

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

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

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

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

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

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

Petitioner respectfully demands:

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

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

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

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

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

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

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

#### **Statement Regarding Fraud Upon the Court**

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

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

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

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

Code of Virginia

Title 8.01. Civil Remedies and Procedure

Chapter 17. Judgments and Decrees Generally

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

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

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

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

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

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

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

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

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

7/11/20



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