

IN THE CIRCUIT COURT OF FAIRFAX COUNTY, VIRGINIA

CASE #2018-11871

Estate and Guardianship of

ELAINE MAE KAPUSTA,

Respondent.

RE: Estate and Guardianship of Elaine Mae Kapusta

**MOTION FOR BREACH OF CONTRACT BY FRAUD ALONG WITH
MALICIOUS PROSECUTION WITH WRITTEN THREATS TO BOTH
ELAINE MAE KAPUSTA AND LYNN KAY**

330 PM

THIS MOTION IS SUBMITTED TO PRESENT THE COURT WITH A FULL AND ACCURATE ACCOUNT OF THE EVENTS, EVIDENCE, AND LEGAL VIOLATIONS THAT HAVE OCCURRED SINCE JUNE 30, 2022. THE DOCUMENTED FACTS, SUPPORTED BY MEDICAL RECORDS, NESTCAM VIDEO EVIDENCE, PRESERVED TEXT MESSAGES, AND THE FIDUCIARIES' OWN FILINGS, ESTABLISH THAT A PATTERN OF CONCEALMENT, FALSIFICATION, AND RECKLESS DISREGARD FOR ELAINE MAE KAPUSTA'S HEALTH AND SAFETY TOOK PLACE. THESE ACTIONS RESULTED IN FRAUD UPON THE COURT, MALICIOUS PROSECUTION, AND THE UNLAWFUL TERMINATION OF A VALID GUARDIANSHIP POSITION HELD BY LYNN KAY.

THE EVIDENCE DEMONSTRATES THAT MULTIPLE FILINGS MADE IN JULY AND OCTOBER 2022 WERE BASED ON FALSE STATEMENTS, FABRICATED REPORTS, AND DELIBERATE OMISSIONS THAT CONTRADICTED THE MEDICAL RECORD. THIS MOTION BRINGS FORWARD THE FULL EXTENT OF THOSE VIOLATIONS SO THAT THE COURT MAY CORRECT THE RECORD, ADDRESS THE HARM CAUSED, AND RESTORE JUSTICE FOR ELAINE AND LYNN.THE FRAUD BEGAN ON 6/30/22-(NESTCAM VIDEOS AND TEXTS AND VIRGINIA HOSPITAL MEDICAL RECORDS DISPROVES ALL 5 FILINGS IN JULY 2022 AND ON 10/11/22

●-SUMMONS FOR CARY CUCINELLI-FILED BOTH JULY 2022 COURT FILINGS

1. PRIOR AS DOCUMENTED ON 3 DR. CUSUMANO OFFICE VISITS- 4/13/21 AND 3/2/22 AND 9/20/22-EDEMATOUS GUM SWELLING AND NEEDING QUARTERLY DENTAL CLEANING APPOINTMENTS, ELAINE HAD NEEDED 3 ROOT CANALS AND WAS DENIED THIS BY FIDUCIARIES-ELAINE RECEIVED ONLY 1 OR 2 TOOTH EXTRACTIONS AND STILL NEEDED ROOT CANALS SUFFERING SEVERE GUM DISEASE AND TEETH PAIN

2. LYNN TEXT REPORTED (EVIDENCE SAVED) ELAINE'S UNWELLNESS TO SHIFFLETT-5/18/22

3. LYNN TEXT REPORTED (EVIDENCE SAVED) "MOM IS NOT NORMAL NOW AND REQUESTED VIRGINIA HEART APPOINTMENT-6/2/22

4. VIRGINIA HEART FAILED TO DO PROPER LABS OF CBC AND CMP AND U/A-FAILING TO SEEK DIAGNOSIS-6/8/22- (SHIFFLETT STATED CMP WAS DONE AND OTHER THYROID TESTS WHICH WERE LIES NOT MATCHING MEDICAL DOCUMENTED FACTS

5.6/29/22-LYNN TEXTED STATING MOM NEEDS TO GO TO THE ER TOMORROW TO RECEIVE IV FLUIDS...

6. MOM WOKEUP CRYING AND SCARED AND VERBALLY AGREED TO WANTING TO GO TO THE HOSPITAL-NESTCAM VIDEOS

7. SHIFFLETT CALLED ME "A LITTLE BIT CRAZY" MULTIPLE TIMES AND THEN ALSO WALKED AWAY AND I GOT RIGHTEOUSLY ANGRY AS MY MOM WAS DYING IN NEED OF EMERGENT CARE AND MOM AND I HAD TO BEG FOR SHIFFLETT TO TAKE MOM TO THE E.R.

