

CASE #2018-11871

RE: ELAINE MAE KAPUSTA

COURT SUPPLEMENT-SUPPORTIVE DOCUMENTS:

TIMELINE OF INHUMANE PREDATORY “TORTUROUS ABUSE AND NEGLECT” AND GROSS MALFEASANCE & VIRGINIA CRIMINAL LAW SECTION 18.2-369-B & C:

2/24/25-POLICE REPORT-“ATTEMPTED MURDER OF ELAINE MAE KAPUSTA UNDER PREDATORY CONSERVATORSHIP GUARDIANSHIP FOR 5 YEARS”

2/7/25-MEDICAL EXPERT-DR. EDWARD MALLORY NOTARIZED AFFIDAVIT

PAUL KAPUSTA NOTARIZED AFFIDAVIT-11/12/24

5/24/23 THREATS TO LIFE AND HEALTH AND HOME WHILE ALL FIDUCIARIES COMMITTING AND SUPPORTING CRIMINAL ELDER CRUELTY)

1000+ DAYS OF THREATS BY FIDUCIARIES TO LIFE AND HEALTH AND WELL-BEING AND HOME OF BOTH ELAINE MAE KAPUSTA AND LYNN KAY-5/18/22 TO PRESENT DAY!

970 DAYS FROM 1ST DOCUMENTED WRITTEN THREAT TO OUR LIVES ON 7/8/22

896 DAYS AGO-DR. CUSUMANO STATED IN WRITTEN ORDER ON 9/20/22 FOR EVERY 3 MONTHS ELAINE NEEDING QUARTERLY DENTAL CLEANINGS-(MOM HAS ONLY RECEIVED 1-(JUST ONE) DENTAL CLEANING AND DENTAL X-RAYS SINCE THEN)-WHILE SUFFERING TEETH PAIN DENTAL GUM ABSCESS BACTERIAL BLOODSTREAM INFECTION SEPSIS SINCE 9/20/22 DESTROYING BLOODCELLS, PLATELETS AND BONE MARROW**ATTESTED TO BY MEDICAL EXPERT DR. EDWARD MALLORY ON 2/7/25 NOTARIZED AFFIDAVIT****

883 DAYS-(3/2/22-8/1/24)-ELDER CRUELTY-DENIAL OF DENTAL X-RAYS WHILE ELAINE MAE KAPUSTA SUFFERING REPORTED TO ALL FIDUCIARIES “TEETH PAIN AND WHILE “ALL FIDUCIARIES UNCARINGLY DEFYING ALL DOCTOR’S WRITTEN ORDERS”.

870 DAYS AGO-10/16/22-GEORGE W. DODGE AND COLLECTIVELY ALL FIDUCIARIES INFORMED ABOUT (“TEETH PAIN-PLEASE SCHEDULE DENTAL X-RAYS”)**ATTESTED TO BY MEDICAL EXPERT DR. EDWARD MALLORY ON 2/7/25 NOTARIZED AFFIDAVIT****

781 DAYS SINCE 1/13/23 WHEN “ALL FIDUCIARIES HID BEHIND “THE WALL OF SILENCE” AND BY THEIR MALFEASANCE DIRECTLY ALLOWED “THE SOCIOPATHIC GEORGE W. DODGE” TO

BECOME GUARDIAN OF ELAINE MAE KAPUSTA BY “FAILING TO DISCLOSE AND FAILING TO INFORM” OF THIS “ELDER CRUELTY MEDICAL ABANDONMENT OF CARE” IN “ALL 2022-2023 FIDUCIARIES “BREACHING THE FIDUCIARY DUTY OF CARE” IN FAILING TO PROTECT ELAINE MAE KAPUSTA FROM “DENTAL AND MEDICAL NEGLIGENCE AND ABANDONMENT” ENTIRELY FAILING THEIR “MANDATED DUTY TO INFORM OF NEGLIGENCE AND ABUSE” OCCURRING SINCE EVEN PRIOR TO 10/16/22- ATTESTED TO BY MEDICAL EXPERT DR. EDWARD MALLORY ON 2/7/25 NOTARIZED AFFIDAVIT**

681 DAYS-(9/20/22-8/1/24)-“ELDER CRUELTY-DENIAL OF DENTAL CLEANING” WHILE ELAINE MAE KAPUSTA SUFFERS “ELDER CRUELTY” OF LEFT UNTREATED DENTAL GUM ABSCESS BACTERIAL BLOODSTREAM SEPSIS INFECTION FINALLY DIAGNOSED ON 5/8/23 AND THEN CONTINUED TO BE DENIED “AGAINST DOCTORS ORDERS” A ROOT CANAL/TOOTH EXTRACTION UNDER SEDATION AS WAS ORDERED BY MCLEAN DENTAL IN 2019 WITH LYNN INFORMING LIZ SHIFFLETT OF THIS IN 2020 AND ALL FIDUCIARIES ALSO DENIED DR. CUSUMANO AND DR. DOKI WRITTEN DOCTOR ORDERS AND ALL FIDUCIARIES COLLECTIVELY BEING INFORMED- ATTESTED TO BY MEDICAL EXPERT DR. EDWARD MALLORY ON 2/7/25 NOTARIZED AFFIDAVIT.**

9 DENIED QUARTERLY DENTAL CLEANING APPOINTMENTS SINCE 9/20/22 BEING IN PAIN WITH DENTAL GUM ABSCESS LEFT ENTIRELY UNRESOLVED SINCE 9/20/22 GUMS SWELLING-(EDEMATOUS)

