EVALUATION AND FOR DR. FEIGERT/HEMATOLOGIST BEGINNING ALL LIFESAVING AND LIFE SUSTAINING CARE AND TREATMENTS FOR. ELAINE MAE KAPUSTA DEPRIVED FOR MORE THAN 38 MONTHS SINCE 2021.

LEGAL DEFINITION OF MALICE

MALICE TO BE JUDICIALLY DETERMINED BASED ONFACTUAL EVIDENCE OF THIS SHOWN BY COURT EXHIBITS TO ALL BE DISPROVEN BY FIDUCIARIES TO ESCAPE JUSTICE OF ELDER CRUELTY CRIMES CONCEALED BY ALL NAMED PERSONS COMMITTING AND AIDING AND ABETTING IN ELDER CRUELTY CRIMES OF INHUMANITY AGAINST THE LAW-(182-369-B).

THIS COURT AND ALL AUTHORITIES HAVE CAUSED THE SUFFERING UNDER "CRIMINAL FIDUCIARIES FREELY COMMITTING CRIMES* WITHOUT THERE EVER HAVING BEEN ANY AUTHORITATIVE ACCOUNTABILITY.

THE 2022 FRAUD UPON THE COURT SHOWS WHO THESE FIDUCIARIES REALLY ARE WITH ALL OF THEIR CREDIBILITY NOW ENTIRELY STRIPPED AWAY FROM THESE AS "OFFICERS OF THE COURT AND AS FIDUCIARIES AND AS SON" ALL COMMITTING GHASTLY CRIMES.

THIS COURT MUST NO LONGER HINDER AND AVOID DEALING WITH EVERY SINGLE ONE OF THESE CRIMINALS FOR THEIR ELDER CRUELTY AND OTHER EGREGIOUS CRIMES COMMITTED AGAINST ELAINE MAE KAPUSTA AND "CRIMINALLY CONCEALED FOR 3+ YEARS"!

- 1. CARY CUCINELLI**
- 2. VALERIE GEIGER**
- 3. ELIZABETH WILDHACK**
- 4. LAURIE KIRKLAND**
- 5. SUZANNE HANAS**

6. LIZ SHIFFLETT
7. PREMIER PLANNING
8. JEANNE BLUE
9. KATE MAHONEY
10. RACHELLE DORNAN
11. ELDER TREE
12. DR. ALAN DAPPEN
13. DOC TALKER
14. PARAGON CARE
15. GEORGE W. DODGE
16. DR. NAVEEN DOKI
17. STEPHEN HALL-(KING CAMPBELL)
18. PHILIP KAPUSTA-(SON)
19. JUSTIN BERGER-(HALE BALL)

ALL OF THE CRIMES COMMITTED AND CONCEALED OVER 3 YEARS HAS DIRECTLY STEMMED FROM BEING DUE TO THE JULY 2022 FRAUD UPON THE COURT.

WHAT HAS BEEN DOCUMENTEDLY NOW FULLY PROVEN, BEYOND A SHADOW OF A DOUBT, BY THOSE DOCUMENTS IS ENTIRELY IRREFUTABLY PROVEN WITH THESE 2 FRAUDULENTLY FALSIFIED CARE MANAGER REPORTS AND THIS 7/5/22 DOCUMENTS FRAUDULENTLY FALSIFIED AND CONCEALED EMERGENCY PETITION USED IN "THE SECRETIVELY HELD 7/5/22 EMERGENCY PETITION HEARING" NEVER NOTIFYING LYNN OR DOING ANY "DUE DILIGENCE".

A KNOWINGLY FRAUDULENTLY OBTAINED COURT ORDER WITH THREATS MADE IS IMMEDIATE GROUND FOR DISBARMENTS AND THE CRIMINAL CONCEALMENT AND NON-DISCLOSURE OF FACTS WITH CRIMINAL CONCEALMENT ALSO IMMEDIATELY HAVING DEFIED THE COURT ORDER IN

BREACHING THE 2020 SETTLEMENT AGREEMENT AND ALL 2020-2025 COURT ORDERS IN FULL FOR ALL OF THE 2020-2025 ORDERS BEING DECLARED AS VOID FOR ALL 5 CONTINUAL YEARS OF ALL ACTS OF FRAUD COMMITTED SINCE 2020 TO PRESENT DAY UNCEASINGLY.

