

IN THE CIRCUIT COURT OF FAIRFAX COUNTY, VIRGINIA

AUGUST 21, 2025

LYNN KAY, Petitioner

v.

PHILIP KAPUSTA, Respondent

**AFFIDAVIT OF EPIC FRAUD  
AND CORRUPTION AND  
DECEIT AND EVIL AND  
DEPRAVED  
INHUMANENESS-25 PAGES  
FILED 8-21-25**

Case No.: CL-2018-11871-

**RE: "ELAINE MAE KAPUSTA AND LYNN KAY HAVE BEEN  
CRIMINALLY VIOLATED CAUSING 5 YEARS OF INJURIOUS  
LIFE-ALTERING DECIMATING IRREPARABLE HARM TO  
LIVES AND HEALTH AND HOME AND WELL-BEING"**

**LEGAL STATEMENTS AND AFFIDAVIT BY: LYNN KAY**

**(EXHIBITS A-H)-EXHIBIT H STILL TO BE FILED**

**"THIS IS AN EPIC CASE OF "EPIC PROPORTIONS OF  
PERSONS COMMITTING CRIMES OF CRIMINAL FRAUD  
AND CORRUPTION AND DECEIT AND EVIL AND  
DEPRAVED INHUMANENESS!"-MAKING VIRGINIA LEGAL**

**CASE HISTORY TO WARN OF THE DANGERS OF  
PREDATORY CONSERVATORSHIPS AND PREDATORY  
GUARDIANSHIPS AND PREDATORY FIDUCIARIES IN  
THEIR ALL SEEKING ONLY HARM FOR FINANCIAL  
EXPLOITATION.”**

**EPIC CRIMINAL FRAUD UPON THE COURT DISSOLVES THE  
ENTIRE #2018-11871 CASE BEING PERMANENTLY CRIMINALLY  
BREACHED AND PERMANENTLY JUDICIALLY VOIDED AND  
VACATED FROM 5 YEARS OF UNCEASING ONGOING CRIMINAL  
FRAUDULENCE AND GROSS MALFEASANCE PRACTICED AND  
CRIMINAL MALICIOUS ACTIONS AND CONCEALMENTS AND  
OMISSIONS AND COVER-UPS OF CRIMINAL EVIDENCE  
CONCEALED WITH DECEPTION OCCURRING DURNG EVERY  
SINGLE LEGAL PROCEEDING-(2020-2025)**

**I, Lynn Kay, being of sound mind and over the age of 18, do  
hereby declare and affirm under oath as follows:**

- 1. Background: MY MOM AND I ARE INNOCENT VICTIMS OF  
ONGOING FRAUDULENT, ABUSIVE, AND CRIMINAL ACTS  
COMMITTED BY INDIVIDUALS AND FIDUCIARIES  
ENTRUSTED WITH MY MOM’S AND “THE ESTATE’S” CARE**

**FILED 8/6/25**

VIRGINIA CIRCUIT COURT OF FAIRFAX COUNTY-VIRGINIA LYNN KAY, Plaintiff,

CASE #2018-11871

**AUGUST 4, 2025**

**-21 PAGES**

**FILED-8/6/25**

**EPIC FRAUD UPON THE COURT  
AND CRIMES COMMITTED BY  
DECEITFUL ACTS COMMITTED  
SINCE 2020-21 PAGES FILED  
8/6/25.pdf**

**LEGAL STATEMENT REGARDING**

**\*\*EPIC "CRIMINAL FRAUD UPON THE COURT" BY USING "CRIMINALLY FABRICATED AND FALSIFIED CARE MANAGER REPORTS" AND CRIMINALLY CONCEALED MATERIAL FACTS\*\* "CRIMINALLY BREACHING CONTRACT" AND BREACHING FIDUCIARY DUTY OF CARE AND VIOLATION OF RIGHTS, IN A "CRIMINAL TAKEOVER OF OUR LIVES"**

**"SUPPLEMENTAL FILING FOR PROPER JUDICIAL REVIEW FOR RULING OF \*JULY 2022- (CONCEALED CRIMINAL MEDICAL ELDER NEGLECT BY CARE MANAGEMENT AND ALL FIDUCIARIES)**

COMES NOW, LYNN KAY, and states the following for the record:

- I. **GROSS MALFEASANCE OCCURRING BY ALL FIDUCIARIES AND PHILIP KAPUSTA UNCEASINGLY FOR 5 YEARS OF FRAUDULENT ACTS AND CRIMES BEING COMMITTED AND CONCEALED-(2020-2025)**
  1. **Fraud Upon the Court: The submission of knowingly falsified and entirely concealed care manager reports—fabricated without any factual basis and used in support of the also FRAUDULENT BASELESS CRIMINALLY CONCEALED EMERGENCY PETITION USED FOR "MALICIOUS PROSECUTION WITH WRITTEN THREATS" WHICH WAS DATE-STAMPED FILED ON 7/5/22—CONSTITUTES "FRAUD UPON THE COURT".**
  2. **These "CRIMINALLY FALSIFIED FABRICATED AND CONCEALED REPORTS AND THE ALSO CONCEALED EMERGENCY PETITION ALL contained "ENTIRELY FACTUALLY UNTRUE IMPLICATIONS OF WRONGDOING AND HARM ALLEGEDLY CAUSED BY LYNN KAY."**