8. 911 WAS CALLED AND MOM WENT TO THE HOSPITAL

9. IN E.R.STATED BY DOCUMENTED MEDICAL RECORDS-NO EDEMA IN RIGHT LEG AND NO EDEMA IN LEFT LEG AND MOM GOT IV FLUIDS-(6/30/22) AND CATHETER

10. MOM WAS ADMITTED TO THE 8TH FLOOR ON 6/30/22-HAD ABNORMAL LABS-DOCUMENTED AS SUCH IN VHC MEDICAL RECORDS ON 6/30/22

11. 6/30/22-10:35 PM-SHIFFLETT FABRICATED A FALSIFIED CARE MANAGER REPORT AND EMAILED IT TO CARY CUCINELLI, SUZANNE HANAS AND CALLIE BAILEY AT THAT TIME

12. 7/1/22-MOM RECEIVED FORCED IV MEDICATION TO SLEEP AND CONTINUAL IV FLUIDS AND IV VITAMINS AND A CATHETER AND RECEIVED FUROSEMIDE FOR JUST 7/1/22 AND ONLY 1 DAY AND FUROSEMIDE WAS DISCONTINUED AS THEY ALSO REALIZED HOW DANGEROUS IT WAS FOR MOM

13. MOM'S LABS BECAME MORE AND MORE ABNORMAL AND ALMOST KIDNEY FAILURE DAMAGE ALL OF THIS DOCUMENTED

14. ●-EVERYTHING STATED IN THE 3 DOCUMENTS-INCLUDING THE EMERGENCY PETITION ON 7/5/22 WAS ALREADY DISPROVEN BY 7/2/22.

15. AS CASE HISTORY SHOWS, LYNN KAY WAS NEVER SERVED THE EMERGENCY PETITION AND WAS NEVER CALLED AND NEVER INFORMED OF THE EMERGENCY PETITION HEARING

16. FILED ON 7/5/22 WAS AN ENTIRELY UNWARRANTED AND BASELESS EMERGENCY PETITION HAVING NO MERIT WHATSOEVER USING ALL INFORMATION THAT WAS FALSIFIED ON THE 6/30/22 CARE MANAGER REPORT AGAIN NOT MATCHING ANY VHC DOCUMENTED MEDICAL FACTS.

17. MOM CONTINUED RECEIVING IV FLUIDS, IV VITAMINS, FORCED SLEEP MEDICATION AND CATHETER

18. MOM HAD 15 DAYS SERIOUS HOSPITALIZATION AND NEEDED TO RELEARN HOW TO WALK FOR 3 WEEKS AND BROUGHT HOME UPON DISCHARGE WAS A HOSPITAL BED AND A WHEELCHAIR AS ELAINE WAS NEGLECTED SO BADLY AND GRAVELY INJURED LEFT UNABLE TO WALK FOR WEEKS OF RELEARNING WITH O.T. AT HOME.

19. ●-NOT 1 ALLEGATION OR STATEMENT CAN STAND UP TO THE DOCUMENTED MEDICAL RECORDS

20. BY DAY 2-(7/1/22) EVERYTHING STATED WAS ALREADY PROVEN FALSE

21. THAT IS WHAT NEEDS TO BE PRESENTED AS THE BREACH OF GUARDIANSHIP TERMINATION OF A LAWFUL GUARDIANSHIP SALARIED COURT-ORDERED POSITION WAS UNLAWFULLY SOUGHT BY FRAUDULENTLY PRETENDING THAT ALL FILINGS WERE FACTUAL AS ATTESTING TO LYNN HAVING CAUSED ELAINE HARM AND THAT ELAINE WAS UNSAFE WITH LYNN AS GUARDIAN 24/7.

●-QUESTIONS FOR CUCINELLI:

1. HOW DO YOU VALIDATE YOUR ALLEGATION THAT "ELAINE WAS NO LONGER SAFE UNDER LYNN'S CARE?"

2. WHAT RIGHT DO YOU HAVE TO DENY BOTH DENTAL AND MEDICAL DR.-ORDERED CARE TO ELAINE MAE KAPUSTA AS SINCE APRIL 2021 AS A CONSERVATOR?

3. WERE YOU AWARE THAT LYNN KAY IN MAY 2022 AS PER EVIDENCED TEXTS WHICH WERE EMAILED TO YOU ON 7/7/22-7/8/22 REQUESTED AN AIDE ONCE/WK TO HELP WITH ELAINE'S BATHING AS SHE WAS REFUSING TO TAKE A BATH AS LIZ SHIFFLETT ALSO EXPERIENCED WITH ELAINE AND LYNN ON 6/2/22. AS ELAINE WAS ALREADY SUFFERING CONTINUAL UNWELLNESS FROM UNADDRESSED AND UNDIAGNOSED U.T.I. DUE TO SHIFFLETT FAILING TO EVER SEEK ANY MEDICAL DIAGNOSIS. DIAGNOSIS SINCE 5/18/22 REPORTED BY ELAINE UNWELLNESS?