896+ DAYS AGO LEFT WITHOUT A ROOT CANAL OR TOOTH EXTRACTION INHUMANELY UNCARINGLY DEFYING DR. CUSUMANO’S WRITTEN ORDERS FOR QUARTERLY DENTAL CLEANINGS AND FOLLOWUP TREATMENT WITH COMPREHENSIVE EVALUATION FROM 9/20/22, 5/8/23, 1/4/24 TO PRESENT DAY LEFT ENTIRELY UNRESOLVED WHILE SUFFERING SINCE 9/20/22 DENTAL GUM ABSCESS SWELLING-(EDEMATOUS)- ATTESTED TO BY MEDICAL EXPERT DR. EDWARD MALLORY ON 2/7/25 NOTARIZED AFFIDAVIT.**

7 TIMES-911 RESCUE REQUIRED FROM 33 MONTHS OF “PREDATORY CONSERVATORSHIP/GUARDIANSHIP/CARE MANAGEMENT MEDICAL ABANDONMENT OF CARE”-(6/30/22, 10/2/22, 2/14/23, 3/9/23, 9/29/23, 11/21/23, 8/2/24)

666 DAYS AGO DIAGNOSED ON 5/8/23 WITH BACTERIAL BLOODSTREAM INFECTION REQUIRING ANTIBIOTICS RECEIVED ON 5/9/23 WITH NO FURTHER DOCTOR ORDERED SEDATION DENTAL, COMPREHENSIVE EVALUATION AND FOLLOWUP TREATMENT BEING DOCTOR-ORDERED AND DENIED BY “ALL FIDUCIARIES INFORMED” TO PRESENT DAY NEVER RECEIVING EITHER A ROOT CANAL OR A TOOTH EXTRACTION FOR RESOLVING DENTAL GUM ABSCESS AS WAS DOCTOR-ORDERED ON 5/8/23 BY DR. CUSUMANO TO RECEIVE FOLLOWUP TREATMENT FOR UNRESOLVED DENTAL GUM ABSCESS-

****ATTESTED TO BY MEDICAL EXPERT DR. EDWARD MALLORY
ON 2/7/25 NOTARIZED AFFIDAVIT.**

669 DAYS AGO DIAGNOSED ON 5/11/23 WITH “22 GROSSLY ABNORMAL LABS AND 5 BLOOD DISORDERS AND A POSITIVE URINE CULTURE AND ALL IGNORED AND DENIED ANY MEDICAL CARE AND TREATMENT BESIDES RECEIVING ONLY 2 WEEKS OF IRON SUPPLEMENTS AND COQ10 AND THEREAFTER REMOVED FROM HER HOME OF 45 YEARS AND DENIED ALL IRON AND COQ10 TO ELAINE. WITH NO FURTHER MEDICAL TESTING AND MEDICAL CARE, AND BEING DENIED ROOT CANAL/TOOTH EXTRACTION, DENIED B1, B6, B9 AND COQ10 AND IRON AFTER ELAINE’S ABDUCTION FROM HER ONLY SAFE AND LOVING HOME OF 45 YEARS ON 6/6/23 THEREAFTER BEING AT COBBDALE AND VIENNA MANOR-

*****ATTESTED TO BY MEDICAL EXPERT DR. EDWARD MALLORY
ON 2/7/25 NOTARIZED AFFIDAVIT**

650 DAYS AGO FROM EMAIL WRITTEN THREATS ON 5/24/23 FROM “THE SOCIOPATHIC GEORGE W. DODGE” WHILE “ALL FIDUCIARIES” DENYING ELAINE BOTH DENTAL AND MEDICAL CARE SINCE 9/20/22-***ATTESTED TO BY MEDICAL EXPERT DR.
EDWARD MALLORY ON 2/7/25 NOTARIZED AFFIDAVIT

637 DAYS-(6/6/23 TO PRESENT DAY DETERIORATION AWAY FROM HOME AND AWAY FROM LYNN'S CARE AFTER ELAINE MAE KAPUSTA BEING “ABDUCTED BY KIDNAPPING WITH ARMED GUARDS” BY THE SOCIOPATHIC CLASS 4 FELON GEORGE W. DODGE ATTEMPTING TO CRIMINALLY CONCEAL “CRIMINAL MEDICAL ELDER CRUELTY-CRIMINAL MEDICAL ELDER NEGLECT AND ABUSE” WITH DOCUMENTED THREATS TO OUR HEALTH HOME AND LIFE AND WELL-BEING SINCE 10/16/22.-** **ATTESTED TO BY MEDICAL
**EXPERT DR. EDWARD MALLORY ON 2/7/25 NOTARIZED
AFFIDAVIT**

637 DAYS-(6/6/23 TO PRESENT DAY ELAINE MAE KAPUSTA BEING “MEDICALLY TORTURED AND NEGLECTED AND ABUSED BY COBBDALE ASSISTED LIVING AND VIENNA MANOR” GIVING DEADLY DANGEROUS MEDICATIONS ALL UNAPPROVED BY FDA DESTROYING THE LIFE OF ELAINE SO INHUMANELY UNCARINGLY WITH A “SIGNED D.N.R.-DO NOT RESUSCITATE ORDER SIGNED BY THE SOCIOPATHIC GEORGE W. DODGE” TO CONCEAL HIS “CRIMINAL ELDER CRUELTY” SUFFERING GRAVE INJURIOUS HARM UNDER PREDATORS AWAY FROM HOME.-***ATTESTED TO BY MEDICAL EXPERT DR.
EDWARD MALLORY ON 2/7/25 NOTARIZED AFFIDAVIT