AND FINANCIAL AFFAIRS.THESE FRAUDULENT  
MALFEASANT ACTIONS BEGAN AS EARLY AS 2020 AND  
HAS CONTINUE TO THE PRESENT DAY, AUGUST 2025, IN  
THE COMMONWEALTH OF VIRGINIA. AND PHILIP  
KAPUSTA-“PSYCHOPATH SON” AND JUSTIN BERGER-(HALE  
BALL) AND ALL OTHER 4 PAST CARE MANAGERMENTS AND  
PAST AND ALL CURRENT LAWYERS ARE ALSO ALL  
COLLECTIVELY INVOLVED IN THE CRIMINAL FRAUD AND  
CRIMINAL ELDER NEGLECT AND OTHER RELATED CRIMES  
LISTED BELOW SINCE BEGAN JULY 2022.

## 2. Discovery of Fabricated Records

On May 22, 2025, I personally uncovered falsified Care  
Manager Reports which were word-for-word fabrications.  
These fabricated reports were used as the foundation for  
false allegations, court filings, and other criminal  
concealment of elder neglect and abuse. These  
fraudulent records have been knowingly concealed and  
relied upon in proceedings since July 2022.

## 3. Criminal Acts Identified:

Based on my evidence and review, the following wrongful acts have occurred:

“CRIMINAL FRAUD UPON THE COURT BY FRAUDULENCE PRACTICED” causing LIFE-ENDANGERING HARM-(since 7/5/22)

“CRIMINAL MALICIOUS PROSECUTION WITH CRIMINAL WRITTEN AND PHYSICAL THREATS AND CRIMINAL VIOLATION OF RIGHTS”-causing LIFE-ENDANGERING HARM-(since 7/5/22)

“CRIMINAL THEFT OF SALARIES AND FUNDS BY CRIMINALLY FRAUDULENT MEANS”-(2020–2025)

“CRIMINAL ABDUCTION OF ELAINE MAE KAPUSTA AND LYNN KAY WITH WRITTEN AND PHYSICAL THREATS AND VIOLATION OF CIVIL RIGHTS”-Va. Code § Code 18.2-47-causing LIFE-ENDANGERING HARM-(2020–2025)

“CRIMINAL OBSTRUCTION OF JUSTICE” UNDER VA. CODE § 18.2-460- causing LIFE-ENDANGERING HARM-(6/30/22 to present)

**“CRIMINAL ELDER CRUELTY AND NEGLECT AND ABUSE AND EXPLOITATION”-UNDER VA. CODE § 18.2-369(B)- causing LIFE-ENDANGERING HARM-(2021–present)**

**“CRIMINAL ARMED ABDUCTION AND KIDNAPPING OF ELAINE MAE KAPUSTA” UNDER VA. CODE § 18.2-47 causing LIFE-ENDANGERING HARM**  
**-(6/6/23–present)**

**“CRIMINAL DEFAMATION AND CRIMINAL FRAUD”- causing LIFE-ENDANGERING HARM-(6/30/22 to present)**

**“CRIMINAL BREACH OF CONTRACT BY CRIMINAL FRAUD”- causing LIFE-ENDANGERING HARM-(2020-2025)**

**“CRIMINAL PERJURY BY FILING KNOWINGLY FALSE ALLEGATIONS AND REFUSING TO RETRACT AND FILING KNOWINGLY UNSUPPORTIVE BASELESS FILINGS WITH THE DELIBERATE OMISSION OF MATERIAL FACTS”-ABUSIVE COURT FILINGS AND CRIMINAL HARASSMENTS”-CAUSING LIFE-ENDANGERING HARM-(7/5/22–present).**

**BREACH OF FIDUCIARY DUTY OF CARE-CAUSING LIFE-  
ENDANGERING HARM-(2020–present)**

**“CRIMINAL AIDING AND ABETTING CRIMINAL CONDUCT”-  
UNDER VA. CODE § 18.2-18.4-CAUSING LIFE-ENDANGERING  
HARM-(2022-2025)**

- 4. The knowingly false allegations filed against LYNN KAY  
SINCE 6/30/22 TO PRESENT DAY have been proven false  
and communicated to the responsible parties.**

**Despite notice, no retraction has been made, causing ongoing  
defamation of my name and reputation and causing LIFE-  
ENDANGERING HARM since 2022 TO PRESENT DAY.**

- 5. CRIMINAL OBSTRUCTION OF JUSTICE BY FIDUCIARIES  
AND ALL LAWYERS AND PHILIP KAPUSTA-“PSYCHOPATH  
SON”-(2022-2025)**

**ALL FIDUCIARIES ARE MANDATED REPORTERS-VIRGINIA CODE  
63.2-1606 ARE COLLECTIVELY ALL INVOLVED IN THESE**

DOCUMENTED CRIMES AND HAVE A LEGAL DUTY TO DISCLOSE ELDER ABUSE, NEGLECT, AND EXPLOITATION.

THEIR FAILURE TO DISCLOSE, COMBINED WITH DELIBERATE OMISSIONS OF MATERIAL FACTS WITH ALL COLLUDING IN CONSPIRING TO CONCEAL ALL OF THEIR CRIMES AND CRIMINALLY OBSTRUCTING JUSTICE HAS PREVENTED TIMELY CRIMINAL, LEGAL AND FINANCIAL ACCOUNTABILITY OF 22+ PERSONS/ENTITIES RESPONSIBLE COLLECTIVELY ALL INVOLVED IN FURTHERING ALL OF THE HARM OF THESE ONGOING CRIMES.