*****CRIMINALLY CONCEALED FALSIFIED AND FABRICATED PREMIER LIFE PLANNING CARE MANAGEMENT 1ST REPORT OF ABSOLUTE LIES TO ATTEMPT TO CRIMINALLY CONCEAL CRIMINAL MEDICAL ELDER NEGLECT*****

Callie Bailey

From: Liz Shifflett <l.shifflett@premierlifeplanning.com>
Sent: Wednesday, June 8, 2022 6:13 PM
To: Cary Cucinelli; Callie Bailey
Cc: Suzanne Hanas
Subject: EK 6.8.22

6.8.22
Elaine Kapusta
VA Heart Arlington Office
F/u for fatigue symptoms

6-8-22-SHIFFLETT-"CRIMINALLY FALSIFIED AND CRIMINALLY CONCEALED CARE MANAGER REPORT USED FOR FALSIFICATION OF THE ALSO CONCEALED 7-5-22 EMERGENCY PETITION AND HEARING"

Presentation:

Elaine was ready to go when I arrived today dressed in a pink turtleneck, brown pants, and slippers. We went to see Dr. Vlacancich cardiologist to assess increased fatigue that Lynn has observed in her mother. Elaine appeared at her baseline. She did the stairs, walked, and transferred into my car with no difficulty. Jack also reported they had a great session on Monday that she tolerated well. I have also discussed the fatigue with Dr. Lessin. His office has suggested trying a medication called Mybetriq which can help with overactive bladder that could allow her to sleep better by reducing the overnight trips to the bathroom. However, Lynn will not allow any new medications.

Assessment this visit:

- Cardio/pulmonary; mild shortness of breath with exertion at baseline, no dizziness, edema at baseline (4+) right greater than left (3+). Good color. Lungs clear to auscultation. Rhythm is rate controlled atrial fibrillation via office EKG
- Vitals; blood pressure 122/55, heart rate 68, respirations 18, weight 151.
- Mood; pleasantly confused. The doctor noted that she "just talks nonsense" and is "out of it"
- Personal care; Griswold cannot staff and aide for 2 hours in the time frame of 11-4. Lynn would like to ask Care with Love if they have any providers for private duty since they know Elaine
- GI/GU; Elaine used the bathroom while we were out to urinate and needed considerable cuing and physical assistance
- Pain; Denied
- Rehab; Jack is now coming every Monday. He has added yard work into the plan of care since Elaine likes to sweep the deck. He would like to plant some small flowers in empty flowers with her to work on motor planning, coordination, transfers, and functional mobility.
- Envt; the front lawn is still quite over grown. The back yard could also use mowing. It is getting very tall in the back with weeds.
- Supplies; I ordered a knee sleeve brace recommended by Jack
- Lynn is still upset about her allowance and the rising foods costs

**6/8/22-LYNN KAY
TEXT REQUESTED
SED RATE-IGNORED
BY SHIFFLETT
INCOMPETENCE**

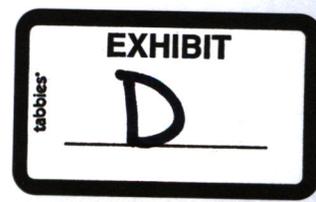
Interventions this this visit:

- VA Heart appt completed
- *CBC, CMP, BNP, TSH, T4 ordered and done in lab downstairs at Labcorp
- *no medication changes; encourage Lasix every day
- *Elaine is not a candidate for ANY invasive testing or to look aggressively for potential issues since they would not be treated due to comorbidities
- *fatigue is a normal part of aging and any intervention is not worth the risk
- Eliquis refill picked up from CVS
- Dexascan showed osteopenia
- *take Vitamin D3 2000u every day
- *consume 1200mg of Calcium per day
- *engage in 30 minutes of walking 3x a week

THE COMPLETE DISREGARD OF MY MOM* FOR "NO ONE TO EVER DO ANY PROPER DIAGNOSTIC TESTING" IS BEYOND SHOCKING ALLOWING MY MOM TO SUFFER INSTEAD OF BEING PROPERLY DIAGNOSED AND TREATED-FAILURE BY VIRGINIA HEART ALSO DIRECTLY CAUSED 6/30/22 HOSPITALIZATION AS INTERVENTION AND PROPER DIAGNOSTIC TESTING WAS IMPERATIVE AND EVERYONE FAILED TO CARE! CMP AND SED. RATE AND U/A IF DONE WOULD HAVE SHOWN U.T.I.-UROSEPSIS!

