



**Gil Sampson, Affidavit #1
Sworn on September 16, 2010**

**NO. 08 0327
VICTORIA REGISTRY**

IN THE SUPREME COURT OF BRITISH COLUMBIA

IN THE MATTER OF THE *PATIENTS PROPERTY ACT*
R.S.B.C. 1996, CHAPTER 349 AS AMENDED

-AND-

IN THE MATTER OF KATHLEEN PALAMAREK, PATIENT

AFFIDAVIT #1, MR. GIL SAMPSON

I, GIL SAMPSON, MANAGEMENT CONSULTANT, OF 303-1015 PANDORA AVENUE, IN THE CITY OF VICTORIA, BRITISH COLUMBIA, MAKE OATH AND SAY THAT:

1. I am the husband of the petitioner in 08 0327, Mrs. Lois Sampson (she is also the respondent in 07 3415). The Petition she has made to seek personal and estate guardianship of her mother has been made in full consultation and with my complete support, both morally and financially. I love my mother-in-law; I know that we can provide her with excellent care - hopefully, at-home care; and I am very worried about her present circumstances particularly under the interim guardianship of my brother-in-law Ralph, and at Broadmead Lodge.
2. I have read my wife's affidavits including her draft affidavit #8 and exhibits, and in all instances where she mentions myself as present for an event she describes, I reiterate that her description is truthful in all regards. In particular, I reaffirm her statements in regards to her and my career at paras. 5 through 10 of her Affidavit #1.
3. Lois and I have acted throughout as a team and in May of 2010, I actually spoke to the court on her behalf in the context of an interlocutory application. We have been managing the court action together in all regards.

4. The events set out in the various affidavits before the court have been very stressful on my wife, both emotionally and financially. However, she has exhibited extraordinary strength, persistence and objectivity throughout. By offering to take care of her mother as personal guardian, her and I offer considerable personal and financial resources which we do selflessly and without hesitation and without any expectation of personal gain.
5. Upon a court order granting us personal guardianship of my mother-in-law, it is our intention to regularly consult with family members in terms of the care of Kathleen. Unfortunately, Ralph, Robert and Ernest Palamarek, since 2006, have chosen a covert and adversarial approach to the care of Kathleen.
6. As set out by Lois in affidavits, we were not initially aware of the estate documents my mother had signed favouring Ralph as a decision-maker. We did not know of, or that he was acting on, the authority of a legal document or, more to the point, that he was making final decisions in regard to Kathleen's personal care. Instead, circa 2005 and 2006, he presented emerging issues under the guise of consultations in preparation for a family meeting to consider those decisions, which "family meeting" then never occurred. Initially, and especially, the actual permanent placement of Kathleen out of her home and into institutional care, was presented to us as a *fait accompli*. It was only then that Lois and I realized the *façade* of Ralph and his "consultation".
7. Since 2006, notwithstanding an excellent relationship between all of us at that time, but due to the actions of Kathleen Palamarek's sons, personal relationships have regrettably turned into factions.
8. However, in the event of Lois being appointed personal guardian of Kathleen Palamarek, and notwithstanding the past exclusion of us, we will still convene and invite Ralph, Robert and Ernest to regular family conferences especially when significant decisions need to be made in regards to Kathleen. This is what Kathleen wants and such a course of action will foster cordiality between her children and a family legacy of care and respect which might yet be renewed.
9. We intend to seek their input recognizing, however, that in the event of conflicting views, we would make the final decisions.
10. I am looking forward to assisting Lois in the estate and personal guardianship of my mother-in-law, Kathleen.
11. Lois and I own a house in Qualicum Beach but we mostly live in our Victoria condo (rented).
12. My current business clients are all Victoria-based. I do much of my management consultant work from a home-based office situated in our Victoria condo. One current short-term client project, scheduled to end in October 2010, requires that I

go to Vancouver for a day or two each week. I occasionally travel out of the province for a day or two such as a recent trip in July to Whitehorse. But thanks to technology, those are exceptions, and I am able to work primarily from home. Being self-employed, I manage my own schedule. My family, including my mother-in-law, is my first priority.

