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FAIRFAX, VA

**FILED UNDER SEAL PURSUANT  
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**\*\*\*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**

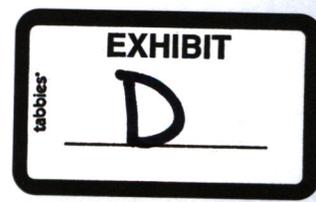
**Interventions this this visit:**

- 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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VP of Nursing Services  
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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"

ELAINE MAE KAPUSTA ALMOST DIED BECAUSE OF "LIZ SHIFFLETT BEING SO INCOMPETENT AND UNCARING AS A NURSE CARE MANAGER"-\*\*("SHE IS A DEADLY DANGEROUS PERSON"- "CRIMINALLY FALSIFYING REPORTS") LIZ SHIFFLETT FAILED TO EVER INFORM THAT NEGLECT 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-(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**

**BREACH OF THE 2020 GUARDIANSHIP SETTLEMENT AGREEMENT COURT ORDER**

FILED IN COURT  
10-12-2022

VIRGINIA:

IN THE CIRCUIT COURT FOR FAIRFAX COUNTY

PHILIP KAPUSTA  
Plaintiff

**BREACH OF 2020-GUARDIANSHIP AGREEMENT BY "FRAUDULENTLY TERMINATING" USING "CRIMINALLY FALSIFIED CARE MANAGER REPORTS CONCEALED TO LYNN KAY FOR 3 YEARS OF SUFFERING INJUSTICE**

v.

Civil Case No. 2018-11871

ELAINE MAE KAPUSTA  
Respondent

and

LYNN KAY,  
Defendant

**DEFAMATION BY WILDHACK STATING I AM NOT APPROPRIATE AS GUARDIAN**

GUARDIAN AD LITEM REPORT

COMES NOW the Guardian *ad Litem* ELIZABETH L. WILDHACK, Esq., re-appointed pursuant to an Agreed Order entered September 9, 2022 by this Court and for her Report states as follows:

1. On July 8, 2022, after a hearing on an emergency petition to modify the guardianship, this Court entered a Temporary Order of Appointment of Successor Co-Guardians, temporarily appointing the Co-Conservators, Cary Cucinelli and Valerie Geiger to serve as Ms. Kapusta's temporary Co-Guardians in place of Ms. Kay, without prejudice, pending further order of the Court.

2. Having served as Guardian *ad litem* in the original proceeding in 2019 and 2020, I am well familiar with the family members, counsel, and the currently serving co-conservators in this matter. Although dismissed in the 2020 Order, I was re-appointed as Guardian *ad litem* pursuant to an Agreed Order entered September 9, 2022 by this Court.

3. Mrs. Kapusta continues to reside in her home of more than 40 years at 4136 North

River St., McLean, Virginia 22101.

4. Mrs. Kapusta is widowed and has two adult children, namely son PHILIP KAPUSTA and daughter LYNN KAY.

5. In the original guardianship action, I met and served Mrs. Kapusta on October 29, 2018 at her home in the presence of her counsel, Ms. Kirkland. During that meeting with Mrs. Kapusta, I paraphrased the Petition to her, and she had many questions.

6. Sadly, Mrs. Kapusta's mental faculties have declined substantially over the last three years. Mrs. Kapusta clearly continues to need the aid and protection of both guardians and conservators.

7. After many, many hours of communication with all of the parties and players in this matter, I strongly believe that the instant matter was primarily caused both by the isolation of the COVID pandemic and a serious breakdown in the relationship and communications between Lynn Kay and the care manager who has coordinated Mrs. Kapusta's healthcare for the last several years. The disfunction in that care management relationship eventually resulted in calls to 911 and the emergency petition for to remove Lynn Kay as guardian of the person of Mrs. Kapusta.

8. After conversations with Lynn Kay and counsel, it became clear that, from Lynn Kay's point of view, the care manager who was "responsible for" her mother's healthcare was NOT listening to or taking seriously her reports of her mother's health issues and change in condition.

9. It became very apparent during my several visits that Mrs. Kapusta is at her best and most comfortable when daughter Lynn is in her physical presence and line of site and at her worst when Lynn is not present. It is important to note that until the July Emergency Hearing, Lynn had been Mrs. Kapusta's sole physical caregiver 24 hours a day, seven days a week

exclusively since the beginning of the pandemic.