**X
LIE**

FALSE STATEMENT! NO BNP OR TSH OR T4 OR CMP WAS SHOWN TO HAVE BEEN DONE ON 6/8/22



5/10/22-CONCERNING ELEVATED SED RATE AND LOW PLATELETS CONCERN BY DR. LESSIN**-STATED 1 MONTH FOLLOWUP OR P.R.N. SOONER AS NEEDED**

Lynn wants her mom to get the Shingles vaccine; Dr. Lessin has approved it. I will provide a CDC fact sheet to Lynn as it is sometimes not well tolerated

Plan:

- Monitor CP status
- Monitor edema
- Monitor personal care
- Monitor mood and cognition
- Monitor medication mgmt

Next Steps:

- F/u with Care with Love re: an aide for 1x a week
- F/u on labs
- F/u on shingles vaccine
- Get a few small plants for Jack to work with Elaine
- F/u on front lawn

Liz Shifflett, RN/MPH/CCM

--

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Arlington, VA 22202
571-214-7378

6/30/22-STATEMENTS MADE BY LIZ SHIFFLETT "DO NOT MATCH FACTS* AS SHOWN BY NESTCAM VIDEOS AND ALSO *DOES NOT MATCH MEDICAL FACTS* AND *ENTIRELY FAILED TO INFORM THAT LIZ SHIFFLETT PREMIER CARE PLANNING FAILED TO SEEK CARE FOR ELAINE SINCE 5/18/22* WHEN *LYNN 1ST STATED THAT HER MOM WAS NOT WELL* BY DOCUMENTED TEXT. AND 30 MORE TEXTS THEREAFTER *INFORMING OF HER MOM'S HEALTH AND HER NEEDS THAT SOMETHING WAS WRONG*.

Callie Bailey

From: Liz Shifflett <l.shifflett@premierlifeplanning.com>
Sent: Thursday, June 30, 2022 10:35 PM
To: Cary Cucinelli; Callie Bailey
Cc: Suzanne Hanas
Subject: FK 6.30.22

THIS "CRIMINALLY FALSIFIED REPORT" WAS ALSO "CRIMINALLY CONCEALED TO LYNN KAY FOR 3 YEARS"

ELIZ SHIFFLETT FAILED TO EVER INFORM THAT NEGLIGENCE BY CARE MANAGER-(HERSELF) NEGLIGENT ACTIONS BEGAN EVEN PRIOR TO 5/18/22 AND ENTIRELY CAUSED 1 YEARS OF SUFFERING BY ELAINE NOT RECEIVING PROPER MEDICAL CARE AS WAS "MEDICALLY PROPERLY REQUESTED BY ONLY LYNN SINCE 6/2/22 KNOWING WHAT WAS "MEDICALLY ASTUTELY CORRECT" AS ELAINE RECEIVED EVERYTHING "LYNN WAS WRONGFULLY CONDEMNED AND DEFAMED FOR "MEDICALLY PROPERLY REQUESTING AND ONLY LYNN DOING/REQUESTING EVERYTHING THAT THE HOSPITAL DID EVERYTHING REQUESTED BY LYNN WITH THE HOSPITAL THEN CONSULTING WITH LYNN ON 7/4/22 CALLING LYNN TO

6.30.22
Elaine Kapusta
4136 North River Street, Mclean
ER admission

Presentation:

I received a call from Lynn yesterday requesting I take Elaine to the ER since she was "going downhill, delirious, not eating, and not sleeping." She also said she "must have IV fluids and vitamin injections to be fixed." When I arrived today at 12:15, Elaine appeared mostly at baseline, but slightly more tired. Her blood pressure was 155/86, heart rate 68, and respirations 18. She was sitting in a chair dressed in brown pants, a pink turtleneck, and slippers. I observed her walk at baseline. Elaine was eating and drinking, but less than usual. She was also voiding in the bathroom on her own. Elaine was calling out for more help at night, and it was keeping Lynn up.