TEXTED: PLEASE ALSO HIRE SOMEONE TO HELP ME ENCOURAGE MOM TO GET HER WEEKLY WASH IN THE SHOWER EACH WEEK AND ALSO CAN HAVE THAT PERSON TO WASH HER HAIR ONCE FOR A HAIR APPT ANYMORE. TODAY, SHE REFUSED TO ALLOW ME TO UNTIL SHE FINALLY GIVES IN. IT TOOK 1 HR WAITING TO DO IT TODAY. ALL SHE GOT WAS ½ OF A SPONGE BAT 3051 Me THE WALK-IN TUB IS JUST TOO DIFFICULT FOR HER TO GET IN AND OUT OF BECAUSE OF HER KNEE PAIN AND HAVING TO PUT HER WEIGHT ON THE KNEE TO GET IN. BEST IS TO HAVE

4. WERE YOU AWARE THAT LYNN WAS HOME WITH ELAINE SINCE 7/31/20 24/7 AS THERE WAS AN "ONGOING GLOBAL COVID PANDEMIC WHICH HAD SHUTDOWN THE ENTIRE WORLD IN MARCH 2020?"

The World Health Organization (WHO) declared the end of the global COVID-19 Public Health Emergency on May 5, 2023, and the federal Public Health Emergency in the United States ended shortly after on May 11, 2023

- 5. DID YOU RECEIVE SNAPSHOTS OF SHIFFLETT AND LYNN TEXTS SENT TO YOU BY LYNN ON WHICH WERE EMAILED TO YOU ON 7/7/22-7/8/22 PROVING CARE MANAGER NEGLIGENCE ENDANGERING ELAINE'S LIFE?**
- 6. WHY DID YOU IGNORE LYNN'S EMAILS AND TEXTS PROVING OF CARE MANAGER NEGLIGENCE ON THE DAY YOU FINALLY INFORMED LYNN OF THERE BEING A COURT FILING OF 7/7/22?**
- 7. WHY DID YOU SPECIFICALLY IGNORE LYNN'S DENIAL OF THERE BEING ANY NEGLIGENCE BY LYNN?**
- 8. WHY DID YOU IGNORE THAT LYNN STATED-"THIS CARE TAKER NEEDS TO BE ENTIRELY REMOVED AS WAS EMAILED TO YOU ON 7/8/22?"**
- 9. BASED ON WHAT YOU RECEIVED FROM LYNN , DO YOU AGREE THAT YOU SHOULD HAVE POSTPONED THE 7/8/22 COURT HEARING AFTER YOU RECEIVED DOCUMENTED PROOF OF LIZ SHIFFLETT FAILING TO PROVIDE CARE WITH LYNN STATING SHE NEEDED TO BE ENTIRELY REMOVED AS SHE SIMPLY DOES NOT CARE.**
- 10. WHY DID YOU NEVER PROVIDE ANY OF THE 7/5/22 EVIDENCE TO LYNN OR STEVE STINE-(LAWYER**

HIRED BY LYNN FOR FILING BREACH OF LYNN KAY'S COURT-ORDERED GUARDIANSHIP SALARIED POSITION CONTRACT) IN JULY 2022?

- 11. WOULD YOU AGREE THAT THE 6/8/22 LIZ SHIFFLETT CARE MANAGER REPORT WAS FALSIFIED AS PERTAINS TO THIS AND THAT THERE WAS NO INTENTION TO EVER ATTEMPT TO SEEK A PROPER MEDICAL DIAGNOSIS FOR ELAINE'S CONTINUAL ONGOING MEDICAL PHYSICAL ISSUES?:**

VA Heart appt completed *CBC, CMP, BNP, TSH, T4 ordered and done in lab downstairs at Labcorp *no medication changes; encourage Lasix every day *Elaine is not a candidate for ANY invasive testing or to look aggressively for potential issues since they would not be treated due to comorbidities *fatigue is a normal part of aging and any intervention is not worth the risk .

- 12. DO YOU AGREE THAT THIS WAS A FALSE AND UNCARING STATEMENT AND THAT AS PER 6/8/22 MEDICAL LABS:**

NO BNP OR TSH OR T4 OR CMP WAS SHOWN TO HAVE EVER BEEN DONE ON 6/8/22

- 13. I YOU AGREE THAT *THE COMPLETE DISREGARD OF ELAINE'S HEALTH AND WELL-BEING* FOR "NO ONE TO EVER DO ANY PROPER DIAGNOSTIC TESTING" IS BEYOND SHOCKING ALLOWING ELAINE TO SUFFER INSTEAD OF BEING PROPERLY DIAGNOSED AND TREATED-THE FAILURE BY VIRGINIA HEART ALSO DIRECTLY CAUSED 6/30/22 HOSPITALIZATION AS INTERVENTION AND PROPER DIAGNOSTIC TESTING WAS IMPERATIVE AND EVERYONE FAILED TO CARE! CMP AND SED RATE AS LYN. HAD REQUESTED VIA TEXTS AND U/A IF DONE**

WOULD HAVE LIKELY SHOWN U.T.I.-UROSEPSIS! AS WAS INDICATED WITH FURTHER PHYSICALLY WORSENING SYMPTOMS REPORTED BY LYNN VIA TEXTS AND WAS ENTIRELY IGNORED BY LIZ SHIFFLETT FAILING TO CARE.