638 DAYS FROM EMAIL WRITTEN THREAT FROM “THE PSYCHOPATHIC PHILIP KAPUSTA” ON
6/7/23

THEREAFTER, ELAINE WAS MEDICALLY ABUSED BY DEADLY DANGEROUS FDA-UNAPPROVED ANTIPSYCHOTICS WITH BLACK-BOXED WARNING, AT RISK OF DEATH FROM HEART ATTACK AND STROKE AND NOT FOR ELDERLY DEMENTIA AND NOT FOR HEART PATIENTS AND DESTROYS THE BLOODCELLS. WITH ELAINE BEING ENTIRELY LEFT IN ISOLATION AND IMPRISONMENT AND MEDICAL ABANDONMENT OF CARE AWAY FROM HOME AGAINST ELAINE MAE KAPUSTA'S WILL AND "AGAINST ELAINE MAE KAPUSTA'S BEST INTERESTS" WITH THERE ONLY BEING DECIMATION AND DETERIORATION AND NEGLECT AND ABUSE AND DEPRIVAL AND DENIAL OF CARE AND TREATMENT CONTINUING OCCURRING AND THREATENING ELAINE'S LIFE NOW 7 TIMES AWAY FROM HOME AND UNDER THIS "PREDATORY CONSERVATORSHIP/GUARDIANSHIP" DENYING A TOTAL OF 1000+ DAYS OF PROPER DENTAL AND PROPER MEDICAL CARE KNOWINGLY AND WILLFULLY SIMPLY FROM "ALL PREDATORY FIDUCIARIES" JUST NOT CARING AS

"THIS PREDATORY CONSERVATORSHIP UNDER CARY CUCINELLI AND VALERIE GEIGER AND ELIZABETH WILDHACK AND LAURIE KIRKLAND AND GEORGE W. DODGE HAVE ALL "KNOWINGLY AND WILLFULLY COMMITTED FRAUD" AS ALL "KNOWINGLY AND WILLFULLY AND INHUMANELY UNCARINGLY FAILING TO EVER PROTECT THE LIFE AND HEALTH OF ELAINE MAE KAPUSTA" UNDER COURT ORDER WITH ALL EMPLOYED BY "THE ESTATE" TO PROTECT ELAINE FROM NEGLECT, ABUSE AND EXPLOITATION.

AND "ALL FIDUCIARIES INFORMED "KNOWINGLY AND WILLFULLY DENIED ELAINE CARE" SINCE EVEN PRIOR TO MAY 2022 ALSO WHILE CRIMINALLY SUPPORTING "ELDER CRUELTY" IN THEIR FAILING TO EVER REPORT THEIR ALL BEING INFORMED MANDATED REPORTER DUTIES ALSO SINCE JULY 2022 WITH CARY CUCINELLI BEING DIRECTLY INFORMED BY LYNN KAY BY EMAILS ON 7/7/22-7/8/22 AFTER THE 7/4/22 EMERGENCY PETITION WAS ALSO "FRAUDULENTLY SOUGHT" AND THEN "FRAUDULENTLY CONCEALED BY THE CONSERVATORS" AND THEN "THE CONSERVATORS AND FIDUCIARIES AND "THE PSYCHOPATH PHILIP KAPUSTA" ALL THEN CONTINUED TO CONCEAL THE FACTUAL TRUTH FROM ALL INVESTIGATING AUTHORITIES AND FROM THIS COURT AND ALL THEN THREATENED IN "WRITTEN FACTUAL DOCUMENTED THREATS WHILE DENYING CARE TO ELAINE THREATENING THE LIVES OF BOTH ELAINE MAE KAPUSTA AND LYNN KAY EVER SINCE .

522 DAYS SINCE 9/29/23 WITH MOM BEING SEVERELY ANEMIC LEFT TO DIE WAS GRAVELY INJURED-(BLACK EYE) AT COBBDALE ASSISTED LIVING SMACKING HER HEAD AND EYE ON THE HARD FLOOR AS HER LEGS BUCKLED FROM OVER A YEAR OF -(5/18/22) OF MEDICAL ABANDONMENT WITH ALMOST 4 MONTHS OF CONFINEMENT AWAY FROM HER SAFE HOME. THIS ABUSE OF CONFINEMENT WAS FOR "GEORGE W. DODGE SHOWN AS THE CLASS 4 FELON TO SEEK TO CONCEAL CRIMINAL MEDICAL ELDER NEGLECT ELDER CRUELTY DENIALS OF CARE SINCE 10/16/22 IN PLACE OF PROVIDING BOTH DENTAL AND MEDICAL CARE" WHILE ELAINE WAS SUFFERING CONTINUAL DESTROYED BLOODCELLS AND PLATELETS AND IMMUNE SYSTEM DESTRUCTION FROM DENTAL GUM ABSCESS LEFT UNTREATED SEPSIS INHUMANELY LEFT TO DESTROY ELAINE .-** ****ATTESTED TO BY MEDICAL EXPERT DR. EDWARD MALLORY ON 2/7/25 NOTARIZED AFFIDAVIT**

518 DAYS-(10/3/23-THE LAST DAY I WAS ALLOWED TO EVER SEE MY MOM WITH THIS “9/29/23 BLACK EYE CRIMINAL EVIDENCE TAKEN BY ME AT COBBDALE”-DIRECTLY CAUSED BY PARAGON NEGLECT GRAVELY INJURING MY MOM WHICH COULD HAVE PARALYZED MY MOM FOR LIFE OR KILLED HER AWAY FROM HOME.

