

3/28/23-THIS IS AN EXAMPLE OF "THE CRIMINAL TAKEOVER OF OUR LIVES BY CRIMINALS OF FRAUD AND DECEIT AND INHUMANENESS" AND "THE CONTINUAL LACK OF CARE FOR THE LIFE AND HEALTH AND WELL-BEING OF ELAINE MAE KAPUSTA" BY THE "IMBESOL-GEORGE W.DODGE AND ALL INHUMANE FIDUCIARIES BY DEPRIVATION OF CARE AND BY DEFYING DOCTORS ORDERS" AND OF GEORGE W. DODGE'S UNCEASING LYING AND MISREPRESENTATION TO SMEAR AND DEFAME LYNN KAY-AND THIS IS BECAUSE **LYNN KAY WAS FRAUDULENTLY REMOVED AS GUARDIAN WITH NO JUST CAUSE ON 7/8/22" BY "THE 6/8/22 & 6/30/22 "CRIMINAL FALSIFICATION AND CRIMINAL CONCEALMENT OF RECORDS AND THE CONCEALED 7/5/22-EMERGENCY PETITION"-AND ELAINE'S AND LYNN'S LIVES WERE "VIOLATED BY THIS CRIMINAL ABDUCTION TAKEOVER SEEKING ONLY HARM FOR BOTH ELAINE AND LYNN"-EXAMPLE OF *CRIMINALLY IGNORING PLATELETS DESTRUCTION AND SERIOUS ISSUES WITH PETECHIA-BROKEN CAPILLARIES" WHILE "SUFFERING FROM DIAGNOSED DENTAL GUM ABSCESS-SEPTICEMIA"-"TEETH PAIN SINCE OCTOBER 2022 IGNORED BY EVERY SINGLE FIDUCIARY FOR DENIAL OF QUARTERLY DENTAL CARE IGNORED SINCE 9/20/22"- CAUSING ONLY HARM BY **GEORGE W. DODGE AND ALL FIDUCIARIES "CRUEL AND INHUMANE TREATMENT AND BREACH OF FIDUCIARY DUTY OF CARE".**



FINAL **3/28/23-REBUTTAL LETTER TO "DODGE"-(JUST CUT & PASTE) & THEN EMAIL PLEASE

1 message

Lynn Kay <tweeter7@yahoo.com>

Tue, Mar 28, 2023 at 7:50 PM

To: Stine stinelaw.com <stine@stinelaw.com>, lynnkay7@gmail.com <lynnkay7@gmail.com>

STEVE, PLEASE DEFINITELY ADD THIS, TOO, IN REGARDS TO MS. ROCCO STOPPING BY SHOWING THAT MOM FUNCTIONS BEST HAVING THESE WEEKEND REST AND RECOVERY WITH NO AIDES.

As an example of Elaine just having Lynn taking care of Elaine, for the entire weekend of Rest and Recovery, without any aide or visitors, Cecilia made a comment today to Lynn, that Elaine was "ACTIVE THROUGHOUT AND SHE WAS ENTIRELY SELF-MOTIVATED TO DO NOT ONLY ALL OF THE PUZZLES, BUT ALSO ON HER OWN AS CECILIA CAN TESTIFY TO, ELAINE SAT DOWN AND DID COLORING AT THE TABLE ENTIRELY ON HER OWN AND IS ALSO REPORTED BY CECILIA TO BE QUIETER AND LESS-TALKATIVE."

----- Forwarded Message -----

From: Lynn Kay <tweeter7@yahoo.com>

To: Stine stinelaw.com <stine@stinelaw.com>; lynnkay7@gmail.com <lynnkay7@gmail.com>

Sent: Tuesday, March 28, 2023 at 07:37:42 PM EDT

Subject: 3/28/23-REBUTTAL LETTER TO "DODGE"-(JUST CUT & PASTE) & THEN EMAIL PLEASE

George:

I'm going to go through your letter paragraph by paragraph. At the outset, you and I have discussed recently the importance of you communicating with me any concerns you have about Lynn and Elaine prior to you sending out such letters. But once again, I find myself blindsided by a number of materially inaccurate assertions, based on your one-sided conversations with Jeanne and Dr. Dappen, who are also operating under the same misplaced assumptions. It's simply not productive - and actively harmful - for you to continue to do this without discussing with me first. I thought we had moved past that point. I now address each one of your paragraphs.