LEGAL STATEMENT RE: "EGREGIOUS CRIMINAL BREACH OF CONTRACT" BECOMES "CRIMINAL" DUE TO "USING FRAUDULENT MEANS OF CRIMINAL CONCEALMENT OF FRAUD" BY "THE USE OF CRIMINAL FABRICATION OF DOCUMENTS FOR CRIMINALLY CONCEALING CRIMINAL ELDER NEGLECT AND ABUSE AND FINANCIAL EXPLOITATION."

WHAT MAKES A BREACH OF CONTRACT "CRIMINAL"?

Normally, a breach of contract is civil, meaning the remedy is usually money damages or court-ordered performance. However, it can cross into "criminal" territory when:

Fraudulent intent is present – if one party lies, conceals, or uses deception to induce or to breach the contract to avoid their obligations.

Forgery or fabrication of documents – creating and or using false records or documents to cover up misconduct can amount to "criminal fraud" by falsification of records.

The breach involves theft of funds, embezzlement, or exploitation – especially where vulnerable persons (such as elders) are involved, it qualifies as "criminal" elder abuse or financial exploitation.

**LEGAL STATEMENT REGARDING “EGREGIOUS CRIMINAL BREACH OF CONTRACT”**

**This matter involves not only a civil breach of contract but also an “EGREGIOUS CRIMINAL BREACH OF CONTRACT”, because the breach was carried out and concealed through fraudulent means. Specifically, the opposing parties engaged in:**

**Fraudulent concealment of material facts related to the contract;**

**Fabrication of documents with the intent to mislead and obstruct proper legal and fiduciary oversight;**

**Use of falsified reports and records to conceal ongoing elder neglect and abuse; and**

**Exploitation of vulnerable persons by misappropriating funds and property under false pretenses.**

**These actions go way beyond ordinary breach and constitute “criminal fraud, obstruction of justice, and elder abuse under applicable law.” The concealment and fabrication of documents demonstrate deliberate intent to commit and cover up crimes, making this not merely a civil wrong but a matter of “criminal accountability”.**

**Obstruction of justice by the concealment of crimes – when fake fabricated falsified documents are used to mislead courts, investigators, or authorities and persons of the contract.**

**So, the “criminal” part comes not from failing to perform the contract itself, but from fraudulent means and related crimes committed to cover up or benefit from the breach.**

IN SUMMARY:

THE CONCEALED COURT-SEALED FILING OF FALSE ALLEGATIONS KNOWINGLY PROVEN AS FALSE AND INFORMED AND PROVEN FALSE AND REFUSING TO RETRACT IS ALSO PERJURY AND IS ALSO 3+ YEARS OF ACTIONABLE ONGOING "CRIMINAL DEFAMATION OF LYNN KAY" WITH ALL PERSONS FAILING TO RETRACT AS THIS CONTINUES THE DEFAMATION CAUSING LIFE-ENDANGERING HARM SINCE 2022.

FALSIFIED FABRICATED RECORDS WERE DISCOVERED IN COURT-SEALED FILINGS ON 5/22/25 BY MYSELF-LYNN KAY.

IN THESE "CRIMINALLY FABRICATED AND FALSIFIED 2 CARE MANAGER REPORTS"-(6/8/22 AND 6/30/22 NOT MATCHING ANY DOCUMENTED FACTS) AND BEING ENTIRELY CONCEALED FROM LYNN KAY.

AND HAVING BEEN ENTIRELY "WORD FOR WORD" USED FOR THE SECRETIVE FILING OF THE BASELESS AND MERITLESS AND RECKLESSLY UNSUPPORTED BY FACTS 7/5/22 UNFOUNDED EMERGENCY PETITION. WHICH WAS ALSO ENTIRELY CONCEALED FROM LYNN KAY NEVER BEING NOTIFIED OF AN EMERGENCY PETITION OR OF THE HEARING OCCURRING, THEREBY ENTIRELY VIOLATING MY DUE PROCESS AS EVERYTHING WAS CONCEALED AND DISREGARDING THE FACTS AND TRUTH VOIDS ALL 2020-2025 COURT ORDERS BY EPIC FRAUD IN 2020-2025 PRESENT DAY.

\*\*ALL FIDUCIARIES HAVE DOCUMENTEDLY PRACTICED CRIMINAL FRAUD CONTINUING TO PRESENT DAY ALONG WITH PHILIP KAPUSTA AND JUSTIN BERGER-(HALE BALL) AND MARK CUMMINGS-(GEORGE W. DODGE'S PAST LAWYER) AND STEPHEN HALL-(GEORGE W. DODGE'S CURRENT CRIMINAL LAWYER). KNOWINGLY CONCEALING ALL CRIMINAL ACTS COMMITTED SINCE 2022 TO PRESENT DAY CONSTITUTES CRIMINAL OBSTRUCTION OF JUSTICE ALONG WITH MALICIOUS PROSECUTION FOR EVERY INVOLVED PARTY KNOWINGLY LYING, CONCEALING AND THREATENING MOM'S AND MY LIFE WITH THEIR CRIMINAL ACTS IN AIDING AND ABETTING AND SUPPORTING CRIMINAL ACTS WITH MALICE AGAINST MOM. AND I SINCE 2022.and