495 DAYS SINCE 10/26/23 ELAINE BEING DIAGNOSED AS BEING PANCYTOPENIA AND MYELODYSPLASTIC SYNDROME AND RECEIVING ABSOLUTELY NO URGENT HOSPITAL ADMISSION FOR IRON INFUSIIN AND BLOOD OR STEMCELLS TRANSFUSION AS WAS MEDICALLY PROPER DENIED BY ALL FIDUCIARIES AND CARE MANAGEMENT AND DR. ALAN DAPPEN LEFT TO SUFFER!-**** ATTESTED TO BY MEDICAL EXPERT DR. EDWARD MALLORY ON 2/7/25 NOTARIZED AFFIDAVIT**

425 DAYS SINCE THIS COURT ON 1/4/24 WAS MEDICALLY AND JUDICIALLY PROPERLY ALERTED TO THE “ELDER CRUELTY AND MEDICAL ABANDONMENT” OCCURRING AND THIS COURT ENTIRELY “INHUMANELY FAILED TO CARE” WITH BOTH ELIZABETH WILDHACK-(G.A.L.) AND LAURIE KIRKLAND-(MOM'S SUPPOSED LAWYER MEANT TO PROTECT HER) SIMPLY DID NOT AND DOES NOT CARE.-**(SEE PAUL KAPUSTA NOTARIZED AFFIDAVIT)**

391 DAYS SINCE 2/7/24-2/9/24 WHEN BOTH DR. ERSHLER AND DR. DAPPEN CONFIRMED “EVIDENCE OF THE ELDER CRUELTY OCCURRING SINCE OCTOBER 2022 WITH ALL FIDUCIARIES ONCE AGAIN “KNOWINGLY AND WILLFULLY” CONCEALING THIS FROM ALL INVESTIGATING AUTHORITIES AND FROM THIS COURT.-**** ATTESTED TO BY MEDICAL EXPERT DR. EDWARD MALLORY ON 2/7/25 NOTARIZED AFFIDAVIT**

333 DAYS AGO-(4/5/24 TO PRESENT DAY) STEPHEN HALL, GEORGE W. DODGE, DR. ALAN DAPPEN, DOCTALKER, JEANNE BLUE, ELDEERTREE AND ALL FIDUCIARIES HIDING BEHIND “THE WALL OF SILENCE” CONCEALING THEIR HAND IN ”ELDER CRUELTY DENIALS OF CARE” SEEKING TO CAUSE INCAPACITATION WITHOUT PROVIDING PROPER DENTAL AND MEDICAL CARE SINCE 10/16/22.

***320 DAYS SINCE 4/18/24-PERJURY BY LYING BY OMISSION “UNDER OATH”-“FAILURE TO DISCLOSE AND FAILURE TO INFORM”-ALL FIDUCIARIES AND STEPHEN HALL CRIMINALLY CONCEALING “CRIMINAL ELDER CRUELTY CRIMES” SINCE 10/16/22!**

214 DAYS AGO ON 8/2/24 MY MOM WAS “ALMOST MURDERED AGAIN” FOR AT LEAST THE 3RD TIME UNDER THIS “PREDATORY CONSERVATORSHIP/GUARDIANSHIP/CARE MANAGEMENT” BY “ELDER CRUELTY MEDICAL ABANDONMENT” AND “ELDER ABUSE BY CONFINEMENT” SEEKING TO CONCEAL FROM ALL INVESTIGATING AUTHORITIES AND FROM THIS COURT AND FROM ME WITH ****ALL NAMED MALFEASANT CRIMINAL FIDUCIARIES INFORMED AND CONCEALING THIS ALMOST DEMISE OF MY MOM TO PRESENT DAY****

THE 2/18/25 MISGUIDED WRONGFULLY ISSUED COURT ORDER FOR “ALL FIDUCIARIES TO CONTINUE TO CONCEAL THEIR “MURDERING THE LIFE AND HEALTH OF ELAINE MAE KAPUSTA” IN THE CONTINUANCE OF “MEDICAL ABUSE AND NEGLECT” TO CONTINUE TO COMMIT “ELDER CRUELTY CRIMES” BY THE PREDATOR GUARDIAN GEORGE W. DODGE” GRANTED BY JUDGE TRAN.

AND ALL PERSONS ONCE AGAIN ENTIRELY IGNORING “ATTESTED TO BEING UNDER OATH BY MEDICAL EXPERT NOTARIZED AFFIDAVIT-“ELDER CRUELTY CRIMES” IS AN ASSAULT ON HUMANITY IN FAILING TO “SEEK AN IMMEDIATE ORDER OF PROTECTION ON ELAINE MAE KAPUSTA” AND TO REMOVE ELAINE FROM “CRIMINAL NEGLECTORS AND ABUSERS HANDS OF MALFEASANCE” OF “33 MONTHS OF “PREDATORY INHUMANE BEHAVIOR OF INCAPACITATION SOUGHT”.

****ATTESTED TO BY MEDICAL EXPERT DR. EDWARD MALLORY ON 2/7/25 NOTARIZED AFFIDAVIT:**

THIS CONTINUAL “MISCARRIAGE OF JUSTICE” AND “FAILURE TO PROTECT ELAINE MAE KAPUSTA” FROM “ELDER CRUELTY OF 33 MONTHS”, NOW GIVES LYNN KAY THE RIGHT TO ONCE AGAIN FOR THE 3RD TIME TO “DEMAND A LIFESAVING EMERGENCY PETITION FOR AN ORDER OF PROTECTION FOR SAVING THE LIFE OF HER OWN MOM FROM FURTHER “ELDER CRUELTY” OF NOW 33 MONTHS DOCUMENTED SINCE THIS NEGLECT AND ABUSE BEGAN ON 5/18/22!