- 12. WERE YOU AWARE THAT 1 DAY PRIOR TO 6/30/22 E.R. HOSPITALIZATION:**

6/29/22-LYNN KAY TEXTED MOM NEEDS TO GO TO THE E.R.-SHE NEEDS IV FLUIDS AND IV NUTRIENTS AND FORCED SLEEP MEDICATION AND A CATHETER.

6/30/22-MOM NEEDS TO BE ADMITTED TO THE HOSPITAL AT LEAST OVERNIGHT, POSSIBLY LONGER SO SHE CAN HAVE INTRAVENOUS FLUIDS AND NUTRIENTS AND FORCED SLEEP THROUGH.

6/30/22-7/2/22-ELAINE “MEDICALLY PROPERLY” BY LYNN’S “GOOD JUDGMENT AND MEDICAL ASTUTENESS”- RECEIVED IV FLUIDS, IV VITAMINS, FORCED SLEEP MEDS, CATHETER AND *FUROSEMIDE WAS DISCONTINUED AND RAMIPRIL WAS NEVER GIVEN* AND ELAINE HAD GROSSLY ABNORMAL LABS AND UROSEPSIS AND NO EDEMA-ALL CARY CUCINELLI LIES WERE STATED IN EMERGENCY PETITION USING FALSIFIED CARE MANAGER REPORTS-6/8/22 & 6/30/22- AS ALL FIDUCIARIES HAVE CONCEALED ALL OF THEIR CRIMINAL MEDICAL ELDER MEGLECT SINCE 2021-DENIAL OF 3 ROOT CANALS AS PER DR.CUSUMANO-4/13/21 RECORDED****

- 13. . ARE YOU AWARE THAT ELAINE RECEIVED WITHIN 2 DAYS EVERYTHING LYNN REQUESTED FOR HER MOM WHICH INCLUDES FORCED SLEEP MEDICATION AND I.V.**

FLUIDS AND I.V. VITAMINS-NUTRIENTS, DISCONTINUED FUROSEMIDE, HAD NO EDEMA ON 6/30/22 AND NEVER RECEIVED RAMIPRIL AND RECEIVED A URINARY CATHETER AND HAD ABNORMAL LABS ON 6/30/22 AND WORSENERD?

- 14. . DID YOU EVER CONFIRM ANY OF YOUR ALLEGATIONS AND THE 6/30/22 CARE MANAGER REPORT TO CONFIRM THIS WAS FACTUALLY SUPPORTED BY FACTS BY "MEDICAL CARE GIVEN 3 DAYS PRIOR TO YOUR FILING A 7/5/22 SECRETIVE PETITION AND HEARING WITHOUT EVER CALLING OR SERVING LYNN?"**

- 15. . DO YOU AGREE THAT LYNN SHOWED "AMAZING MEDICAL ASTUTENESS" AND "GOOD JUDGMENT" AND "RATIONAL BEHAVIOR" TO REQUEST EVERYTHING MEDICALLY-PROPER FOR AN "EMERGENT CARE FOR ELAINE PRIOR TO ELAINE GOING TO THE E.R.?"**

- 16. . WOULD YOU AGREE THAT THE 7/5/22 EMERGENCY PETITION FILING AND HEARING WAS UNWARRANTED JUST AS STEVE STINE STATED IN THE 8/17/22 REAPPOINTMENT FOR GUARDIAN?**

Ms. Kay was extremely concerned with her mother's condition who had, in fact been hospitalized on June 30 and was eating and drinking very little. Ms. Kay was staying with her as much as possible throughout the day and evenings, and made the decision to be with her mother rather than attend the court hearing on July 8. The unopposed July 8 emergency motion was granted. It should be noted that Ms. Kay wrote several detailed emails to the conservator

prior to the July 8 hearing and provided the conservator with her communications to the care manager in June that were mostly unanswered. To Ms. Kay's knowledge, the conservator made no attempt to contact her to discuss the matter, or to take any perspective into account other than the care manager's, leading to the drastic and unwarranted emergency motion to terminate Ms. Kay's guardianship.

17. . WHY WAS LYNN NEVER PROVIDED WITH ANY OF THE 7/5/22 COURT FILINGS?

18. . WHAT RIGHT DO YOU HAVE TO THREATEN AND TERRORIZE BOTH ELAINE'S AND LYNN'S LIFE SINCE 7/8/22 TO PRESENT DAY?