THIS COMMITMENT OF CRIMINAL FRAUD UPON THE COURT WITH MALICIOUS PROSECUTION OF WRITTEN AND PHYSICAL THREATS ENTIRELY VOIDED THE ENTIRE CASE OF CL CASE #2018-11871 AS LIVES WERE PUT IN DANGER BY CRIMINAL FRAUD WHICH ORIGINATED ON 7/31/20 BY ALTERING THE AGREED UPON 1/7/20 GUARDIANSHIP PROTECTIVE AGREEMENT FOR MOM AND I WITH THEN ON 7/31/20 TERMS DECEPTIVELY ALTERED TO MAKE LYNN KAY-"GUARDIAN IN NAME ONLY WITH HAVING ABSOLUTELY NO POWER AT ALL WITH 8 YEAR LONG ADVANCE

MEDICAL DIRECTIVE SOLELY HELD BY LYNN THEN DECEPTIVELY TERMINATED WITH ABSOLUTELY NO JUST CAUSE".

THIS CRIMINALLY MALICIOUS ALTERATION IN HAVING NO POWER ALSO BECAME HAVING NO SALARY AS THAT WAS NEVER FULFILLED NEVER RECEIVING ANY \$90,000 ANNUAL SALARY ALSO CRIMINALLY FRAUDULENT THEFT FROM LYNN KAY. AND THEFT AND LOSS FOR "THE ESTATE" BY LOSING MULTI-MILLIONS FROM GROSS FINANCIAL MISMANAGEMENT OF UNNECESSARILY SELLING 60 YEAR OWNED RENTAL PROPERTIES LOSING MULTI-MULTI MILLIONS IN TAX LOSSES, REAL ESTATE VALUE AND DECADES OF FUTURE RENTAL INCOME AT \$1,000,000/3 YEARS. LYNN KAY-MYSELF DEVOTED OVER A DECADE TO MAINTAINING AND GREATLY IMPROVING THESE RENTAL PROPERTIES AND REQUESTED IN 2020 FOR THEM TO BE HER INHERITANCE IN PLACE OF CASH.

\*\*IMMEDIATE FREEZING OF THE CONSERVATORSHIP BOND IS REQUIRED FOR FULL RESTORATION OF THE ESTATE FUNDS AND 5 YEARS OF DAMAGES TO BE PAID BY CONSERVATORS FOR CRIMINAL FRAUD AND MAXIMUM PUNITIVE DAMAGES FROM ALL INVOLVED PERSONS OF FRAUD AND DECEIT AND ALL 5 YEARS OF MALFEASANCE AND CRIMES COMMITTED AGAINST AN INNOCENT MOTHER AND DAUGHTER IN A "PREDATORY CRIMINAL CONSERVATORSHIP/ GUARDIANSHIP/CARE MANAGEMENT SYSTEM OF CRIMES OF CRIMINAL FRAUD AND CORRUPTION AND DECEIT AND EVIL AND DEPRAVED INHUMANENESS".

"THE CRIMINAL BREACH OF CONTRACT" RESULTING IN:

1. "CRIMINAL FRAUD UPON THE COURT"-(7/5/22 TO PRESENT DAY)
2. "CRIMINAL MALICIOUS PROSECUTION WITH CRIMINAL THREATS AND VIOLATION OF RIGHTS"-(7/5/22 TO PRESENT DAY)
3. "CRIMINAL THEFT OF SALARIES AND FUNDS BY FRAUDULENT MEANS"-(2020-2025)
4. "CRIMINAL VIOLATION OF OUR RIGHTS"-18.2-47-(2020-2025)

5. "CRIMINAL THREATS TO LIFE AND HEALTH AND HOME"-18.2-47-(2020-2025)
6. "CRIMINAL ABDUCTION-24/7 FORCED HOME INVASION"-18.2-47-(7/8/22-...)
7. "CRIMINAL OBSTRUCTION OF JUSTICE"-18.2-460-(6/30/22 TO PRESENT DAY)
8. "CRIMINAL AIDING AND ABETTING"-18.2-18-(6/30/22 TO PRESENT DAY)
9. "CRIMINAL ELDER CRUELTY CRIMES-NEGLECT, ABUSE AND EXPLOITATION"-18.2-369-B-(2021 TO PRESENT DAY)
10. "CRIMINAL CONCEALMENT OF ALL CRIMES"-18.2-460-(6/30/22 TO PRESENT DAY)
11. "CRIMINAL BREACH OF CONTRACT USING FRAUDULENT MEANS BY THE CRIMINAL CONCEALMENT OF FRAUD BY THE CRIMINAL FABRICATION OF DOCUMENTS FOR CRIMINALLY CONCEALING CRIMINAL ELDER NEGLECT AND ABUSE FOR "THE CRIMINAL TAKEOVER OF OUR LIVES"-(JULY 2022 TO PRESENT DAY)
12. BREACH OF FIDUCIARY DUTY OF CARE-(2020 TO PRESENT DAY)
13. FAILURE TO PROTECT FROM NEGLECT, ABUSE AND EXPLOITATION-63.2-1606-(2021-2025)
14. "CRIMINAL ARMED ABDUCTION"-18.2-47-(6/6/23 TO PRESENT DAY)
15. "CRIMINAL FORCED ARMED KIDNAPPING WITH NO LEGAL RIGHT AND NO LEGAL JUST CAUSE TO DEPRIVE OF FREEDOM, HEALTH, HOME, LIFE AND HER DAUGHTER"-18.2-47-(6/6/23 TO PRESENT DAY)