I have authorized Jeanne Blue to start looking for respite care facilities for Elaine, as Dr. Dappen and Jeanne Blue both concur that it would be in Elaine's best interest. With the current lack of structure in Elaine's daily life and considering her advanced dementia, respite care is a necessary option at this

point in time. At Lynn's own admission, Elaine is not being woken up or getting out of bed before 2:00 p.m. each day. In an email from Lynn dated March 24, 2023, Elaine was in bed past 5:00 p.m. the previous day. This is not beneficial for Elaine in any matter, as right now what she needs is structured care. I have also asked Paragon to consider Cecilia working one day each weekend out of concern over the lack of structure for Elaine.

The entire premise of this paragraph is false, based on your misreading of our communications about Elaine's sleep patterns, and your failure to clarify with me before sending this letter. Elaine does not get woken up or out of bed only at 2:00 p.m. That is the time she typically goes downstairs.

Ms. Kapusta usually goes to bed around 8:00 p.m. and wakes up through the night. Sometimes this is only to use the bathroom, other times she is awake for an hour or more and wants to eat. Lynn is always there for her mother to help her, calm her, to help her eat and brush her teeth. Ms. Kapusta does usually wake up in the late morning and conducts numerous activities upstairs, such as making her own food at times, engaging in games and puzzles with Lynn, and watching outdoor activities through the windows. Sometimes she takes naps again in the morning or early afternoon. But she's awake for large parts of the morning and generally comes downstairs around 2:00 p.m.

Elaine is continuously getting up throughout the late night and early A.M 4-5 times from 8 PM until 7 or 8 AM. before eating breakfast. Then frequently Elaine states she is tired after doing the upstairs eating and also doing puzzles and chooses to go back to sleep as Elaine continually says, "I'M TIRED!" She then sleeps for an hour or two and uses the bathroom and eats a second breakfast if she is hungry. Finally, she wakes up between noonish-1:30 PM to eat lunch. Thereafter, if Elaine is not tired, she goes downstairs with Lynn to be with Cecilia to give Lynn time to herself. I have witnessed myself, that at times, Elaine is agitated and calling for Lynn and Lynn frequently then either comes downstairs to calm her mom or Elaine decides on her own to come upstairs to look for Lynn.

Again, her sleep schedule has been misconstrued, with you and apparently Jeanne erroneously thinking that she is constantly sleeping until 2 PM. That is absolutely not the case. And if any of my comments or Lynn's comments last week led you to believe this, then let this correct the record. As the caretakers and the Nestcam videos will attest, she is not sleeping until 2:00 p.m., she is awake and fairly active upstairs for most of the morning and early afternoon, but simply comes downstairs after her activities around 2:00 p.m.

As to your claims about Ms. Kapusta's sleep on March 23, again had you simply talked to me first, you would have gotten the information to better

inform your understanding. Elaine was upstairs until 5 PM as she had decided to go back to sleep in the early afternoon after making herself a sandwich, but not eating due to her tiredness. Elaine's recent continual early afternoon tiredness then happened to directly coincide with when the OT wanted to come, but Lynn, justifiably, did not want wake her mother for OT services (mostly puzzles) that are largely duplicative – as you and I have previously discussed – of what Lynn and the caretakers already do every day.