19.. WHY DID YOU IMMEDIATELY TERMINATE MYCHART ACCESS FOR 4 MONTHS AGAINST COURT ORDER ON 7/8/22- THE UNLAWFUL TERMINATION OF LYNN'S COURT-ORDERED GUARDIANSHIP?

20.. WHY AS A MANDATED REPORTER-(63.2-1606) DID YOU FAIL TO REPORT LIZ SHIFFLETT FOR MEDICAL ELDER NEGLECT CAUSING ELAINE GRAVE INJURIES WITH A HOSPITALIZATION FOR 15 DAYS AND AS LYNN HAD INFORMED BY TEXT MESSAGES AND EMAILS SHOWING SUCH AS SHE EMAILED TO YOU. AND LYNN STATED "THIS CARE TAKER NEEDS TO BE REMOVED ENTIRELY"

21.. ARE YOU AWARE THAT FAILURE TO REPORT ELDER NEGLECT AND ABUSE AS A MANDATED REPORTER AS

FIDUCIARY IS AGAINST THE LAW-VIRGINIA CRIMINAL LAW TO NOT REPORT ELDER NEGLECT AND ABUSE AND EXPLOITATION-SECTION 18.2-369-B

22. WERE YOU AWARE THAT DR. HU DENTIST STATED AS IS ALSO RECORDED ON 4/13/21 NEEDING 3 ROOT CANALS AND HAD GUM DISEASE AND TEETH PAIN AS IS DOCUMENTED ON DR. CUSUMANO-4/13/21 AND 3/2/22 AND 9/20/22-OFFICE VISITS?

23.. WOULD YOU AGREE THAT FIDUCIARIES FAILED TO PROTECT ELAINE FROM NEGLECT?

24. WOULD YOU AGREE THAT SHIFFLETT FAILED TO PROVIDE DR. ORDERED CARE?

25. WOULD YOU AGREE THAT NO FILINGS WITH THE COURT EVER SHOULD HAVE BEEN FILED IN JULY AND OCTOBER 2022?

26. DO YOU NOW AGREE THAT NO HARM WAS EVER CAUSED TO ELAINE MAE KAPUSTA BY LYNN KAY?

27. DO YOU NOW AGREE THAT ELAINE HAS ALWAYS BEEN SAFE IN HER HOME WITH LYNN 24/7?

28. WHY HAVE YOU NEVER FILED A COURT RETRACTION CORRECTING THE COURT RECORDS IN 2022-2025?

BASED ON ALL OF THIS:

29. WOULD YOU AGREE THAT THE 7/5/22 EMWRGENCY PETITION FILING WAS EXTREMELY MISLEADING AND NOT FACTUAL ON 7/5/22 AS PER DOCUMENTS?

30. WOULD YOU AGREE THAT LIZ SHIFFLETT IS AN INCOMPETENT AND UNCARING NURSE AND CARE MANAGER AND IS A LIAR AND A CLASS 4 FELON AS SHE IS **GUILTY OF CRIMINALLY CONCEALING ELDER NEGLECT BY HER HANDS BY FALSIFYING 2 REPORTS USED AS EVIDENCE ON 7/5/22 AND 7/8/22-18.2-369-B AND SHE "CRIMINALLY FALSIFIED" IN WHOLE OR IN PART THE 6/8/22 AND 6/30/22 CARE MANAGER REPORTS AND THEN "CRIMINALLY CONCEALED IT ALL FROM LYNN KAY AND ALMOST KILLED ELAINE IN REFUSING ELAINE MEDICAL CARE AND LEFT ELAINE ROTTING IN THE HOSPITAL FOR A WEEK WITHOUT RECEIVING ANY PROPER ANTIBIOTICS-UROSEPSIS-ORGANS SHUTTING DOWN WITH SEPTICEMIA INFECTION ON 6/30/22 IGNORED AND 7/14/22-DISCHARGED FROM HOSPITAL WITH MOM WAS LEFT UNABLE TO WALK FOR MONTHS OF NEGLECT BY LIZ SHIFFLETT-PREMIER CARE PLANNING MANAGEMENT-WHO BOTH ELAINE AND LYNN WERE FORCED TO BEG FOR MEDICAL AND DENTAL CARE FROM AN INCOMPETENT AND UNCARING CARE MANAGER NURSE?**

31. WERE YOU AWARE THAT ELAINE WAS DIAGNOSED DURING HOSPITALIZATION WITH OBSTRUCTIVE UROPATHY, METABOLIC ENCEPHALOPATHY AND SEVERE KIDNEY DISEASE DUE TO AEROCCUS SEPTICEMIA FROM U.T.I.?