13. I am certified in Standard First Aid and CPR Level C. A copy of my certificate is attached as **Exhibit A**.
14. There are two events in particular I wish to comment on because I believe they reflect the true circumstances of Kathleen at Broadmead Lodge under the personal guardianship of Ralph Palamarek.

ACUTE URINARY TRACT INFECTION – JULY 2008

15. Mrs. Palamarek's urine sample collected on July 2, 2008 was verified on July 3, 2008 positive for Escherichia coli (e.coli) infection.
16. The microbiology test result record includes a hand-written notation to "do nothing". The assertions of facts as they pertain to extracts from documents in this and following paragraphs are from Broadmead Lodge records readily available to the Interim Committee.
17. A Broadmead Lodge nurse, Kathy de Bruin, faxed the positive test results to Dr. Nicoll at noon July 4, 2008, requesting his direction. Dr. Nicoll appears to have not replied to this fax until five (5) days later.
18. On the same day, July 4, 2008, a second nurse, Romelyn Cabrera, faxed the same results to Dr. Nicoll, requesting his direction. Dr. Nicoll appears to have not replied to this fax until eleven (11) days later.
19. On July 5, 2008 there was a physician order by an on-call physician to "observe for next couple of days". There is no indication that any physician actually saw Mrs. Palamarek.
20. On July 9, 2008, Dr. Nicoll appears to have finally responded to de Bruin's request (five days later) with a faxed order to "Repeat Urine R+M and C+S" laboratory tests.
21. A urine sample collected on July 11, 2008 was verified on July 13, 2008 still positive for Escherichia coli (e.coli) infection.
22. On July 15, 2008, Dr. Nicoll appears to have finally responded to Cabrera's request (eleven days later) with a faxed order to administer an antibiotic (Bactrim DS tabs bid x 14 days). **Treatment did not commence until July 15, 2008, twelve days after the acute urinary tract infection was diagnosed.**

23. On April 30, 2009, Lois and I submitted our concerns about this in writing to the College of Physicians and Surgeons of BC (CPSBC) and to the College of Registered Nurses of BC (CRNBC).
24. On June 2, 2010, we received a report from Dr. Janet Kushner Kow who has provided her medical opinion on the health and care of Mrs. Palamarek. She comments on the conduct of the nurses and physicians.
25. On June 29, 2009, the head nurse at the Lodge (F. Sudbury), filed an affidavit in these proceedings proclaiming the neutrality of the Lodge but otherwise apparently unable to mention the fact of our complaints at ¶17. I do not understand the relevance of this allegation, especially considering the words used, except to negatively characterize us in the appreciation of our conduct by the court, the obvious recipient of that affidavit.
26. On March 30, 2010, Mr. David Cheperdak, CEO of The Lodge at Broadmead, in his Affidavit #2 (incorrectly labeled as Affidavit “#1”) states that we had used the information in Mrs. Palamarek’s health records “as a fishing expedition to launch a spurious Complaint” with the CPSBC and the CRNBC.
27. I was offended by the further irreconcilable statement in that affidavit of the Lodge’s CEO that “we (the Lodge) do not favour either applicant for Committeeship over the other”.
28. On May 3, 2010, Ms. Colleen Kovacs, lawyer for Broadmead Care Society, claimed that our submissions to the CPSBC and to the CRNBC “were subsequently dismissed and found to be without merit.” We have received no such communication from either the College of Physicians and Surgeons or the College of Registered Nurses.
29. In a letter dated October 14, 2009, the College of Registered Nurses claimed that the appointment of an interim committee (several months after the event that was the subject of our concern) limited their ability to provide us with information regarding the investigation and disposition of our complaint.
30. In a letter dated November 12, 2009, the College of Physicians and Surgeons said that, because of the appointment of an interim committee (long after the events that were the subjects of our concerns), we do not have a right to Mom’s medical records, we have no status as representatives for Mrs. Palamarek, and the College therefore could not discuss with us the care she has received.