ALL OF THESE VIRGINIA STATE CRIMES ALONG WITH CRIMINAL FINANCIAL EXPLOITATION HAVE DOCUMENTEDLY COLLECTIVELY BEEN COMMITTED BY EVERY INVOLVED PERSON AND ARE CRIMES BEING CRIMINALLY CONCEALED ENTIRELY TO ALL AUTHORITIES AND TO THIS COURT IN ALL PERSONS OBSTRUCTING JUSTICE BY THE CRIMINAL CONCEALMENTS BY THEIR SILENCE SINCE JULY 2022.

LEGAL STATEMENT REGARDING:

FILING FALSE ALLEGATIONS KNOWINGLY PROVEN AS BEING FALSE AND INFORMED AND PROVEN FALSE AND REFUSING TO RETRACT IS PERJURY AND DEFAMATION.

§ 18.2-460. Obstructing justice; resisting arrest; fleeing from a law-enforcement officer; penalties.

FAILING TO DISCLOSE AND MISLEADING AUTHORITIES AND THE COURT BY OMITTING MATERIAL FACTS HAS OBSTRUCTED JUSTICE FROM EVER BEING SERVED-(2022-2025).

IF ANY LAWYER, INCLUDING MINE AND ANY FIDUCIARY AS ALL BEING "OFFICERS OF THE COURT AND OR A MANDATED REPORTER OF ELDER NEGLECT AND ABUSE AND EXPLOITATION HAD EVER PROVIDED FACTUAL TRUTH SINCE JULY 2022 TO PRESENT DAY THEN THE REQUIRED INVESTIGATIONS OF CRIMES COMMITTED SINCE 2021 DEPRIVATION OF CARE WOULD HAVE SEEN ALL VIRGINIA CRIMES HAVING BEEN UPHOLD FOR ALL NAMED AND INVOLVED CRIMINALS FOR THEIR PROPERLY SERVING THEIR PRISON SENTENCES TODAY IN THEIR ALL BEING HELD FULLY ACCOUNTABLE FOR ALL OF THEIR CONCEALED CRIMES COMMITTED.

\*\*BUT NOT 1 LAWYER OR FIDUCIARY OR PHILIP KAPUSTA HAS EVER CARED ABOUT THE TRUTH, THE FACTS, THE LAW OR CRIMES COMMITTED AND HAS ALSO EQUALLY NEVER CARED ABOUT THE LIFE, HEALTH AND HOME OF ELAINE MAE KAPUSTA AND LYNN KAY SHOWING THE EPIC DEPTH OF CORRUPTION AND INHUMANENESS INVOLVED FOR 5 YEARS OF ELAINE MAE KAPUSTA AND LYNN KAY AS VICTIMS OF PREDATORS\*\*

**LEGAL STATEMENT ON CRIMINAL FRAUD UPON THE COURT WITH  
CRIMINAL MALICIOUS PROSECUTION WITH CRIMINAL WRITTEN  
THREATS AND CRIMINAL VIOLATION OF RIGHTS WITH CRIMINAL  
ABDUCTION**

**I, respectfully submit this statement for the record, asserting that the  
actions taken against me constitute serious criminal misconduct and  
violations of my constitutional rights under the laws of the  
Commonwealth of Virginia and the United States of America.**

**1. Criminal Fraud upon the Court**

**It is my position that fraudulent misrepresentations and false filings  
with 5 years of ongoing fraudulent acts have been knowingly  
submitted in judicial proceedings with the intent to deceive the Court.  
Such conduct constitutes fraud upon the court, as it undermines the  
integrity of the judicial system and deprives me of my right to a fair  
and impartial proceeding.**

**2. Criminal Malicious Prosecution with THREATS TO LIFE AND  
HEALTH AND HOME**

**I further state that I have been subjected to malicious prosecution,  
wherein charges and proceedings were initiated against me without  
probable cause and with malice. The purpose of these actions was not**

to serve justice, but rather to harass, damage my reputation, and deprive me of liberty and property and my position and my safety.

### 3. Criminal WRITTEN THREATS TO LIFE AND HEALTH AND HOME

I allege that written threats were directed toward me in violation of Virginia Code § 18.2-60 and other applicable statutes. These written and verbal threats were intended to intimidate, coerce, and silence me from exercising my legal rights.

### 4. Criminal Violation of Rights

The above actions together constitute a criminal violation of rights guaranteed under both the U.S. Constitution and the Virginia Constitution. I have been denied due process, equal protection under the law, and the fundamental liberties to which every citizen is entitled since 7/5/22 to present day.

### 5. Criminal Abduction

Additionally, I allege that I was subjected to criminal abduction, defined as the unlawful detention or restraint of my person against my will. Such actions directly violated Virginia Code § 18.2-47 and represent a grave infringement upon my physical liberty and safety.

Criminal fraud upon the court is a deliberate scheme to corrupt the judicial process itself—not just deceive the opposing party. It typically involves:

Intentional deceit aimed at misleading the court.

Actions by court officers (like attorneys or judges) that impair the court’s ability to adjudicate fairly.