AS “ALL FIDUCIARIES” HAVE BREACHED THE CRIMINAL MANDATED REPORTER DUTY FOR THE PROTECTION OF ELDERLY HARM SINCE JULY 2022 NEVER REPORTING “THE ELDER CRUELTY CRIMES OCCURRING AS ATTESTED TO BY DR. EDWARD MALLORY-MEDICAL EXPERT HAS OCCURRED SINCE 10/16/22” WITH “ALL FIDUCIARIES HAVING CONCEALED THIS FROM ALL INVESTIGATING AUTHORITIES AND FROM THIS COURT” ENTIRELY NOW DISQUALIFYING “ALL FIDUCIARIES” OF THEIR QUALIFIED TESTIMONY AS “THEY ARE NOT “SEEKING BEST INTERESTS AND NONE OF THEM EVER HAVE.”

BY “ALL IRRESPONSIBLE FIDUCIARIES CRIMINALLY ALLOWING AND CAUSING ELAINE MAE KAPUSTA ON 10/24/22, AS DOCUMENTEDLY BEING AS HEALTHY AS HER 60 YEAR OLD DAUGHTER, TO NOW SUFFER FOR 28 CONTINUAL MONTHS DESTROYING 50% OF BLOODCELLS AND PLATELETS CAUSING EXTENSIVE BONE MARROW DAMAGE ATTESTED TO BY DR. EDWARD MALLORY-MEDICAL EXPERT WITH ELAINE BEING LEFT TO SUFFER UNDER “THE INHUMANE AND DEADLY DANGEROUS GEORGE W. DODGE ELDER CRUELTY TORTURE CHAMBER OF HIS SOCIOPATHY DISPLAYED” NOW FOR ALL TO CLEARLY SEE- WHILE MY MOM AND I BEG FOR THIS COURT TO CARE”!

Respectfully submitted,

A handwritten signature in black ink that reads "Lynn Kay". The signature is written in a cursive style with a large initial 'L'.

Lynn Kay
MARCH 4, 2025

TWEETERY7@YAHOO.COM

571-421-6813

NOTICE OF CERTIFICATE OF SERVICE

I certify that a copy of this EMERGENCY PETITION was served on all parties of record on or before the following date of 3/4/25 BY EMAIL ALONG WITH ALL PAPER COPIES FILED AND EMAILED ALSO TO ALEXIS SMITH ON 3/4/25 IN THE SAME EMAIL:

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lynn Kay". The signature is written in a cursive style with a large initial "L".

Lynn Kay

Dated: MARCH 4, 2025

****PLEASE EXCUSE ALL CAPS AND BOLD, I HAVE MACULAR DEGENERATION**

GEORGE W. DODGE AND "AS ALL OTHER PREDATORY FIDUCIARIES" ALSO DEFIED AND IGNORED ALL DR'S ORDERS & ALL EMAILED REQUESTS FOR URGENT DENTAL AND MEDICAL CARE-

REVISED VERIFIED EXPERT OPINION ACCORDING TO

FLORIDA LAW

STATE OF FLORIDA

COUNTY OF BREVARD

1. I am a medical expert as defined by Florida law, and that I am regularly engaged in the practice of my profession, hold a Doctor of Osteopathy degree from A. T. Still University in Missouri and have completed an Emergency Medicine residency program from

Delaware Valley Medical Center in Pennsylvania. I possess special health care knowledge and skills about the subject upon which I provide this opinion. I have practical knowledge of what is usually and customarily done in this case. I am board-certified in Emergency Medicine and licensed to practice in the state of Florida. I am currently actively practicing Emergency Medicine in the state of Florida.

2. . I have reviewed the following records pertaining to Ms, Elaine Kapusta:

a. Lab results from Quest labs, and LabCorp labs.

3. . It is my medical opinion that after reviewing the medical records you sent me, Ms. Elaine Kapusta was diagnosed with Myelodysplastic Syndrome-(MDS) by Dr. William Ershler, MD. in February 2024. Her labs show:

On September 27, 2022, Ms. Kapusta's complete blood count was the following:

WBC = 4.9

RBC= 4.64

HGB 13.9

HCT - 43.6

Platelets = 176

On January 25, 2023 her complete blood count results were:

WBC= 4.9

RBC = 3.85

HGB = 12.1

HCT: 38.1

Platelets = 107

On October 26, 2023, her complete blood count results were:

WBC = 3.0

RBC=2.26

HGB 8.0

HCT = 23.8

Platelets = 118

On August 2, 2024, her complete blood count results were:

WBC = 5.74

RBC = 2.32

HGB = 8.2

HCT = 25.5

Platelets = 125

4. These values are consistent with Myelodysplastic Syndrome-(MDS) according to hematologist Dr. Ershler: From September 2022 to August 2024, Ms. Lynn Kay reported that Ms. Elaine Kapusta received no medical care and medical treatment for Myelodysplastic Syndrome-(MDS) from a physician. If a patient has Myelodysplastic Syndrome-(MDS), that patient needs a bone marrow biopsy and treatment by a hematologist. Treatment options include blood transfusions, growth factors, medications to suppress the immune system, and possibly bone marrow transplants. This would require numerous outpatient visits, and possibly an inpatient stay in hospital.

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. .

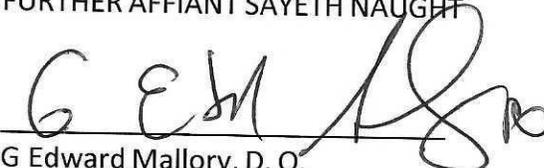
9. Ms. Kapusta has a history of a dental abscess requiring a dental evaluation and antibiotics. However, an oral surgeon has to perform an incision and drainage procedure to fully treat the dental abscess properly. If Ms. Kapusta has not had this evaluated by a dentist or oral surgeon, to fully resolve 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.

III: 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.
5. Thank you for the opportunity to help you in this medical situation.

FURTHER AFFIANT SAYETH NAUGHT



G Edward Mallory, D. O.

