



Affidavit #1 of Dr. R. Dale Nicoll
Sworn November 26, 2007

Action No: 07 3415
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

I, Dr. R. Dale Nicoll, of #200 – 3994 Shelbourne Street, Victoria, British Columbia, MAKE OATH AND SAY THAT:

1. I am a duly qualified physician licensed to practice in the Province of British Columbia.
2. I specialize in the area of general practice.
3. I am the physician attending to Kathleen Palamarek's present needs and have been her physician since she was transferred from the Saanich Peninsula Hospital to the Lodge at Broadmead in August 2007.
4. I have reviewed the consultation from Dr. Prouse (2005) and Dr. Trotter-Shaw's hospital discharge summary from August 2007 and find that there has been no change in Mrs. Palamarek's ability to manage her person and her affairs since those examinations.
5. It is my opinion that Mrs. Palamarek continues to be incapable of managing both her person and her affairs.
6. Mrs. Palamarek's most recent Minimental Status score is 17 out of 30, indicating a significant decline in her functioning level since 2005 when she scored 27 out of 30.

7. I received a request from Lois Sampson, Mrs. Palamarek's daughter, by facsimile on October 16, 2007 requesting that her mother be examined by a geriatric specialist of her choice. I later received a telephone inquiry from Dr. Marilyn Bater's office as to whether or not I was going to refer Mrs. Palamarek to Dr. Bater.
8. I explained to Ms. Sampson via email that I was not accustomed to receiving facsimile requests for consultation and declined to make the referral. I also advised her that if she and her brothers felt that Mrs. Palamarek required a geriatric consultation review, that it would be done with me in the office. Since then I have not received any request for a geriatric consultation review.
9. I interviewed Ralph and Donna Palamarek on November 16, 2007 at which time I was informed by Ralph and Donna Palamarek that Lois Sampson had taken Mrs. Palamarek to see another medical practitioner, whose name was unknown to them, and also that Lois Sampson has kept Mrs. Palamarek out for extended periods of time which has led to her missing medications.
10. It is my opinion that such behaviour on the part of Lois Sampson could be injurious to Mrs. Palamarek's health. It is my view that Lois Sampson's access to Mrs. Palamarek be restricted and she should not be permitted to take her mother out of the Lodge at Broadmead unless accompanied by other responsible family members

SWORN BEFORE ME at the City of Victoria,)
 in the Province of British Columbia, this)
26 day of November, 2007)

Heather Fisher)

A Commissioner for taking Affidavits within)
 the Province of British Columbia)


 DR. R. DALE NICOLL

HEATHER FISHER
 BARRISTER, SOLICITOR, NOTARY PUBLIC
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