Fabrication of key evidence, concealment of material facts, bribery of judges or jurors, or collusion by attorneys against their own clients.

If proven, it can void judgments, lead to sanctions, disbarment, or even criminal charges like obstruction of justice!

Fraud upon the court refers to actions that undermine the integrity of the judicial process. It involves a deliberate scheme aimed at subverting the court’s impartiality, such as fabricating evidence or attempting to influence the court’s decision-making process. This type of fraud is characterized by actions that mislead the court or compromise its ability to adjudicate cases fairly. Examples include bribery of judges or jurors, hiding evidence, or making material misrepresentations that disrupt the court’s function. The legal standard for proving fraud upon the court is high, requiring “clear and convincing evidence” that the misconduct was central to the case.

**Malicious prosecution happens when someone — either a police officer or a private citizen — maliciously causes judicial process to commence (often through criminal charges or a civil lawsuit) against you without evidence or probable cause, and with malice.**

**ALL VIRGINIA CRIMES ON THE VIRGINIA BOOKS WOULD HAVE BEEN UPHELD AND CRIMINALLY INVESTIGATED AND PROSECUTED FOR ALL CRIMINALS BEING HELD ACCOUNTABLE FOR ALL OF THEIR CRIMES AGAINST ELAINE MAE KAPUSTA AND LYNN KAY HAVING BEEN COMMITTED AGAINST AN INNOCENT MOTHER AND DAUGHTER HAVING BEEN UNAWARE OF PREDATORY CONSERVATORS AND PREDATORY CARE MANagements AND PREDATORY GUARDIANS AND PREDATORY FIDUCIARIES IN THEIR ALL SEEKING ONLY HARM BY**

**“THE PLAYBOOK OF PREDATORS\* OF LIQUIDATION..... ISOLATION.....**

**MEDICATION.....**

**DECIMATION**

**AND CREMATION FOR “FINANCIAL EXPLOITATION” BY**

**SEEKING “FORCED INCAPACITATION”**

**BY THEIR EVIL WAYS OF**

**“INHUMANE DEPRIVATION OF CARE”**

**AND “DEFAMATION BY CHARACTER ASSASSINATION”**

**EVERYTHING BUT CREMATION HAS BEEN “THE PLAYBOOK OF THEIR CRIMES HAVING BEEN COMMITTED AGAINST MY MOM AND I”.**

**CRIMINAL OBSTRUCTION OF JUSTICE-(CRIMINAL CONCEALMENT AND FALSIFYING RECORDS PRESENTED IN COURT AND COURT-SEALED) – 2022-2025**

LEGAL STATEMENT REGARDING THE OBSTRUCTION OF JUSTICE IN COURT AND THE OBSTRUCTION OF JUSTICE IN CRIMINALLY MISLEADING ALL INVESTIGATING AUTHORITIES IN ALL FAILING TO EVER BE FORTHRIGHT AND ALL OF THE FALSIFICATION OF DOCUMENTS AND THE CRIMINAL CONCEALMENTS OCCURRING BY ABUSING THE COURT SYSTEM OF EVERY SINGLE LEGAL PROCEEDING BY COMMITTING FRAUDULENT AND CRIMINAL ACTS OF MALICIOUS PROSECUTION OF LYNN KAY WITH NO LEGAL BASIS OR JUST CAUSE AND ALL SOCIOPATHIC INHUMANE FIDUCIARIES AND PHILIP KAPUSTA-“PSYCHOPATH” HAVE ALL COLLECTIVELY VIOLATED OUR RIGHTS AND THREATENED MOM AND I FOR THE UMPTEENTH TIME FOR MORE THAN 38 MONTHS SINCE EVEN PRIOR TO JULY 2022; BY ALL MATERIAL FACTS BEING CRIMINALLY OMITTED IN ALL COURT FILINGS AND IN ALL LEGAL PROCEEDINGS FOR 5+ YEARS OF FRAUD UPON THE COURT.

THE CONCEALMENT OF CRIMES AND CRIMINALLY CONCEALING MATERIAL FACTS IN ALL LEGAL FILINGS AND ALL LEGAL PROCEEDINGS IS DEFINED AS OBSTRUCTION OF JUSTICE.

AND PERJURY BY THE INTENT TO DECEIVE BY CRIMINALLY FALSIFYING AND USING AND CRIMINALLY CONCEALING FALSIFIED DOCUMENTS NEVER REVEALED AS BEING FALSIFIED IN THE FABRICATION OF FRAUDULENT EVIDENCE AND THE CONCEALING OF MATERIAL FACTS HAVING BEEN CRIMINALLY FALSIFIED AND OR CRIMINALLY CONCEALED IN ORDER TO DECEPTIVELY MISLEAD AWAY FROM THE TRUTH AND THE FACTS IN ORDER TO PREVENT CRIMINAL INVESTIGATIONS OF CRIMINAL ELDER NEGLECT AND ALL OTHER CRIMES COMMITTED WITH NO LEGAL JUST CAUSE AND HAVING ABSOLUTELY NO LEGAL RIGHTS AS DECEPTION AND CRIMINAL FRAUD WAS INVOLVED IN ALL ACTIONS SINCE JULY 2020 TO PRESENT DAY.