February 6, 2025

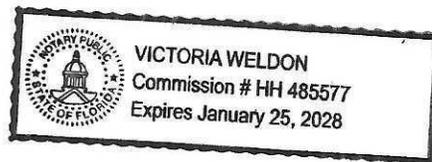
The foregoing Affidavit was acknowledged before me, an officer duly authorized in the State and County aforesaid, to take acknowledgment, this 17th day of February in the year 2025, by G. Edward Mallory D.O., who is personally known to me or has produced FL DL as identification.

Signature: Victoria Weldon

Printed name of notary: Victoria Weldon

Notary Public, State of Florida

My commission expires 1/25/2028



FILES REVIEWED BY DR. MALLORY

1. 10/10/22-4:25 PM EMAIL-DENTAL X-RAYS
2. 10/16/22-10:41 AM EMAIL-TEETH PAIN-DENTAL X-RAYS
3. 12/2/22-12-20-22 EMAIL-***MOM IS ABSOLUTELY BEGGING FOR HELP!** **PLEASE SAVE MY INNOCENT MOM!-**SHE DESSERVES A CHANCE TO LIVE AND TO THRIVE AND TO MAKE IT TO 85! **_**MOM NEEDS TO BE ADMITTED TO THE HOSPITAL IMMEDIATELY SO THAT MOM'S LIFE CAN BE SAVED* *1 THINK 911 NEEDS TO BE CALLED
4. 12-31-22-PANIC MOM WOKEUP-230 AM IN A PANIC & WITH SWEATS ON FOREHEAD AND HEAD AND HAIR AND CLAMMY HANDS AND CHILLS AND CONFUSION DISORIENTED AND SOMEWHAT SLURRED SPEECH AND WARM SKIN, BUT FEELING CHILLS AND FEELING WEAK NOT GRASPING MY HAND.pdf
5. 1-3-23-12-3-22-DR. INCOMPETENT-MOM'S KIDNEY FAILURE ISSUES & NOW SLIGHTLY LOWERED-(105-95) GLUCOSE-LEVELS STILL BEING AT TOP OF HIGH RANGE, WITH ALSO CONTINUED HIGH TOP OF RANGE FOR AIC.pdf-DAPPEN **IGNORES ALL ABNORMAL LABS**
6. 1/16/23-9:26 AM-EMAIL-TEETH PAIN-DENTAL X-RAYS-DENIAL OF CARE
7. 1/28/23-10:20 AM-EMAIL-HEMATOLOGIST
8. 2/14/23-TEXT-IRON DEFICIENCY AND IMMUNODEFICIENCY BLOOD TESTING, MPV BONE MARROW PLATELTS DESTRUCTION
9. 3/15/23-5:50 PM-EMAIL-BLOOD CULTURE, IRON, FOLATE, MPV, BLOOD TYPE TESTING FOR BLOOD TRANSFUSION OF PACKED RED BLOODCELLS
10. 3/27/23-12:32 PM EMAIL-Re: MOM'S MULTIPLE U.T.I.'S CAUSED PLATELET DESTRUCTION BY BLOOD INFECTION-(HISTORY)
11. 3/29/23-6:51 PM EMAIL-^MOM'S 2 BROKEN CAPILLARIES-(3-6-23 & 3-28-23)!!!!!!!!!!!!-NEVER IN 16 YEARS HAVE I EVER HAD THIS HAPPEN TO MY MOMI.pdf

12. 3/29/23 EMAIL-●-IGNORED-3-29-23-TEETH PAIN-DENTAL CLEANING & ABNORMAL PLATELETS-Action Items.pdf
13. 4-2-23-DENTAL APPT-Better communication-scheduling the dental cleaning for Elaine this week.pdf
14. 5-8-23-EKapusta-DR. CUSUMANO clinical notes & 5-9-23-AZITHROMYCIN ANTIBIOTICS.pdf
15. *5/19/23-LYNN TEXT TO RACHELLE--MYELODYSPLASTIC SYNDROME NEEDS TO BE RULED OUT
16. 🗑️-5-24-23-THREATS LETTER-TO LYNN KAY AND ELAINE KAPUSTA INSTEAD OF PROVIDING MEDICAL CARE-Letter from MDC to Stine.pdf
17. IRON-DEFICIENCY ANEMIA-12-2-22 BEGAN FOR MOM UNTIL 5-11-23-THEN CONTINUED AGAIN.pdf
18. *5/27/23-6:16 PM EMAIL-IRON INFUSION
19. *5/29/23-8:37 AM EMAIL-DENTAL CLEANING AND SEDATION X-RAYS
20. *6/5/23-6:25 PM EMAIL-SUBSTANTIAL LIKELIHOOD MOM WILL DETERIORATE!- Cummings Letter re Dodge, Kapusta
21. 🗑️-9-29-23-DEADLY DANGEROUS.pdf-**THE LAST TIME I SAW MY MOM BECAUSE I TOOK THE BLACK EYE PIC- (CRIMINAL MEDICAL ELDER NEGLECT AND ABUSE EVIDENCE)
22. *10/18/23-3:36 PM EMAIL-HOSPITAL EVALUATION FOR IRON INFUSION & IV FLUIDS & IV NUTRIENTS
23. 🗑️-10-20-23-HOSPITAL ADMISSION DENIED-MOM NEEDS HOSPITAL ADMISSION A.S.A.P..pdf
24. *11/1/23-4:19 PM EMAIL-HOSPITAL EVALUATION-MY MOM'S BONE MARROW AND BLOODCELLS HAVE BEEN DESTROYED! MOM NEEDS IMMEDIATE HOSPITAL EVALUATION TODAY OR TOMORROW