Just as importantly, you were not aware that while eating lunch around 3 pm on March 23, after Ms. Kapusta woke up from her nap and ate her late lunch, her 90-year-old brother Ronnie and his daughter unexpectedly called and spoke to Lynn and Ms. Kapusta for 1.5 hours 3:30-5 PM. This delightful and unexpected surprise was a happy reunion for Ms. Kapusta. Afterwards, Elaine and Lynn went downstairs for Lynn to work on sorting through all of her storage boxes that had been moved into the Living Room in November 2022 for moving them upstairs to her bedroom for 4136 next day's Property Inventory to occur. Elaine was exhausted and went to bed at 8 PM.

I trust these explanations will help you, Jeanne, and Dr. Dappen understand why your assumptions are misplaced. There is nothing unstructured or wrong with Ms. Kapusta's daily routine. She is living in a calm and peaceful environment that does not need to be disrupted by erroneous assumptions or respite care.

Physically, Elaine has actually flourished under Lynn's continuing care and meal preparation. As you know, she has regained a significant amount of the weight she lost - most of which was lost under the previous temporary guardians/ care manager's directives of massive drug dosages - which Dr. Dappen thankfully stopped. As another example of Elaine's continued physical improvements, the months long lack of eating caused backed up fecal impaction, with Elaine not eliminating her bowels, even being on laxatives. She was only passing her bowels once/twice month from August-November 2022. Now, since January 2023, Lynn has painstakingly been able to get Elaine eating again regularly and Elaine has regained the desire to eat. Now in March 2023, Elaine has eliminated her bowels 8 times so far this month, continually ridding the long backed up fecal toxins from her body, now regularly every 3-4 days, entirely without any laxatives for 2 full months now.

I've been in communication with Dr. Alan Dappen regarding Elaine Kapusta's care and Lynn Kay's continuing demands for lab testing. Since I was appointed as Elaine's Guardian and sole decision maker in the Court Order dated January 17, 2023, Dr. Dappen rightfully and legally so, should not be contacted directly by Lynn regarding testing and labs as she has you representing her, and her requests

should be going through you to me. Communications with Dr. Dappen from you on behalf of Lynn should only be in regard to obtaining medical records. The continual medical testing requests need to stop. A testing schedule can be addressed and created at a later date after reviewing this further with Dr. Dappen.

As you yourself admitted in our recent phone calls, it seems best for Elaine to have regularly scheduled testing, for every week testing or twice/month as a standing order to occur regularly for properly monitoring Elaine's continually abnormal and greatly concerning labs and you also expressed concern over Dr. Dappen's lack of responsiveness over the last several weeks. Indeed, just getting basic answers like the status of the March 13 urine test and the final and full results of the last 3/17/23 labwork seems to be unnecessarily difficult. This is also the first time I have heard you say you want all testing inquiries to go directly through you, you had no problem whatsoever beforehand when I would send emails inquiring as to such. But I can send any such testing requests to you, as you have now requested.

I will again direct Lynn to let me make the inquiries and not email the doctor directly, but she literally only sent two or three emails in the past few days, and raised some legitimate concerns about missing March 13 urine testing and rescheduling the next testing to be 2 weeks since the last 3/17/23 blood draw, in addition to Lynn concerningly once-again stating the Platelet Destruction from 288-(7/26/22) to 90-(3/13/23) as it is extremely vital to determine the cause of Platelet Destruction for seeking treatment of such requesting a Blood Culture to be done immediately for doing so and to get a Hematologist referral from Dr. Lessin . It certainly does not give rise to this overreaction as Lynn is simply seeking to Guard and Protect her mom's health and well-being as she has continually solely done for now 16 years..

Regarding my other concerns, it has been reported to me by Jack Bal that without my authority, Lynn has been cancelling Elaine's occupational therapy with little to no notice, multiple times a week. According to Jaci, one of the occupational therapists, Lynn is cancelling these appointments due to Elaine wanting to stay in bed past 2:00 p.m. daily. This is not a valid reason for Elaine's occupational therapy to be cancelled, especially without first contacting me for my authorization.