32. WHY DID YOU TERMINATE LYNN KAY AS GUARDIAN AS HELD THE 8 YEAR-LONG HELD ADVANCE MEDICAL

DIRECTIVE ON 7/31/20-(THE 1ST DAY OF THE CONSERVATORSHIP/ GUARDIANSHIP IN GIVINGVLYNN ABSUTELY NO MEDICAL POWER OVER HER MOM AS GUARDIANS USUALLY HAVE?

33. DO YOU AGREE THAT IF ALL OF THIS SUPPORTIVE DOCUMENTS IF PROVIDED TO THIS COURT AND TO LYNN KAY THAT LYNN NEVER WOULD HAVE BEEN TERMINATED AS GUARDIAN?

34. WOULD YOU AGREE WITH THIS STATEMENT?, THAT ALL 4 COURT FILINGS IN JULY 2022 WERE FALSIFIED FABRICATED AND WAS ENTIRELY MISLEADING AND NOT REFLECTING ANY DOCUMENTED FACTS AND THAT:

35. DO YOU AGREE THAT **NO ONE, BUT LYNN KAY, HAS EVER CARED ABOUT THE PHYSICAL HEALTH AND WELL-BEING OF ELAINE MAE KAPUSTA SINCE 2006 WHEN LYNN SACRIFICED HER LIFE TO MOVE HOME FROM CALIFORNIA AFTER 21 YEARS" AT ELAINE'S BEGGING IN 2006?

36. DID LYNN KAY HOLD BOTH LEGAL P.O.A. AND ADVANCE MEDICAL DIRECTIVE SINCE 2013 WITH THERE BEING NO ISSUES OF ANY HARM EVER TO ELAINE AND THE ESTATE?

37. DO YOU AGREE THAT YOU RECEIVED IN EXHIBIT AGAIN JUNE 9, 2025 REQUEST FOR CORRECTING THE COURT FILINGS WITH COURT RETRACTIONS AND THIS WAS IGNORED ENTIRELY BY ALL EMAILED PARTIES TAKING NO ACTION TO DO SO?

38.AND THEN RECEIVED ONCE AGAIN INCLUDING TO ALEXIS SMITH-JUDGE TRAN'S LAW CLERK THE

EXCULPATORY LABS AND INFORMATION DISPROVING THE CARE MANAGER REPORTS AND THE 7/5/22 AND THIS WAS ALSO ENTIRELY AGAIN DELIBERATELY IGNORED FACTS FOR THE 3RD TIME PRESENTED WITH THESE DISPROVING OF HARM MEDICAL DOCUMENTS ON 8/14/25?

39. ARE BOTH ELAINE MAE KAPUSTA AND LYNN KAY ON THE 4136 HOME DEED AND IS THIS STATED ON 7/31/20 CONSERVATORSHIP GUARDIANSHIP COURT ORDER STATING:

ORDERED that the Conservator shall not be permitted to sell, encumber, and/or transfer Elaine Kapusta's right, title, and/or interest in the real estate located at 4136 North River Street, McLean, Virginia 22101 without further order of the Court;

40. DO YOU AGREE THAT YOU FAILED TO NOTIFY LYNN KAY BY PHONE, EMAIL, TEXT, CERTIFIED MAIL AND OR HAND-SERVING IN FAILING TO EVER PROVIDE THE JULY 5, 2022 EMERGENCY PETITION AND EVIDENCE OF THESE 2 CONCEALED CARE MANAGER REPORTS TO LYNN KAY AND STEVEN STINE AND THAT THIS WAS WRONG AS THESE WERE ALL CONCEALED TO THEM BOTH?

41. HAVE YOU THREATENED AND TERRORIZED LYNN KAY'S WELL-BEING OF HER LIVING IN HER HOME SINCE 7/8/22 AND THEREAFTER AND ON 10/31/25 WHEN HALE BALL AND MURPHY INFORMED YOU THAT ALL PARTIES WERE UNDER CRIMINAL INVESTIGATION FOR 4 YEARS OF CRIMES DID YOU SERVE LYNN WITH AN ILLEGAL 30-DAY EVICTION NOTICE AS RETALIATION IN FURTHER SEEKING HARMING LYNN KAY AND ELAINE KAPUSTA AS YOU HAD STATED HAVE "DECIDED TO SELL 4136"-LYNN'S

HOME OF 1978-1985 AND 2006-2025? AND THAT THIS WAS NOT ALLOWED AS PER THE 7/31/20 COURT ORDER?

42. DID YOU APPROVE THE REMOVAL OF ELAINE AGAINST HER WILL WHILE YOU AND GEORGE W DODGE AND ELIZABETH WILDHACK AND JEANNE BLUE AND RACHELLE DORNAN OF ELDER TREE MANAGEMENT AND DR.ALAN DAPPEN AND DOC TALKER AND LAURIE KIRKLAND ENTIRELY IGNORED PROVIDING DR.-ORDERED QUARTERLY DENTAL CLEANINGS AND DENTAL X-RAYS AS YOU AND FIDUCIARIES WERE INFORMED OF ON 10/16/22 THROUGH 2024 AS ALL DOCUMENTS OF EMAILS ARE EXHIBITED?