25. 📧-11-2-23-5:09 AM EMAIL-WARNING IGNORED-BONE MARROW DAMAGE-
ENDANGERING MOMS LIFE!.pdf
 26. 11-2-23-MOM'S SEVERE ANEMIA.PDF
 27. 11-28-23-10-18-23-✉️-📧-IGNORED-IRON INFUSION & HOSPITAL EVALUATION
REQUESTED & ENTIRELY IGNORED-IMMEDIATE URGENT MEDICALLY PROPER STEPS
FOR MY MOM'S HOPEFUL RECOVERY.pdf
 28. *1/4/24-(EMERGENCY PETITION COURT SUPPLEMENT)-BLOOD CANCER HOSPITAL
EVALUATION FOR COMPLETE VITAMIN PANEL AND IRON PANEL AND INFECTION
 29. ●-1-5-24-5-8-23-DENTAL GUM ABSCESS BACTERIAL BLOODSTREAM INFECTION-
FOLLOWUP TREATMENT NEEDED-Referral and Clinical Notes Elaine Kapusta-1-5-24-
✉️-.pdf
 30. 1-23-24-DENTAL DENIAL AND DENIAL OF LABS-Letter.Burton-1-23-24.pdf
-

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*ADMITTED VA
+ ADMITTED D.C.

May 24, 2023

Via US and Electronic Mail:

stine@stinelaw.com

MALICIOUS THREATS TO OUR LIVES!

THE STINE LAW FIRM, PLLC
3900 Jermantown Road., Suite 300
Fairfax, VA 22030-4900
Attention: Stephen J. Stine, Esq.

Re: Care Plan for Elaine Mae Kapusta

Dear Mr. Stine:

As you know Mr. Dodge has issues with Ms. Kapusta's home care situation. In his judgement, the current situation is detrimental to Ms. Kapusta's best interests. Ms. Kay has been taking Ms. Kapusta to multiple appointments which Ms. Kay set herself without the knowledge or consent of the Guardian. These appointments aggravate and cause anxiety to Ms. Kapusta as witnessed and reported by numerous doctors, care providers, and care managers. Each of these appointments conclude with Ms. Kay complaining and blaming the doctors as well as Ms. Kapusta's care team of neglect and elder abuse. Apparently, Lynn Kay cannot accept medical professionals' diagnoses and opinions. Recently, she strongly argued with Dr. Salameh and Dr. Doki over their diagnosis and recommendations.

When Ms. Kay tells Ms. Kapusta "See mom? Nobody wants to help you," or other similar statements, it is not helpful or healthy for Ms. Kapusta. How is Ms. Kapusta supposed to trust the many doctors and medical personnel who have been hired to care for her? These types of statements are harmful for Ms. Kapusta to hear and are not factual.

Ms. Kay's reactions increase Ms. Kapusta's anxiety as well and there has also been multiple instances in which witnesses report that Ms. Kay's conduct caused Ms. Kapusta to panic and become more confused herself. This is an unhealthy situation for Ms. Kapusta to be in. Doctors have said and continue to say that these appointments and repetitive tests are not necessary. Mr. Dodge has decided to have Ms. Kapusta moved to an assisted living facility in order for her to have uninterrupted medical care.

LYNN KAY & ELAINE MAE KAPUSTA MENTAL TORMENTATIONS AND MENTAL TRAUMATIZATIONS"

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*ADMITTED VA
*ADMITTED D.C.

GEORGE W. DODGE'S CONTINUAL THREATS TO OUR LIVES, INSTEAD OF GIVING MY MOM THE PROPER MEDICAL STANDARD OF CARE IN PROVIDING DENTAL CARE AND TREATMENTS AND MEDICAL CARE AND TREATMENTSTO MY MOM

For your consideration in lieu of placement of Elaine Kapusta outside of her residence, Mr. Dodge proposes that if Lynn Kay will commit to the following conditions, Elaine Kapusta will be able to remain in her home, under the care of her usual care providers and care managers. The conditions are as follows:

1. Lynn Kay must move out of Elaine Kapusta's residence within 21 days of the date of this letter.
2. Lynn Kay is to have supervised, timed visits with Elaine Kapusta.
3. Lynn Kay is no longer allowed to stay overnight with Elaine Kapusta.
4. Lynn Kay may not set up doctor, dental, therapy, or any other appointments for Elaine Kapusta.
5. Lynn Kay may not speak about Elaine Kapusta's health status in front of her, nor can she make claims of illnesses or diseases in front of Elaine Kapusta.
6. Lynn Kay may no longer contact care managers or doctors directly. She must go through you, her attorney, for communication purposes.
7. Lynn Kay may not remove Elaine Kapusta from her home without the knowledge and consent of the Guardian, George Dodge, nor without full supervision of a care provider or care manager.
8. The cameras in the home are to be taken down and removed.

Please review these conditions with Ms. Kay and let me know if she agrees to these conditions. Should Ms. Kay turn down this offer, the Guardian shall continue with a placement of Elaine Kapusta as it is in her best interests under the totality of the circumstances.

This offer shall remain valid for 7 days from the date of this letter.

Sincerely,



Mark D. Cummings

MDC/vgc

In addition, I request that my mom finally be medically properly evaluated for all vitamin deficiencies with my mom having not only a complete vitamin panel done, along with a Complete Iron Panel done and for evaluating for an infection and blood cancer and for all Immunodeficiencies in the Virginia Hospital-(Arlington) immediately to occur to finally allow my mom to receive the proper Standard of Care Medical Care and medical treatment for my mom's health to be entirely restored.