OBSTRUCTION OF JUSTICE BY CRIMINALLY FABRICATING AND FALSIFYING MEDICAL RECORDS AND CONCEALMENT OF “ALL MATERIAL FACTS AND CONCEALMENT OF ALL FACTUAL MEDICAL RECORDS” IN “MISLEADING THE COURT AND MISLEADING ALL INVESTIGATING AUTHORITIES” BY “THE CRIMINAL CONCEALMENTS” IN “THE INTENT TO DECEIVE AND CRIMINALLY CONCEAL CRIMES COMMITTED AND CONCEALED FOR ENTIRELY THWARTING ACCOUNTABILITY AND JUSTICE FOR CRIMES COMMITTED AND CRIMINALLY CONCEALED.”

**\*\*THE WILLFUL CRIMINAL CONCEALMENT OF SUCH INFORMATION WITHHELD PROVES THE GUILT WITH THE SEEKING TO OMIT, WITHHOLD AND MISLEAD BY JUSTICE BEING THWARTED BY THE KNOWINGLY DELIBERATELY WILFUL OMITTED INFORMATION AND MATERIAL FACTS HAVING BEEN "DELIBERATELY OMITTED AND CRIMINALLY CONCEALED.\*\*\*\***

**Perjury is (in Virginia): Willfully saying something false or misleading, under oath, about a material fact. It's not about being confusing or mistaken; it's about knowingly giving false facts while sworn.**

**"Lying by omission": Usually not perjury by itself. If a witness gives an answer that is "literally true" but leaves things out, becomes perjury as the question was clear and called for a complete, factual response, the answer was sworn, and the omission made the answer false in substance as MANDATED REPORTERS ANSWERS WERE ASSUMED TO BE THE TRUTH AN" NOTHING BUT THE TRUTH.**

**False documents: Submitting sworn documents that you know contain false material facts can be perjury. Submitting false papers (sworn or not) can also be forgery, obstruction, or grounds for court sanctions.**

**THE CRIMINAL OMISSIONS AND THE CRIMINAL CONCEALMENTS CHANGED THE OUTCOME OF 3 YEARS OF FRAUDULENT LEGAL PROCEEDINGS VOIDING THE ENTIRE CASE FOR CRIMINAL FRAUD PRACTICED, BUT HAS BEEN CRIMINALLY CONCEALED FOR 3+ YEARS ENTIRELY THWARTING CRIMINAL, LEGAL AND FINANCIAL ACCOUNTABILITY AND JUSTICE.**

**IF ONE PERSON, INCLUDING MY LAWYERS OR ANY FIDUCIARY OR A LAWYER HAD EVER DONE THEIR JOB AND HAD NOT CRIMINALLY CONCEALED ALL MATERIAL FACTS, OUR LIVES NEVER WOULD HAVE BEEN DECIMATEDLY DESTROYED FOR NOW 38 MONTHS OF "ABSOLUTELY PURE LIVING HELL SUFFERED BY**

**\*\*MOM AND I HAVING OUR LIVES STOLEN AND DECIMATEDLY DESTROYED BY 20+ CRIMINALS IN A “CRIMINAL TAKEOVER OF OUR LIVES” BY “AN EPIC CRIMINAL CONSPIRACY TO CONCEAL ALL FIDUCIARIES CRIMES OF ELDER CRUELTY COMMITTED AND CONCEALED.\*\***

**\*\*VIRGINIA LAWS ON THE BOOKS MUST BE UPHELD AND ALL NAMED CRIMINALS INVOLVED MUST BE HELD CRIMINALLY AND LEGALLY AND FINANCIALLY RESPONSIBLE FOR BEING CRIMINALLY INVESTIGATED AND CRIMINALLY PROSECUTED AND CRIMINALLY SENTENCED FOR THE CONSPIRACY AND CONCEALMENT OF CRIMES COMMITTED AND CRIMINALLY CONCEALED AS THIS INVOLVES**

**\*\*2 HUMAN LIVES DESTROYED BY OTHERS CRIMES COMMITTED AND DECEPTIVELY CRIMINALLY CONCEALED SINCE 2022 COLLECTIVELY BEING CONCEALED BY JUSTIN BERGER AND PHILIP KAPUSTA AND BY ALL FIDUCIARIES.\*\***

**\*\*LYNN KAY AND ELAINE MAE KAPUSTA ARE SEEKING MAXIMUM PROSECUTIONS AND MAXIMUM CRIMINAL AND MAXIMUM FINANCIAL PENALTIES FROM ALL PERSONS FOR ALL 4 YEARS OF CRIMES COMMITTED.\*\***

**\*\*ALL FIDUCIARIES AND LAWYERS COLLECTIVELY INVOLVED FOR 38 MONTHS MUST BE ORDERED TO BE REFERRED TO THE AUTHORITIES FOR CRIMINAL INVESTIGATIONS TO FINALLY BEGIN AS THEY HAVE ALL**

PLAYED A ROLE IN COLLECTIVELY 38 MONTHS OF CRIMINAL  
CONCEALMENT OF CRIMES COMMITTED AND CRIMINALLY  
CONCEALED AS "VIRGINIA CRIMES STATES VERY CLEARLY\*\*