43.DO YOU AGREE THAT FIDUCIARIES HAVE THE DUTY TO PROVIDE ALL DENTAL AND MEDICAL CARE AND TO NOT NEGLECT AND ABUSE AND EXPLOIT THOSE WHO ARE UNDER THE FIDUCIARIES COURT-APPOINTED CARE AS BOTH CONSERVATOR AND GUARDIAN AD LITEM AND PRIVATE ESTATE DOCTOR AND CARE MANAGEMENT AND GUARDIAN?

44. DO YOU FEEL THAT ALL FIDUCIARIES, INCLUDING ELIZABETH WILDHACK AND LAURIE KIRKLAND ALL ALSO FAILED TO EVER PROTECT THE WELL-BEING AND HEALTH AND LIFE OF ELAINE MAE KAPUSTA AS LAURIE KIRKLAND AS MOM'S LAWYER ENTIRELY DISMISSED PROVIDING ANY PROPER CARE FOR 883 DAYS FAILURE TO PROVIDE DENTAL X-RAYS AND 681 DAYS FAILED TO PROVIDE DR. CUSUMANO QUARTERLY DENTAL CLEANINGS AS UMPTEEN EMAILS FROM LYNN KAY CONTINUALLY REMINDED BY EMAILS.

45. WOULD YOU AGREE AFTER SEEING THE 6/6/23 NESTCAM VIDEOS THAT THE CRIMINAL ARMED

ABDUCTION AND FORCED KIDNAPPING AGAINST HER WILL TERRORIZED ELAINE BY FIDUCIARIES FAILING TO EVER CARE TO EVEN SEEK TO PROVIDE ANY DENTAL AND MEDICAL CARE WHILE TERRORIZING AND SUFFERING ELAINE TO HORRIFIC SUFFERING UNDER CONSERVATORSHIP?

YOUR HONOR, BASED ON ALL OF THE EXHIBITED EVIDENCE OF WHAT HAS OCCURRED SINCE 6/30/22, IT IS NOW MADE ENTIRELY CLEAR THAT FRAUD UPON THE COURT AND MALICIOUS PROSECUTION WITH MALICE AND THREATS HAS OCCURRED SINCE 7/5/22 BY FILING FRAUDULENTLY FABRICATED AND FALSIFIED REPORTS AND COURT FILINGS HAVING BEEN ALL ATTESTED TO UNDER OATH ON 7/5/22 AS BEING ATTESTED TO AS BEING FACTUAL.

PRAYER FOR RELIEF:

1. I REQUEST THIS COURT NOW RECOGNIZE AND DECLARE FRAUD UPON THE COURT WITH MALICIOUS PROSECUTION AND WRITTEN THREATS AGAINST LYNN KAY

2. I REQUEST THAT THIS COURT NOW ENTIRELY PERMANENTLY DISMISS IN ITS ENTIRETY THE ENTIRE CASE OF #2018-11871 AS ALL PERSONS HAVE COLLECTIVELY CRIMINALLY PARTICIPATED IN THIS FRAUD AND MALICIOUS PROSECUTION AGAINST LYNN KAY FOR 42 MONTHS OF THEIR CONSPIRACY OF SILENCE.

3. I REQUEST THAT LYNN KAY NOW BE RECOGNIZED AS A VICTIM OF FRAUD AND MALICIOUS PROSECUTION FOR 42 MONTHS AND THAT ELAINE AND LYNN AND THE ESTATE HAVE ALL GREATLY SUFFERED UNDER A FRAUDULENT CONSERVATORSHIP AND THEY HAVE ONLY SUFFERED WITH PHILIP KAPUSTA BEING INVOLVED.

4. LYNN KAY RIGHTFULLY REQUESTS THE APPOINTMENT OF FULL AND SOLE PLENARY GUARDIANSHIP AS SHE PREVIOUSLY FOR 8 YEARS HELD ALL POWERS OVER EVERYTHING.

5. RIGHTFULLY AS AN INNOCENT VICTIM OF FIDUCIARIES AND PHILIP KAPUSTA FRAUD COMMITTED ENTIRELY VITIATES THIS CASE PERMANENTLY AND REQUESTED TO BE EXPUNGED FROM THE RECORDS.

6. REQUEST THAT ALL 2020-2025 COURT ORDERS AND COURT JUDGMENTS ALL BE OVERTURNED AND DISMISSED AS FRAUD DISSOLVES EVERYTHING TAINTED BY FRAUD AND WITH ALL 2020 PARTIES INVOLVED RIGHTFULLY RESTORES LYNN TO HAVING FULL POWER AS PLENARY GUARDIANSHIP TO RIGHTFULLY MAKE ALL DECISIONS FOR THEIR LIVES.