Please see my response above addressing OT. Quite frequently OT tries to schedule when Ms. Kapusta is resting or not feeling well. I believe Lynn always

informs Jeanne or other Eldertree staff when she asks OT to reschedule. But since you indicated you also want to be notified so that you can consider Lynn's request for rescheduling, I have directed her to email you directly as to any request to move OT appointments. O.T. was informed that Elaine was resting and tired and that it would be best to respect Elaine's desire for sleep over O.T. A text message on 3/15/23 and then 3/19/23 was sent stating such.

It has also been reported to me by Jeanne Blue that Lynn refused to let in the on-call care manager, Deanna Rocco, when Deanna tried to visit Elaine on Sunday, March 27, 2023, at 2:30 p.m. The care manager had previously spoken with Lynn via phone call and text message but when she tried to call Lynn to let her in for her visit, Lynn was nonresponsive.

This is incorrect. Jeanne mentioned that someone from Eldertree would be stopping by last weekend. No date or time was set. To her knowledge Lynn did not receive a phone call or text message from Ms. Rocco or anyone else at Eldertree this past weekend. Lynn has never spoken to or texted with Ms. Rocco and does not even have any knowledge of who she is. I have had her doublecheck her phone, and she has no such records of any text. If she had called, Lynn may have missed the call and not known who was calling and then the call was blocked automatically as not being identified on her phone. Also, Lynn and Elaine were upstairs at 2:30 on Sunday and would not have been able to hear the doorbell downstairs.

As an example of Elaine just having Lynn taking care of Elaine, for the entire weekend of Rest and Recovery, without any aide or visitors, Cecilia made a comment today to Lynn, that Elaine was "ACTIVE THROUGHOUT AND SHE WAS ENTIRELY SELF-MOTIVATED TO DO NOT ONLY ALL OF THE PUZZLES, BUT ALSO ON HER OWN AS CECILIA CAN TESTIFY TO, ELAINE SAT DOWN AND DID COLORING AT THE TABLE ENTIRELY ON HER OWN AND IS ALSO REPORTED BY CECILIA TO BE QUIETER AND LESS-TALKATIVE."

Regarding the current care provider schedule, I have spoken with Claudia Ayala of Paragon who let me know that Lynn has been asking the current weekday care provider, Cecilia, to run to the store for her on three separate

occasions. This is not to occur further as it is not in the care provider agreement with Paragon that care providers should be running these types of errands on Lynn's behalf. Lynn should be managing the grocery shopping and other such errands on her own.

As we discussed in our phone call today, there were three occasions where this occurred. Once was when Lynn had a dead battery (which occurred twice this winter despite our warnings that this would occur to Cary Cuccinelli), and Cecilia had then volunteered to run a quick errand for her to get applesauce at the store for Elaine's smoothies. Following this, on two separate occasions, Lynn then also asked Cecilia to run to the store to get some bananas. In any event, you and I both agreed this is the least serious of the issues, and I have asked Lynn to keep her errands separate from now on. There was certainly no intent to add unauthorized duties or responsibilities to Cecilia's caretaker duties.

In another much more serious point of interest, Elaine's health issues continue in being left unchecked and Lynn discovered just today what appears to be PETECHIAE-(BROKEN CAPILLARIES RELATED TO LOW PLATELETS) which is the 2nd time now that have been recently discovered around Elaine's eyes. This has occurred previously as Juliette snapped a pic on 3//6/22 on Elaine's left eyelid. This is now the 2nd strange broken capillary to be noticed and is stated to be indicative of very low platelets which was only last checked on 3/17/23. Additionally, Lynn is also today reporting that Elaine has multiple unusual marks now appearing brown and also some red on Elaine's arms which needs to be examined as being related to Elaine's lowering platelets. And Elaine also continues to this very day to complain about her "Tummy Bulge" which the Ultrasound Tech made AREAS OF CONCERN videos for both a SOFT TISSUE ULTRASOUND and also A COMPLETE AORTA ULTRASOUND.

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