

CIRCUIT COURT FOR FAIRFAX COUNTY, VIRGINIA

LYNN KAY

Petitioner,

v.

PHILIP KAPUSTA

Respondent.

Case No.: CL-2018-11871

7/24/25

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SO ORDERED. _____

JUDGE OF THE CIRCUIT COURT

Dated: _____, 2025

Prepared and Submitted by: LYNN KAY

TWEETERY7@YAHOO.COM



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



LYNN KAY
7/21/25