CARE MANAGER INCOMPETENCE DISREGARDING SINCE 5/18/22 UNWELLNESS

Lynn appeared distraught and visibly upset. She stated she herself only slept 4 hours in the last 5 days. Lynn was irrational and not receptive to feedback that her mother was not in an emergent situation. I had spoken to VA Heart earlier in the day who reported the last set of labs were all good, but we could re-check a TSH and T4. I had an order for home labs. It was also directed we could start the Ramipril which was already ordered by Dr. Lessin. They also reiterated that Elaine is older and will be tired as was stated at the last appt. Lynn did not want to hear any of this. She also reported that she on her own accord stopped giving Elaine the Lasix on Sunday

THE DISREGARD TO DIAGNOSE BY 2 DOCTORS WAS SHOCKING!

We started to discuss that Lynn cannot make medication changes on her own. We also started discussing that Lynn appears to need more help at the house or Elaine needs a higher level of care. Lynn began yelling and said she was going to hit and smack me several time. She was not receptive to diffusion or my removing myself from the home. She yelled for me to come back and chased after me agitating Elaine who started to cry and begged me not to leave creating a near incident on the stairs.

NESTCAM VIDEOS DO NOT MATCH STATEMENTS MADE BY SHIFFLETT CONCEALMENTS

SHIFFLETT FAILED TO INFORM IN HER ELDER NEGLECT CONCEALED

I expressed concern for Elaine being alone with Lynn and called 911. EMS and the police were called to the home. I spoke with officers MF Colorado and E Kisiel and EMS at the house. Elaine was taken to VHC. Lynn did not accompany her.

SO INCOMPETENT TO CALL THE POLICE FOR HER DISREGARD OF 1 1/2 MONTHS OF MOM'S PHYSICAL SUFFERING AFTER CALLING ME CRAZY FOR SEEKING EMERGENT CARE

6/30/22- **E.R. STATES-NO EDEMA**

Assessment at the hospital: 5-6pm

Dr. Charles, Molly LCSW, Khalil pharmacist (all in collaboration)

- Cardio/pulmonary; no shortness of breath, no chest pain, 4 + edema bilaterally right greater than left
- Vitals; blood pressure 186/111, heart rate 97, respirations 20, pulse ox 95% on room air, afebrile
- Mood; at baseline confusion. Trying to get out of the gurney. They were going to put on the mittens before I arrived
- Medications; reviewed with the pharmacist. There was a 1x order for Benadryl 12.5mg by mouth x1 for sedation since she was restless in an unfamiliar environment

X LIE

X LIES

-Labs; CBC, CMP, sed rate, TSH, T3, and urine collected and all normal. No dehydration. IV fluids of 0.9NS at maintenance were only given to appease Lynn-there was no clinical need. Iv in the right forearm which is at risk of being pulled out

"GROSSLY ABNORMAL LABS" ON MEDICAL REPORTS SINCE 6/30/22

- Tests; venous doppler to right leg and head CT scan ordered
- GI/GU; Elaine was hooked up to Purewick suction to collect urine

ACTIONABLE DEFAMATION FOR 3 YEARS CONCEALED IN COURT FILED-SEALED FILING-INFORMATION USED. FOR DESTROYING ELAINE'S AND LYNN'S LIFE FOR "3 HORRIFIC YEARS OF MOM AND I SUFFERING" FROM **ALL FIDUCIARIES CRIMINAL ELDER NEGLECT CRIMINALLY CONCEALED SINCE 6/30/22



THIS "FELONIOUS AND DEFAMATORY REPORT" IS **ENTIRELY FULL OF LIES AND "SEEKS TO DEFLECT THE CARE MANAGER NEGLIGENCE AWAY FROM SHIFFLETT BY STATING ALL LIES"**

-Pain; No apparent distress

-Functional; Lynn requested the doctor give her mom "a catheter, IV medication to sleep, vitamins in the IV, and IV fluids to fix her before she comes home". The doctor said she was not going to do that and asked if more support was need at home. Lynn responded no and the above was only needed.

