Carol Pickup, Affidavit #3
Sworn on September 15, 2010

NO. 08 0327
VICTORIA REGISTRY

IN THE SUPREME COURT OF BRITISH COLUMBIA

IN THE MATTER OF THE *PATIENTS PROPERTY ACT*

-AND-

KATHLEEN PALAMAREK, PATIENT

AFFIDAVIT #3 OF CAROL PICKUP

I, CAROL PICKUP, RETIRED REGISTERED NURSE, OF 977 LOVAT AVENUE, IN THE CITY OF VICTORIA, BRITISH COLUMBIA, MAKE OATH AND SAY AS FOLLOWS:

1. I am a Senior's Advocate, and have been doing advocacy for seniors since 2006 with the Seniors' Entitlement Services of Greater Victoria. I am a retired Registered Nurse and worked as a geriatric nurse at Royal Jubilee Hospital in the latter part of my nursing career.

2. I have never been paid by Lois Sampson for any of my involvement with Kathleen Palamarek or for any other reason. I am strictly a seniors' volunteer with a fondness for, and friendship with Kathleen Palamarek. I recognize that it would be hard for a judge reading affidavits to grasp the true circumstances of Mrs. Palamarek's life, and it is for this purpose alone that I offer my evidence without which the Court may not have all the necessary observations of relevant events. I have also been struck with the viciousness of the campaign against Lois Sampson by Mrs. Palamarek's sons, as set out below, and I am concerned that if the Court that does not hear from third-parties it may not otherwise appreciate the true significance of those efforts and the consequences to the 88-year old Mrs. Palamarek in terms of what seems to me to be unnecessary angst, anxiety and stress thrust upon her.

3. I have known Kathleen Palamarek from May 2008 until the present, during which time I have acted as a senior's advocate for Kathleen, as part of my role with Seniors Entitlement Services. I saw her most recently on **September 2, 2010** when she came to my home for tea. Kathleen and I toured my garden, and we had a very enjoyable visit; and again on September 10th and 14th when I visited her at Broadmead Lodge.

4. When I visit at the Lodge, I always pop my head in and ask first if she's up for a visit. She has never said no, and always lights up and greets me warmly and with a smile. I enjoy her company and I am positive that she enjoys mine. We continue to have rational, normal conversations. She continues to be well aware of her surroundings, and of many current issues. She continues to read her newspaper cover to cover, and we discuss things she has read about in the paper.

5. As previously attested to, I have accompanied Kathleen on a number of meetings with her lawyer, John Jordan. My role at these meetings was to support Kathleen and to ensure that she is not pressured or coerced in any way into making decisions, and to ensure that she has fully heard everything that has been said to her. On the many occasions I have met with her and Mr. Jordan, I have never witnessed him pressuring or coercing Kathleen in any way, and have never seen her upset or annoyed at our meetings with him.

6. On **October 28, 2008** I assisted Lois and Gil Sampson to move Kathleen Palamarek from The Lodge at Broadmead ("the Lodge) to the Sampson's condo in Victoria.

7. I went on vacation on October 30, 2008, and on my return, was shocked to learn that Kathleen had been apprehended from her new home with her daughter and son-in-law, and returned to Broadmead Lodge. As attested in my Affidavit #2, Kathleen had told me on numerous occasions that she did not want to live at the Lodge, that she wanted to live in her home and that she would like to live with Lois and her husband Gil, and to have them look after her. Knowing Kathleen as I do, and her great desire to leave the Lodge, being arrested by police and other strangers would have been extremely traumatic for her, as it would be for anyone.

8. On my return from vacation, I also learned that Kathleen was restricted in the number of visitors she could have, and how long they were permitted to visit, and under restrictions preventing her from going out with her daughter (Lois Sampson) and son-in-law (Gil Sampson), or others who knew the Sampsons. Consequently, I did not visit Kathleen for a few months immediately after her apprehension because I did not want to take visiting opportunities away from her daughter.