EVENTS OF OCTOBER 28, 2008 – NOVEMBER 1, 2008

31. On October 28, 2008, Mrs. Palamarek moved from Broadmead Lodge to live with us in our home.
32. Later on October 28, 2008, Ms. Carol Pickup and I collected Mrs. Palamarek's personal possessions from her vacated room at The Lodge at Broadmead.
33. In his affidavit sworn on October 30, 2008, David Cheperdak claims that he told me that he "would like to chat with the family about the care needs, care requirements and medications of Kathleen Palamarek". As set out below, his affidavit is disingenuous as it suggests that we were being irresponsible in regards to the current medical requirements of Mrs. Palamarek. At the time, neither Lois nor I had received or reviewed the Lodge records and the disclosure of Ralph's statements to the Lodge in regards to Lois so I was then perplexed by the abrupt and authoritarian demeanour of the man who I now understand was the Lodge's CEO, on October 28, 2008.
34. I made several trips from the room to my vehicle, passing the nursing station each time.
35. On one trip, I noticed a man, whom I had never met, dressed in casual clothes, pushing a resident in a wheelchair down the hall towards me. I assumed he was either a family member or a volunteer.
36. On a subsequent trip down the hall carrying a full load, I noticed this same man standing at the nursing station conversing with staff.
37. As I passed the nursing station, this man, wearing no identification, turned and interrupted me, asking who I was, if I was part of Mrs. Palamarek's family. He did not identify himself.
38. I replied that I was Mrs. Palamarek's son-in-law.
39. The man stated that he wished to speak to me about Mrs. Palamarek, but still did not identify himself.
40. I replied that I would like to, but I was uncertain who he was, and because of current litigation, I replied that I could not.
41. He then said he just wanted to discuss "her medications".
42. I was wondering if he was a security guard, a doctor, a nurse or administrator and in hindsight, I should have asked. But he did not tell me who he was. Perhaps he thought that the CEO of Broadmead Lodge should be well-known to the family members of residents. For me, I had never been previously introduced to this individual and this was a big day and I was distracted. Nonetheless, I replied that her medications were taken care of (we had already picked up a supply of her

medications from our community pharmacy, had been fully briefed by the pharmacist whom we had carefully chosen to be part of her care team, and Mrs. Palamarek did not miss one dose of scheduled medications during the transition to living in our home).

43. I continued with my work of moving Kathleen's effects to my vehicle. The entire verbal exchange lasted approximately 30 seconds.
44. I was not Mrs. Palamarek's duly appointed representative; I had no authority to speak to any Lodge staff about Mrs. Palamarek. The Lodge knew that my wife was Mrs. Palamarek's legally appointed Representative. The Lodge had Lois Sampson's phone number if they had any questions or concerns about Mrs. Palamarek's medications.
45. On November 1, 2008, the Lodge records make a note about Lois and I entering the Lodge in a rude manner (I understand that these records, which I have seen, will be exhibited to Lois' 8th Affidavit). This description is both false and unfair. I was with Lois at the time and although we were still in shock from the involuntary apprehension, we entered normally and nothing of note happened nor did we almost fall upon anybody. I have no idea why Ms Julie Swan, the note-taker, would have written that.

SWORN BEFORE ME at Victoria,)
British Columbia on this 16th day)
of September, 2010.)


_____)

A Commissioner for taking)
Affidavits for British Columbia)



GIL SAMPSON

Lloyd Duhalme
Barrister & Solicitor
345 Vancouver Street
Victoria, BC V8V 3T3

This is Exhibit A referred to in
the Affidavit of Gil Sampson
made before me on 16 Aug. 14
[Signature]
A Commissioner for taking affidavits within BC



Canadian Red Cross
Croix-Rouge canadienne

Red Cross First Aid:
Prepare for Life

GIL SAMPSON

Name

Is Certified In

STANDARD FIRST AID CPR/AED Level A C HCP

This card is invalid if more than one level of CPR is checked.

07.25.2012
Date of issue

10163462
Instructor I.D.#

07.25.2013
Expiry Date

Kristy Falasca
Instructor

YOU MAY RECERTIFY SOONER IF REQUIRED FOR EMPLOYMENT.