MOM RECEIVED ALL OF LYNN'S REQUESTS WITHIN 2 DAYS

Misc: The doctor said Elaine would be able to be released if it not for the social services need to admission for placement given that episode that happened at the house corroborating behavior Lynn exhibited on the phone to Dr. Charles

****LYNN KAY'S GOOD JUDGMENT-MEDICAL ASTUTENESS PROVEN ON DAY 1 AND 2 BY "GROSSLY ABNORMAL LABS"*****

interventions this this visit.

-EMS and police called for unsafe situation at the home

-ER report and history provided

*detailed concern of neglect and placement needed for a safe discharge

-Contacted Silverado; no beds and has a wait list

-Placed APS referral

-Put PT/OT on hold per placement

ONLY LYNN KAY STATED EVERYTHING "MEDICALLY PROPERLY BEFORE ELAINE WENT TO E.R.AND RECEIVED ALL STATED BY LYNN

Plan:

Provide for safe discharge plan

F/u on guardianship

Next Steps:

F/u on hospitalization

Find memory care facility; The Kensington

Consider staffing private duty at hospital if Elaine is continued agitated

THERE WAS NO JUSTIFICATION TO CALL THE POLICE-LIZ SHIFFLETT FAILED TO INFORM THAT SHE ENTIRELY DISREGARDED ELAINE'S PHYSICAL UNWELLNESS PROGRESSING AND THAT SHE CALLED LYNN "CRAZY MULTIPLE TIMES-(NESTCAM VIDEOS) AS "LYNN WAS THE ONLY ONE WHO MEDICALLY CORRECTLY REQUESTED EVERYTHING THAT ELAINE, IN FACT, RECEIVED IN THE HOSPITAL FROM DAY 1 AS MEDICAL FACTUALLY DOCUMENTED

Liz Shifflett, RN/MPH/CCM

FALLACIOUS AND "CRIMINALLY FALSELY MISLEADINGLY UNTRUE- "DEFAMATION"-FALSIFIED LIZ SHIFFLETT

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Liz Shifflett, RN/MPH/CCM
Premier RN Geriatric Care
VP of Nursing Services
1300 Crystal Dr, #309
Arlington, VA 22202
571-214-7378

LIZ SHIFFLETT-(PREMIER CARE PLANNING) DOCUMENTED BY TEXTS NEGLIGENCE AND LNEGLECT OF ELAINE MAE KAPUSTA DESPITE BEING "MEDICALLY PROPERLY INFORMED BY LYNN DOING AND REQUESTING EVERYTHING MEDICALLY CORRECT" AND "NEVER NEGLECTING HER MOM"-SHIFFLETT NEGLECT DIRECTLY CAUSED 3 YEARS OF HELL FOR "ELAINE AND LYNN BOTH BEING REMOVED FROM THEIR OWN LIVES SINCE 6/30/22" AND SUFFERING EVER SINCE AS A DIRECT RESULT OF ALL FIDUCIARIES LIES TOLD BY ALL OF THEM WITH NO EVIDENCE OF PROOF OF ANY ALLEGATIONS MADE AGAINST LYNN, EVER, AS THE HOSPITAL DID EVERYTHING EXACTLY AS LYNN DID AND REQUESTED FOR HER MOM. ONLY LYNN "MEDICALLY CORRECTLY" STATED EVERYTHING NEEDED EVEN BEFORE ELAINE WENT TO THE HOSPITAL."MEDICALLY CORRECTLY"

6-30-22-SHIFFLETT REPORTING "DEFAMATORY LIES TO CONCEAL" SHIFFLETT CARE MANAGEMENT ELDER NEGLECT SINCE 5/18/22

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

VIRGINIA:

FILED
CIVIL PROCESSING

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

2022 JUL -5 @ 3:33

PHILIP KAPUSTA,
Plaintiff,

v.

ELAINE MAE KAPUSTA,
Respondent,

and

LYNN KAY,
Defendant

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

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

JOHN T. FREY
CLERK, CIRCUIT COURT
FAIRFAX, VA

Case No. CL 2018-11871

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

EMERGENCY PETITION FOR CHANGE OF GUARDIAN

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6/30/22-VHC- NO EDEMA

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

14 DAYS HOSPITALIZED

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

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

MOM WAS CRYING SCARED!