9. In early summer of 2009 I resumed visiting Kathleen on a more regular basis. I usually visit her once every couple of weeks, either at the Lodge or during outings with her daughter.

10. On **August 24, 2009** I accompanied **Dr. John Sloan** of Vancouver, BC to see Mrs. Palamarek. I was asked to accompany Dr. Sloan to see Kathleen at the Lodge for the purpose of introducing him and explaining to her that Dr. Sloan was there to do a medical examination. As Kathleen's seniors' advocate, I also wanted to ensure that she was comfortable with Dr. Sloan, and to ensure that her best interests were served.

11. When Dr. Sloan and I arrived at the Lodge's nursing station, the first person we encountered was a Registered Nurse (RN). We explained to her who we were and the purpose of our visit. This nurse was pleasant and helpful, and she agreed to get a portable blood pressure machine for Dr. Sloan to use. Before she could do so, another Lodge employee, this one a Licensed Practical Nurse (LPN) who I had seen at the Lodge on other occasions, came over and interrupted us,

saying that Dr. Sloan could not examine Kathleen without approval from "administration". The LPN then went off to, presumably, contact "administration", and we were allowed to visit with Mrs. Palamarek in the interim.

12. Dr. Sloan and I went to Kathleen's room. I introduced her to Dr. Sloan and told her that he was here to examine her. Kathleen understood that Dr. Sloan was going to examine her, and she was fine with that. We enjoyed a social visit with Kathleen in the meantime; we did not proceed with an examination as Dr. Sloan had agreed to wait for approval from administration.

13. After about half an hour, someone from administration arrived (I can't remember the employee's name), and refused to allow Dr. Sloan to proceed with the examination. Dr. Sloan and I left without him having the opportunity to review Kathleen's chart or to examine her. At no time did I make any suggestion to Dr. Sloan with respect to how he should conduct his assessment or what his opinion ought to be.

14. On **September 9, 2009** I visited Kathleen with Mr. Jordan. We found Kathleen in her room, and she was glad to see us and welcomed us in. I commented to her, "you remember who this is, don't you?" in reference to Mr. Jordan. She instantly replied "he's my lawyer". A few minutes later, Ms Fiona Sudbury, Broadmead's Director of Care, abruptly entered Kathleen's room (without knocking or introducing herself), and demanded to know if we were there "from UBC to do an assessment". We replied that we were not, and then introduced ourselves. Ms. Sudbury left abruptly thereafter, without explaining herself further. We continued our visit with Kathleen by walking with her to sit in an enclosed garden area. We had an amicable social visit, and Kathleen did not appear stressed in any way. We were just about to leave the garden and conclude our visit with Kathleen, when a couple arrived to visit Kathleen. I got up and introduced myself, saying you must be one of Kathleen's sons. They introduced themselves as her son **Ernie** and his wife Sharon. Kathleen seemed happy to see them. Mr. Jordan and I said goodbye to Kathleen and started to leave. I was struck that Ernie and his wife were openly hostile and belligerent towards us. Ernie barred our way and questioned us quite aggressively, asking us who we were and what our business was with his mother. When Mr. Jordan explained that he was Kathleen's lawyer, Ernie responded with "she doesn't need a lawyer." I explained that I was a seniors' advocate and an "RN". Ernie asked, "what's an RN?" Mr. Jordan and I quickly disengaged ourselves and left the Lodge.

15. I was provided by Lois Sampson a copy of the nursing notes from The Lodge at Broadmead, as well as copies of the affidavits of Dr. Tom Perry and of Dr. Janet Kushner-Kow. I had not seen these documents prior to submitting my previous affidavit.

16. The nursing notes from the Lodge show that her daughter was excluded from family conferences and denied important information about her mother that, as a seniors' advocate, I know any child of an aging parent should be provided by institutional or personal caregivers. Because of the events more fully described in this Affidavit, I have observed:

a. A bias on the part of Lodge officers and employees toward Lois Sampson, and

b. A ready acceptance by Lodge officers and employees of any allegation about Lois made by her brothers.