10. During the first of my recent meetings with Mrs. Kapusta at her home at which Ms. Kirkland and I asked Lynn to stay inside so that we could meet privately with Mrs. Kapusta and the then service care manager, Mrs. Kapusta was physically and mentally agitated. She repeatedly and plaintively cried out for her now long deceased parents. She didn't know who we were and remained very agitated until her daughter Lynn joined. This pattern of Mrs. Kapusta becoming calm and content when Lynn was at her side continued in each of our subsequent meetings..

11. After the July 8, 2022 hear, Lynn lost access to her mother's protected health information and she believes that health care providers were instructed by the old care manager that they should speak with Lynn Kay at all. This loss of access to actual information sent Lynn deep into the internet for hundreds of hours to attempt to interpret and self-diagnose conditions based on her understanding of symptoms and led to increasing demands that certain medications be discontinued. There were strong concerns that Lynn was ensuring that her mother discontinued certain medications without professional medical advice.

12. As soon as I was re-appointed and got into the middle of the situation, I immediately advocated for a change of the care management team. All parties readily agreed and I arranged for an interview between Elder Tree Care Management, Mrs. Kapusta, Lynn Kapusta and her counsel, Mr. Stein. The interview went very well and all parties agreed to move forward with the change.

13. Elder Tree Care Management has been engaged by Ms. Cucinelli as Conservator and Temporary Guardian and has been providing services for more than a week. Elder Tree will soon implement additional in home services for Mrs. Kapusta including Occupational, Speech, and Physical Therapy as well as Recreational Therapy.

14. Likewise, the new care team was able to assist in engaging an experienced house-call physician, Dr. Alan Dappen. Dr. Dappen has already examined Mrs. Kapusta and adjusted her medications. Lynn Kay and Dr. Dappen have reportedly developed a warm relationship.

15. Immediately following the July hearing, the new Temporary Co-Guardians implemented having certified nursing assistants provide 24/7 physical care for Mrs. Kapusta in her home. After a period of adjustment, all parties, including Lynn Kay, agree that this was a change for the better and should continue.

CARE GIVERS WERE NOT NECESSARY AND CAUSED TREMENDOUS HARM

16. I believe, and all parties have agreed, that Lynn Kay should have restored access to her mother's health information as well as the ability to speak to her mother's health care providers, which was seemingly denied to her, whether intentionally or not, since the Emergency Hearing in July.

17. It also became clear to me over these last weeks that Lynn Kay alone does not have the depth of experience and familiarity with, or trust of, the healthcare or guardianship system to effectively protect and implement Mrs. Kapusta's health care. I believe that the appointment of a professional and experienced Co-Guardian is necessary and appropriate.

18. Accordingly, I have recommended GEORGE W. DODGE, Esq., who is well known to this Court as an experienced guardian, to serve as Co-Guardian to protect Mrs. Kapusta's best interests, ensure that all caregivers are appropriately implementing care, and to advocate for Mrs. Kapusta's health and dignity with all persons with whom she comes into contact.

19. Mr. Dodge met with me, Mrs. Kapusta, Lynn and her counsel, as well as Elder Tree representatives at the Kapusta home and agreed to serve. The parties have all agreed to a division of duties and authorities between Mr. Dodge and Ms. Kay as Co-Guardians. Co-Guardian George W. Dodge, Esq. and Co-Guardian Lynn Kay each shall be designated Elaine Kapusta's "personal

BREACH OF CONTRACT AND DEFAMATION

DEFIED COURT ORDER BY TERMINATING MYCHART  
ACCESS SINCE 7/8/22 TO CONCEAL ELDER NEGLECT

representative” and “treated as the individual” for purposes of disclosure, receipt, and inspection of any medical records and health information, including the ability to discuss Ms. Kapusta’s health conditions with her health care provider while Mr. Dodge alone will have full and plenary authority as guardian on healthcare decisions and placement.

20. It is my hope that with proper supports and an experienced team of guardians, conservators, care managers and physicians, Mrs. Kapusta will have a comfortable, anxiety free remainder of her life.

21. I recommend a status review in approximately three (3) months.

Respectfully submitted,

ELIZABETH L. WILDHACK, Esq.  
Guardian *ad Litem* for Elaine Mae Kapusta



ELIZABETH L. WILDHACK, ESQ. [VSB 43300]  
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200 N. Glebe Road, Suite 1000  
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CERTIFICATE OF SERVICE

I hereby certify that I delivered the foregoing Report of Guardian ad Litem this 11<sup>th</sup> day of October, 2022 via email to:

Jean Galloway Ball, VSB No. 19280

[jgball@halebhall.com](mailto:jgball@halebhall.com)

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*Proposed Co-Guardian for Ms. Kapusta*



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