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

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

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

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

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

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

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

THE E.R. DR. WAS WRONG

MOM RECEIVED ALL OF THAT IN FIRST 2 DAYS

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

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

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

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

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

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

6/30/22-VHC-NO EDEMA

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

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

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

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

ALL LIES BY CARY CUCINELLI CONCEALMENTS

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

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

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

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

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

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

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

LIES BY FIDUCIARIES TO CONCEAL ELDER NEGLECT

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

Respectfully submitted,

Cary Z. Cucinelli, VSB No. 72102
Valerie B. Geiger, VSB No. 82133
Cucinelli Geiger Thompson Wildhack, PC
4084 University Drive, Suite 202A
Fairfax, Virginia 22030
phone: 703-481-6464
fax: 703-991-0609

Co-Conservators for Elaine M. Kapusta

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

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

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

CERTIFICATE OF SERVICE

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

Lynn Kay
4136 North River Street
McLean, Virginia 22101
lynnkay7@gmail.com

Philip Kapusta
39 Brookstone Drive
Falmouth, Virginia 22405
philip_kapusta@hostsafes.com

Jean Galloway Ball, Esq.
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10511 Judicial Drive
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Counsel for Petitioner Philip Kapusta

Laurie L. Kirkland, Esq.
Blankingship & Keith, PC
4020 University Drive, Suite 300
Fairfax, VA 22030
lkirkland@bklawva.com
Counsel for Respondent Elaine Kapusta

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



Cary Z. Cucinelli, Esq.



FC
C
CA
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DMV
BDE
CCRE
DMAS
Atty
Edm/CONS
FI-2020-1049
GAL
Grimes

VIRGINIA :

IN THE CIRCUIT COURT OF THE COUNTY OF FAIRFAX

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

Case No. 2018-11871

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

WHEREFORE, it is hereby:

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

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

DK
8/17/2021
RM

Lynn Kay is hereby appointed the Guardian of Elaine Kapusta, with all

powers granted, and duties conferred upon a Guardian pursuant to Virginia

Code section 64.2-2019, except that the Guardian shall have no power to hire,

manage, or terminate any caregiver hired by the Co-Conservators for Ms.

Kapusta, and the Guardian shall continue to serve in that capacity until

further Order of this Court; and it is further

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Done
8/7/2020
TJM

Done
8/10/2020
TUM

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

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

ENTERED this 31st day of July 2020.

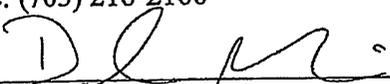

Circuit Court Judge

Dontaè L. Bugg

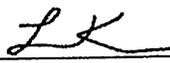
HALE BALL
10511 Judicial Drive
Fairfax, Virginia 22030
Telephone: 703-591-4900
Facsimile: 703-491-5082

By: See attached.
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Telephone: 703-218-2156
Facsimile: (703) 218-2160

By: 
David Gutkowski, VSB No. 72998
David.Gutkowski@ofplaw.com
Counsel for Defendant Lynn Kay

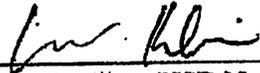
BLANKINGSHIP & KEITH, P.C.
4020 University Drive, 3rd Floor
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By: 
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By: See attached.
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Guardian ad Litem for Respondent

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By: 

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By: _____
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Guardian ad Litem for Respondent

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By: _____
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Counsel for Petitioner Philip Kapusta

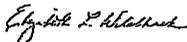
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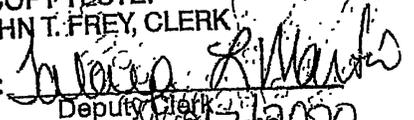
By: _____

Elizabeth L. Wildhack, Esq., VSB 43300
Elizabeth@twplc.com
Guardian ad Litem for Respondent

Digitally signed by Elizabeth L.
Wildhack
Date: 2020.07.28 15:06:58 -04'00'