17. In the Lodge nursing notes of 10/6/2008 22:36 (Exhibit A of Fiona Sudbury's Affidavit #2), son Ralph's comments about Kathleen enjoying church services are contrary to discussions I have had with her. She told me that she wasn't religious and didn't belong to any church and wasn't interested in organized religion.

18. In contrast to the Broadmead Lodge records I reviewed, especially records from the period May – November 2008, I have *never* observed delusions or inappropriate behavior by Kathleen. During that period - especially - I saw her regularly, and in the company of other people as well as in one-on-one visits, both in and out of Broadmead Lodge. She always demonstrates good manners, and frequently exhibits consideration for others, insight and good humour. On occasion Kathleen has expressed to me concerns with her care and her circumstances, but the manner in which they were conveyed was entirely appropriate, and her concerns were reasonable reactions in my view, the normal sorts of comments and observations anyone would make.

19. Since I have known her, Kathleen has consistently displayed some short-term memory loss (e.g. not always knowing the date or time of recent events). I have not observed any noticeable, consistent decline in her short-term memory since I have met her. Some days are better than others, but no more so than any person would normally experience. I find the statement attributed to "Son and daughter-in law" in the entry 2/26/2008 19:12 (Exhibit A Fiona Sudbury Affidavit #2) that Mrs. Palamarek did not recognize several family members, to be very unexpected. Kathleen always readily recognizes me, even if I have not seen her for a month or more, and even in places out of context e.g. meeting unexpectedly on the street. Apart from impaired short-term memory, Kathleen is otherwise very capable of engaging in meaningful conversations about a wide variety of subjects.

20. Contrary to the nursing notes of 8/22/2008 14:03 (Exhibit A Fiona Sudbury Affidavit #2) recorded by Fiona Sudbury (Director of Care, Broadmead Lodge), I did indeed give my name to Ms. Sudbury's secretary when I accompanied Mrs. Palamarek to deliver her letter saying she did not want any restrictions on going out. In fact I gave the secretary my name on two occasions that day: once in Fiona Sudbury's office (Ms. Sudbury was too busy to see us to receive Kathleen's letter, so Kathleen handed it to her secretary); and then later that same day, at the nearby Broadmead Thrifty's where the same secretary approached me and asked again for my name, which I gave her then as well. I also recorded my name and phone number in the Lodge's visitor book that day.

21. A disconcerting allegation is the description or suggestion that "Lois Sampson is mentally ill" and "not taking her medication", and, generally, that she has or is likely to harm her mother, Mrs. Palamarek. In the nursing notes of 3/4/2008 21:27 (Exhibit A, Fiona Sudbury Affidavit #1), I read a statement by Kathleen's son Ralph alleging that there is a history of abuse by Lois of her mother. I have never witnessed any behaviour on the part of Lois Sampson that would lead me to believe she has any form of mental illness, and I have seen no evidence of any harmful behaviour

or even a hint of such possibility in Lois' behaviour towards her mother or towards anyone else. Nor have I ever observed anything about Mrs. Palamarek's interaction with her daughter that would lead me to suspect any inappropriate behaviour or abuse of her mother. On the complete contrary; I have consistently observed extraordinary compassion, tenderness and devotion by Lois Sampson towards her mother Kathleen, and that they have a very warm and loving relationship.

22. The Broadmead Lodge records of 9/8/2008 15: 21 (Exhibit A Fiona Sudbury Affidavit #2) reflect a staff and family conference in which all present conclude that Mrs. Palamarek could not have written a letter because they believed she could not write a sentence. This is nonsense. Kathleen's letter of August 18, 2008 asks that there be no restriction on her being able to go on outings from Broadmead Lodge, and it was written by and also, in my opinion, understood by, Kathleen. I questioned her about the letter's content to confirm she still wanted to give them the letter just before I accompanied her to the Broadmead's management offices, and Kathleen confirmed that it was her strong wish not to have any restrictions on her freedom to go on outings with family and friends.