And I also respectfully request that my mom is returned home permanently for her complete recovery after blood transfusion being discharged with mom also receiving IV FLUIDS and IV NUTRIENTS for her hopeful complete restoration without needing any antipsychotics or laxatives or suppositories and the like of which all deleterious and dangerous medication was only given at Cobbdale which has entirely caused so very much Injury, Illness, Disease and Infection to my mom without my solely caring for my mom.

I also respectfully ask that the Court order "The Estate" to pay for Dr. Franco Musio-(Medical Expert Witness) to be hired immediately by "The Estate" to comprehensively evaluate all of my mom's 1 1/2 years of her medical labs to tell the entire story of everyone's "Medical Neglect" from "Shifflett" medical neglect causing my mom to become so gravely ill prior to 6/30/22 Virginia Hospital, including my mom wrongly not receiving any Antibiotics for 8 days after 6/30/22 Virginia Hospital Admission and then also from 9/27/22-present day 10/26/23 labs of my mom losing 52% of her once-healthy 2022 blood cells and bone marrow being destroyed by untreated and ignored bacterial bloodstream infections causing anemia with the destruction of her once-healthy blood cells after suffering through her 2nd bacterial bloodstream infection on 8/11/22 and then her 3rd on 10/7/22 when "Dappen", "Dodge" and "Eldertree" also then continued "Medically Neglecting" my mom.

And documenting how after 10/24/22, "Dappen", "Dodge" & "Eldertree" all medically neglected my mom by giving absolutely no Proper Standard of Medical Care and Treatment and entirely withheld all needed dental and medical appointments and proper labs and proper treatment and gave dangerous FDA-BLACK-BOXED unapproved medications and all of the other extremely harmful wrongly prescribed medications and refusing for 5 months to do anything medically proper for my mom after 5/11/23 having brought my mom to the sickest that my mom has ever been.

I request that the Court order that all of my mom's medical information of all Cobbdale Medication Lists and Paragon daily notes and Cobbdale daily notes and any and all recent November and December labs having been done be immediately provided to me today as my mom's medical information has been withheld from me continually since 6/6/23.

"Dappen", "Dodge, and "Eldertree" medical elder neglect of my mom has entirely destroyed my mom and my mom has been entirely refused to be allowed for her to have any proper medical care for more than an entire year of withholding medical care in none of them ever seeking my mom's "Best Interests" for medically properly caring for my "infectious" and "Severely Anemic" mom which has so very uncaringly and so inhumanely being allowed to occur has as a direct result caused my mom to have an entirely destroyed immune system which has as a direct result now caused my mom to suffer multiple weeks from an entirely ignored "upper respiratory infection" simply because they all did not give my mom any Proper Medical Standard of Care since October 2022.

AFFIDAVIT OF PAUL KAPUSTA

I, Paul Kapusta, being duly sworn, depose and say as follows:

- 1. Attendance at Hearing:** I attended an Emergency Petition Court hearing on January 4, 2024, alongside my cousin, Lynn Kay, concerning allegations of medical neglect and abuse involving Elaine Mae Kapusta.
- 2. Observations During Court Hearing:** During this hearing, I witnessed Lynn Kay inform all relevant fiduciaries present of her concerns regarding the medical neglect and abuse of Elaine Mae Kapusta. Lynn specifically raised the issue that her mother may have been suffering from "possible blood cancer." which was also stated in the Supplement filed for the Court Hearing with Lynn seeking Hospital Admission for Evaluation.
- 3. Response of Fiduciaries and Legal Representatives:** I witnessed the fiduciaries, in attendance fail to do anything to request medical care as well as George W. Dodge's attorney, refute Lynn's claims, denying any concerns regarding Elaine Mae Kapusta's health. I further attest that George W. Dodge's attorney stated that "she was fine," effectively dismissing Lynn's assertions regarding her mother's medical condition.
- 4. Dismissal of Case with both Laurie Kirkland and Elizabeth Wildhack failing to investigate to protect Elaine Mae Kapusta and failed to provide care also denying this right of Elaine's to receive medical and dental care.**
- 5. Without Investigation:** Despite Lynn's statements and concerns of "documented medical neglect and medical abuse" presented for the hearing, the case was dismissed without any court-ordered investigation into the claims of neglect and abuse regarding Elaine Mae Kapusta.
- 6. Subsequent Medical Confirmation:** Within approximately one month following the dismissal of this case, Lynn Kay's assertions were substantiated. Both Dr. Ershler and Dr. Dappen subsequently confirmed the diagnosis of pancytopenia-4-5 months and immunodeficiency and myelodysplastic syndrome-"blood cancer" in Elaine Mae Kapusta, thereby validating Lynn's claims. This confirmation suggests a failure to properly address or investigate the claims initially presented and as a result Elaine has suffered to thisday being denied life-saving care.
- 7. Witness to Statements Denying Neglect:** I further attest to my personal knowledge of statements made by George W. Dodge's legal representative denying that Elaine Mae Kapusta had any medical issues or concerns at the time, in direct contradiction to the later confirmed medical diagnosis which on 1/31/24-George W. Dodge terminated Lynn Kay's

MYCHART ACCESS in order to seek to conceal these "damning medical reports" which Lynn then sought via a court order for her mom's records.

I affirm under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Date: NOV 12 2024

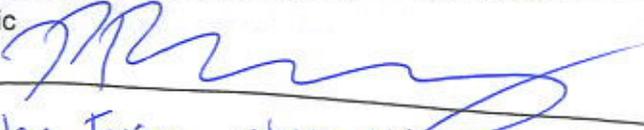
Signature: Paul Kapusta

Paul Kapusta

Notary Public:

Subscribed and sworn to before me this 12 day of November, 2024

Notary Public


Peter Furey, Notary Public of Talbot County, Maryland
EXP: 02/15/2028 (PF)