SEEN AND AGREED

By: 
Cary Z. Cucinelli, VSB No. 72102
cary@cucinelliger.com
Valerie B. Geiger, VSB No. 82133
valerie@cucinelliger.com
CUCINELLI GEIGER PC
4084 University Drive, Suite 202A
Fairfax, Virginia 22030
Telephone: 703-481-6464
Facsimile: 703-991-0609
Proposed Co-Conservators for Elaine Kapusta

A COPY TESTED:
JOHN T. FREY, CLERK

BY: 
Deputy Clerk

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

This Petition respectfully demands urgent judicial intervention due to five years of:

- **Concealment of abuse and elder medical neglect**
- **Deprivation of critical dental and medical care**
- **Breach of fiduciary duty of care**
- **Criminal obstruction and retaliation**
- **Intentional misrepresentations by fiduciaries and officers of the court**
- **Systematic violation of Elaine’s rights and our family’s dignity**

This filing also moves to strike the July 2025 hearing, and instead requests the Court stay all further proceedings until the issue of fraud upon the court is fully heard and adjudicated. Fraud upon the court vitiates all that follows and must be addressed before any further action proceeds.

SUPPLEMENTAL MOTION

Petitioner advises the Court that a full supplemental filing with exhibits, declarations, and corroborating materials will follow. This preliminary filing is submitted today to preserve rights and trigger immediate judicial review due to the extraordinary harm endured by Elaine Mae Kapusta and Lynn Kay.

GROUND FOR RELIEF

Petitioner incorporates and restates all content in the original July 24, 2025 filing attached hereto, which documents:

- **Failure to seek or provide life-saving medical care in defiance of nine doctors’ orders**
- **Deceptive revocation unauthorized in the 1/7/20 GUARDIANSHIP SETTLEMENT AGREEMENT for holding Advance Directive for 8 years previous and unaware of termination to occur as never agreed this nor any of the “malicious alterations to the Agreement”**
- **Psychological abuse and medical deprivation for over 38 months**
- **Documented concealment of fiduciary malfeasance of “DELIBERATE DEPRIVATION OF 3+YEARS OF THE DENIAL OF DENTAL AND MEDICAL CARE AGAINST DOCTORS WRITTEN**

ORDERS WHILE ELAINE SUFFERS UNSPEAKABLE HORRORS AND ALMOST DEATH by over 20 professionals as “SO-CALLED FIDUCIARIES SINCE 2021”.

BASIS FOR SETTING ASIDE COURT ORDERS (2020–2025)

Petitioner respectfully asserts that the July 2022 Emergency Petition, without proper notice of Petition and hearing "secretively held". All underlying reports, and subsequent court orders were fraudulently obtained through material misstatements by CRIMINAL FALSIFICATION OF CARE MANAGER REPORTS CRIMINALLY CONCEALING 18.2-369-B-(CLASS 4 FELONY CRIMES) FOR 3 YEARS, omission of medical evidence, and the suppression of facts.

These misrepresentations and blatantly deceptive acts by fiduciaries since 7/31/20 outlines along with the Petitioner’s advance medical directive TERMINATION revealing MALICE INTENDED FOR 5 YEARS--without any legal right to terminate LYNN KAY’S RIGHT AS GUARDIAN TO CONTINUE TO PROTECT HER MOM.

This constitutes fraud upon the court, nullifying the validity of all orders and agreements entered from 2020 through 2025. The continued enforcement of these orders, in light of proven misconduct, serves only to perpetuate injustice and places the health and welfare of Ms. Kapusta in further jeopardy.

LEGAL AUTHORITY

This Court has the inherent authority to vacate all orders obtained by fraud (Va. Sup. Ct. R. 1:1), and to dissolve guardianships and conservatorships under Va. Code §§ 64.2-2012, 64.2-2019, and related statutes where continued oversight is against the best interests of the incapacitated person.

Fraud upon the court is defined as conduct that “defiles the court itself,” and where it exists, relief is not barred by time limits.

Breach of fiduciary duty occurs when a fiduciary fails to act in the best interest of the protected person — here, notably the failure to obtain and provide dental and medical care, monitor health and protect Elaine’s life and her basic dignity and rights to not suffer neglect and abuse.