\*\*INCLUDING JUSTIN BERGER-(HALE BALL) AND PHILIP KAPUSTA-  
"PSYCHOPATH SON" AS OCCURRING BY THEIR DECIMATEDLY  
DESTROYING THE LIVES OF ELAINE MAE KAPUSTA AND LYNN KAY AS  
MOTHER AND DAUGHTER HAVING BOTH OF THEIR LIVES "CRIMINALLY  
TAKEN OVER" BY "EPIC PROPORTIONS OF PERSONS COMMITTING  
CRIMES OF CRIMINAL FRAUD AND CORRUPTION AND DECEIT AND  
EVIL AND DEPRAVED INHUMANENESS!"\*\*

\*\*NO ONE HAS EVER HAD ANY LEGAL RIGHT TO EVER VIOLATE OUR  
RIGHTS OR TO EVER HARM US OR TO EVER CONTROL MOM AND I, IN  
ANY WAY OR TO EVER COMMIT ANY CRIME AGAINST MOM AND I,  
EVER, INCLUDING PHILIP KAPUSTA-"PSYCHOPATH".\*\*

REQUESTED RELIEF:

I respectfully demand the following:

1. Immediate investigation by appropriate law enforcement  
authorities into all criminal acts listed herein.

2. Revocation and correction of all false filings, reports, or records submitted in court.
  
3. REVOCATION IN ITS ENTIRETY OF CASE #2018-11871 FOR 5 YEARS OF CRIMINAL FRAUD AND UMPTEEN PERSONS CRIMES AND DECEIT
  
4. LYNN KAY FULL AND SOLE RESTORATION AS PRIOR TO 7/31/20 HOLDING ALL POWERS OVER ELAINE MAE KAPUSTA AND THE ENTIRE ESTATE WITH ONCE AGAIN FULLY AND SOLELY HOLDING PLENARY GUARDIANSHIP WITH ADVANCE MEDICAL DIRECTIVE AND LEGAL P.O.A. WITH THE PERMANENT REMOVAL OF PHILIP KAPUSTA BEING DECLARED AS BEING "A CLEAR AND PRESENT DANGER" AS ALL ACTIONS AND INACTIONS HAVE PROVEN FOR NOW 8 YEARS OF HIS MALFEASANCE AND CRIMINAL FRAUD.
  
5. Civil remedies including FULL COMPENSATORY FROM ALL FIDUCIARIES AND PHILIP KAPUSTA FOR INVOLVED FRAUD AND DECEIT AND MAXIMUM PUNITIVE DAMAGES for fraud, breach of fiduciary duty, and criminal defamation, criminal breach of contract....FULL RESTITUTION FOR 5 YEARS FOR ALL CRIMES AND MALFEASANCE.

6. Criminal prosecution of all persons involved in fabricating and falsifying and concealing documents, obstructing justice, committing and concealing elder neglect and abuse, violating our rights with written and physical threats and criminal abduction and criminal ARMED KIDNAPPING.
  
7. Protective measures to ensure my mom and my safety, health, and home are no longer threatened, in any way.
  
8. FREEZING THE ENTIRE CONSERVATORSHIP BOND FOR FULL FORFEITURE FOR REPAYMENT FOR ALL GROSS MALFEASANCE AND GROSS FINANCIAL MISMANAGEMENT FOR MAXIMUM PUNITIVE DAMAGES AND FULL COMPENSATORY FOR 5 YEARS OF LOSS TO ELAINE MAE KAPUSTA, LYNN KAY AND THE ESTATE OF ELAINE MAE KAPUSTA-(3 SEPARATE ENTITIES CRIMINALLY HARMED AND IRREPARABLY DECIMATED”)

## CONCLUSION

Taken together, these acts—fraud upon the court, malicious prosecution, criminal written threats, violation of rights, and abduction...ETC.—constitute a coordinated and unlawful campaign against my mom and I for 5+ years.

**I respectfully assert my right to seek full legal remedies and request that appropriate criminal and civil actions be pursued AGAINST THE RESPONSIBLE PARTIES.**

**Affirmation:**

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

**Executed this 21st day of AUGUST, 2025**



**Lynn Kay**

**[TWEETERY7@YAHOO.COM](mailto:TWEETERY7@YAHOO.COM)**

**571-421-6813**

**8/21/25**

**3 YEARS OF OUR LOST LIVES BY CRIMINAL FRAUD ENACTED SINCE PRIOR TO 2022  
CANNOT EVER BE COMPENSATED AS TIME LOST IS NOT REPLACEABLE ONCE LOST!**

**THIS IS TRULY EPIC FRAUD AND DECEIT COMMITTED BY ALL CRIMINALS CAUSING  
DETRIMENTAL AND IRREPARABLE LIFE-ALTERING HARM TO MOTHER AND DAUGHTER!**

Respectfully submitted,



LYNN KAY

[TWEETERY7@YAHOO.COM](mailto:TWEETERY7@YAHOO.COM)

8/21/25

**AFFIDAVIT OF EPIC FRAUD  
AND CORRUPTION AND  
DECEIT AND EVIL AND  
DEPRAVED  
INHUMANENESS-25 PAGES  
FILED 8-21-25**

**OLIVIA SCHIEDT-JDUGE CLERK 1**

**NOTICE OF SERVICE:**

**I HEREBY ATTEST TO ALL PERSONS AND WENDY HAHN BEING TOGETHER EMAILED THIS AND  
FILED AND BROUGHT TO JUDGE'S CHAMBERS ON 8/21/25.**



LYNN KAY

[TWEETERY7@YAHOO.COM](mailto:TWEETERY7@YAHOO.COM)

571-421-6813