23. As noted earlier in paragraph 14 above, on September 9, 2009 John Jordan and I were visiting with Kathleen at the Lodge in a garden area when son Ernie Palamarek and his wife arrived. Contrary to nursing records from Broadmead Lodge at 9/9/2009 11:46 (which I have seen and I am advised will be exhibited to Lois Sampson's Affidavit #8), we were not "peppering his mother with questions"; we were just having a friendly visit. We were not "frustrated to be interrupted" and did not "just pack up and leave" as is recorded in the nursing notes. We had concluded our visit and out of courtesy were leaving so they could visit Kathleen. Ernie Palamarek seemed intent on a confrontation with Mr. Jordan and myself and in those circumstances, unrecorded by the Lodge, we did leave quickly.

24. I noted a copy of a letter in Broadmead Lodge's records dated **September 16, 2009 (Exhibit A)** that appears to be in Mrs. Palamarek's hand-writing. This letter says that Kathleen does not want to see me or John Jordan. I do not believe this letter is legitimate. In my review of the Lodge nursing notes covering this period of time, it is recorded that Kathleen's son Ernie had interrupted the visit John Jordan and I had with Kathleen on Sept. 9, 2009, and that Ernie visited his mother again a week later, at which time he produced the letter to the staff at the nursing station. I believe Kathleen was unduly influenced by her son to write that letter. Kathleen cherishes her visits with me, as do I with her.

25. I have witnessed intimidation of Kathleen by Lodge staff. On **September 28, 2009**. Kathleen's lawyer, John Jordan and I visited Mrs. Palamarek. She seemed very glad to see us, and she clearly knew John Jordan and knew he was her lawyer. We asked her to go out for coffee and Mrs. Palamarek agreed saying it would be good to get out. She got her coat and we left her room. When we stopped at the nursing station and told the nurse that we were going out for coffee, the nurse asked Mrs. Palamarek, "Kathleen, are you *sure* you want to go out?" in a very pointed way. Kathleen's facial expression and demeanor instantly changed (she appeared to me to be fearful and cowed), and she replied in a subdued manner, "No, I guess not." Kathleen then turned back

toward her room and took off her coat and hat. The nurse on duty was the same Licensed Practical Nurse (LPN) who, on August 24, 2009, had told Dr. Sloan and me that he could not examine Kathleen.

26. I have noticed a considerable change in Kathleen's demeanor and her physical health since October of 2008. She now seems a little more despondent and less determined in pursuing her desire to leave. She has told me that she has resigned herself to the fact that she is living at the Lodge, yet she still retains the desire to return to live in her home and with her daughter, asking, "why am I here when I have a house of my own?", and "that's why I kept the house, and why we put in the downstairs suite, so that someone could live with us, if we needed help."

27. I have also seen a noticeable decline in Mrs. Palamarek's physical health while under the care of the Lodge personnel. She has developed a wheezy chest, her hands shake with increasing intensity, she finds it more difficult to walk any great distance, and she appears to have gained a significant amount of weight.

28. I believe that Mrs. Palamarek should be in a home care environment if one is available for her, preferably with a live-in family member. In my constant and extensive experience with seniors, those that benefit from live-in home care thrive and do much better than those that reside in the static environment of an institution. It is recognized that some individuals are so far advanced in dementia, for example, that institutional care may be the only option. But from my observations, Mrs. Palamarek's dementia is so mild that she is a prime candidate for live-in care.

SWORN BEFORE ME at Victoria,	)	
British Columbia on this 15th day	)	
of September, 2010.	)	
	)	Carol Pickup
A Commissioner for taking	)	**Carol Pickup**
Affidavits for British Columbia	)	

Lloyd Duhaime
Barrister & Solicitor
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This is Exhibit A referred to in
the Affidavit of C. Pickup
made before me on 15 Sep. 10

A Commissioner for taking affidavits within BC

I do not want these people
to visit me.

- John Gordon
- Carla Pickup

Kathleen Palamarek
Sept 16/09