PRAYER FOR RELIEF

Petitioner respectfully asks this Court to:

1. Dissolve all conservatorship and guardianship orders entered between 2020–2025
2. Restore full POA and Advance Medical Directive to Lynn Kay,-(2013-2020 PREVIOUSLY HELD ALONG WITH P.O.A.)
3. Order the return of Elaine Mae Kapusta to her home under the care of her daughter
4. Refer all fiduciaries and officers of the court and PHILIP KAPUSTA for criminal investigation for elder cruelty and all other crimes committed and supported since July 2022 and fiduciary misconduct
5. Stay the July 2025 hearing until the Court adjudicates the pending issue of fraud upon the court
6. Order a full independent medical evaluation by Dr. Feigert or another hematologist of Lynn Kay's choosing
7. Allow follow-up supplemental briefing and exhibits to be submitted within 5 days
8. ORDER FULL INDEPENDENT FORENSIC AUDIT FOR 5 YEARS OF GROSS FINANCIAL MISMANAGEMENT SINCE 2020 DEFYING ALL COURT-ORDERED TERMS TO THE DETRIMENT OF ELAINE MAE KAPUSTA, LYNN KAY AND THE ESTATE LOSING MULTI-MULTI MILLIONS OF DOLLARS BY CONSERVATORSHIP GROSS FINANCIAL FRAUD AND MISMANAGEMENT.
9. FREEZE THE ENTIRE CONSERVATORSHIP BOND
10. DECLARATION OF FRAUD COMMITTED UNDER CONSERVATORSHIP DETRIMENTALLY DECIMATING ELAINE AND LYNN AND THE ESTATE FOR THE ENTIRETY-(2020-2025)
11. RIGHTS TO SEEK FULL RESTORATION OF FUNDS LOST DUE TO FRAUD COMMITTED FOR 5 YEARS OF GROSS FIDUCIARIES AND PHILIP KAPUSTA MALFEASANCE AND RIGHT TO SEEK MAXIMUM PUNITIVE DAMAGES FROM ALL NAMED PERSONS FOR "EGREGIOUSLY DESTROYING OUR LIVES BY THEIR HANDS OF FIDUCIARY MALFEASANCE COLLECTIVELY FOR 5 YEARS OF "FAILURE TO CARE".

THE LACK OF ENFORCEMENT OF 5+ CRIMES WITH THERE BEING ABSOLUTELY NO OVERSIGHT OR ACCOUNTABILITY OF ANY FIDUCIARY AND LAWYERS AND CARE MANAGEMENT AND DOCTORS AND PHILIP KAPUSTA HAS CAUSED THIS HORRIFIC TRAGEDY OF OUR 2 LIVES BEING ENTIRELY STOLEN AND DESTROYED FOR 5 YEARS UNDER THIS WELL-DEFINED PREDATORY CONSERVATORSHIP AND GUARDIANSHIP SYSTEM OF EVIL AND INHUMANENESS.

PREDATORY CONSERVATORSHIP/GUARDIANSHIP SEEKING FINANCIAL EXPLOITATION AND HARM TO:

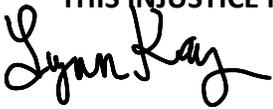
LIQUIDATE...ISOLATE....MEDICATE...DECIMATE...CREMATE

AND DEFAMING THE ONLY ONE SEEKING TO SAVE HER OWN "MOM FOR ALMOST 20 YEARS SINCE 2006 SACRIFICING HER LIFE TO SAVE MY MOM.

LYNN KAY FOR 3 YEARS HAS BEEN TRYING TO OPEN ALL AUTHORITATIVE EYES TO CRIMES BEING COMMITTED RIGHT UNDER THEIR NOSES AND IN PLAIN SIGHT!

THE IMMEDIATE ATTEMPT TO TRY TO FULLY RESTORE WHAT REMAINS OF OUR ENTIRELY "DECIMATEDLY DESTROYED AND ENTIRELY SHATTERED LIVES."

THIS INJUSTICE MUST END TODAY! Respectfully submitted,



Lynn Kay

Dated: July 24, 2025

NOTICE OF SERVICE:

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



LYNN KAY

TWEETERY7@YAHOO.COM

571-421-6813

7/24/25