7. DUE TO FRAUD BEING DECLARED, I REQUEST THAT THE ENTIRE CONSERVATORSHIP BOND BE FROZEN AND FORFEITED IN ITS ENTIRETY FOR FRAUD AND MALICE PERPETRATED.

8. LYNN REQUESTS THAT PLENARY GUARDIANSHIP IS RETROACTIVE TO THE DATE OF THE FRAUD TERMINATING A LAWFUL COURT-ORDERED SALARIED GUARDIANSHIP SO THAT

MEDICAL MALPRACTICE ON 5/22/23 CAN ALSO BE PURSUED AS HAS ALREADY BEEN FILED.

9. LYNN REQUESTS THAT PHILIP KAPUSTA PERSONALLY BE COURT-ORDERED TO PAY EVERY SINGLE CENT OF THE ESTATE AND LYNN KAY LEGAL FEES SINCE JULY 2022 AS NONE OF THE LAST 42 MONTHS WOULD HAVE EVER OCCURRED IF PHILIP KAPUSTA HAD NOT BEEN INVOLVED IN THIS FRAUD.

10. LYNN IS REQUESTING \$42 MILLION COMPENSATORY FROM ALL PARTIES FOR HORRIFIC PAIN AND SUFFERING FOR 42 MONTHS OF THE ABDUCTION OF THEIR LIVES PSYCHOLOGICALLY SCARRING LYNN KAY BY FRAUD COMMITTED BY ALL PERSONS. SEEKING JURY TRIAL.

11. REQUESTED ALSO THAT \$325,000 ESTATE GIFT-(7/9/22-PRESENT)-\$90,000/YR DEPRIVED UNLAWFULLY BE GIVEN TO SOLELY LYNN KAY FOR FRAUD TERMINATED HER RIGHTFUL SALARY SINCE 7/9/22 NOT RECEIVING ANYTHING DUE TO FRAUD COMMITTED AGAINST LYNN KAY.

12. FILING FURTHER WILL BE TORTS FOR BREACH OF FIDUCIARY DUTY OF CARE FOR ELAINE MAE KAPUSTA ALSO SEEKING \$42 MILLION FROM ALL PARTIES IN COMPENSATORY FOR 42 MONTHS AGAINST ALL 2020-2025 FIDUCIARIES TO BE ESTABLISHED IN FURTHER COURT TRIALS ALSO BY FACTUAL EVIDENCE EXHIBITS-WILL SEEK ALL FURTHER ACCOUNTABILITY FOR HORRENDOUS SUFFERINGS COMPENSATORY AND MONETARY DAMAGES AS DISCOVERY OF THESE FALSIFIED DOCUMENTS STARTS THE STATUTE OF LIMITATIONS TO 5/22/25 THE DAY OF

**DISCOVERY OF THE FALSIFIED CARE MANAGER REPORTS
DISCOVERED BY LYNN ON 5/22/25 AS IS ALSO EVIDENCED..**

**13. I REQUEST ALL THINGS IN THE NAME OF JUSTICE AND
FINANCIAL ACCOUNTABILITY FOR FRAUD PERPETRATED FOR
42 MONTHS.**

**FOR ALL THE REASONS DETAILED IN THIS MOTION AND AS PROVEN
THROUGH THE DOCUMENTED EVIDENCE, IT IS CLEAR THAT THE
ACTIONS TAKEN BY FIDUCIARIES AND INVOLVED PARTIES WERE
IMPROPER, UNFOUNDED, AND HARMFUL. THE FALSIFIED REPORTS,
THE CONCEALED MEDICAL FACTS, AND THE MISLEADING FILINGS LED
TO SEVERE CONSEQUENCES FOR BOTH ELAINE AND LYNN, CREATING A
CASCADE OF SUFFERING THAT COULD HAVE BEEN PREVENTED.**

**ACCORDINGLY, MOVANT RESPECTFULLY REQUESTS THAT THE COURT
RECOGNIZE THE FRAUD THAT OCCURRED, CORRECT THE RECORD, AND
ISSUE THE RELIEF NECESSARY TO RESTORE JUSTICE, ACCOUNTABILITY,
AND RIGHTFUL AUTHORITY. LYNN BRINGS THIS REQUEST IN GOOD
FAITH, SUPPORTED BY EXTENSIVE EVIDENCE, AND ASKS THE COURT
TO TAKE ACTION TO PROTECT THE INTEGRITY OF THE JUDICIAL
PROCESS AND THE WELL-BEING OF ELAINE MAE KAPUSTA.**

Respectfully submitted,

Lynn Kay