



Affidavit #1 of Fiona Sudbury
Sworn September 30, 2008

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, Fiona Sudbury, c/o 4579 Chatterton Way, Victoria, British Columbia,
MAKE OATH AND SAY THAT:

1. I am a Registered Nurse.
2. I am the Director of Care of the Lodge at Broadmead ("Lodge"), a residential care facility operated by the Broadmead Care Society, and have been since June 2003. I have been authorized by the Lodge to make this affidavit on behalf of the Lodge.
3. Kathleen Palamarek has been a resident of the Lodge since August 2007.
4. I have reviewed the records of the Lodge kept for Kathleen Palamarek, and have also had personal contact with her and the parties to this proceeding. As such, I have personal knowledge of the matters deposed to in this affidavit, except where stated to be on information and belief, in which case I verily believe the same to be true.
5. The Lodge, nor I personally, take any position with respect to the outcome of this proceeding. We do not favour either Applicant for committee ship over the other. This affidavit is made solely for the purpose of expressing the concerns of the Lodge about Mrs. Palamarek's ongoing care and health.

6. The Lodge has on file a Representation Agreement which names the Petitioner, Ralph Palamarek ("Ralph"), as Mrs. Palamarek's Representative. He authorized the transfer of Mrs. Palamarek to the Lodge from the Saanich Peninsula Hospital.
7. A primary goal of the Lodge is to work with family members of residents to ensure that the resident receives the best quality of care and quality of life. The Lodge recognizes the importance of the continuing involvement of family and strives to help families through communication with a key family contact person, in this case, Ralph, as the legal health representative. Because the staff is in daily contact with a resident, we are often able to observe and assess changes in health and needs, and offer suggestions to family members to ensure the best quality of care.
8. Unfortunately, the care of Mrs. Palamarek is more challenging in part because of her condition. She has a diagnosis of dementia and her short term memory is extremely poor. She will make statements or make actions but have no recollection later of what she said or did earlier. She is very easily influenced, and will say different things at different times to different people. She experiences psychiatric symptoms associated with dementia, including delusional thinking, paranoid ideation, crying and agitation. She often sleeps poorly at night. These symptoms have worsened since May, 2008
9. The care of Mrs. Palamarek has also been more challenging because of the approach taken by her daughter, the Respondent, Lois Joan Sampson ("Lois") to her mother's care. It is clear from a number of recorded incidents that Lois does not respect the views of the Lodge staff, nor does she engage in any meaningful dialogue with staff about Mrs. Palamarek's day-to-day health and well being. Lois often takes a very angry and confrontational approach when dealing with staff, responding to

suggestions with statements such as "Who are you to tell me what is best for my mother".

10. While I and the staff appreciate that there are different approaches to caring for Mrs. Palamarek, the Lodge records reflect that Mrs. Palamarek suffers when Lois becomes angry with staff in front of her mother, Mrs. Palamarek can become very agitated later in the day, it can take the staff some time to calm her afterwards and she may require administration of a sedating medication.
11. In June and July 2008, the staff and I became concerned about the number of outings taken by Mrs. Palamarek. The Lodge records show that Mrs. Palamarek was out almost every day in July for 2 - 4 hours. It was observed that Mrs. Palamarek was becoming increasingly exhausted and disoriented when she returned.
12. After discussing the matter with Dr. Nicoll, he proposed that Mrs. Palamarek's outings be limited to twice a week of no more than 2 hours at a time. Dr. Nicoll prepared a letter to the family outlining his order in that regard, a copy of it is attached as Exhibit A to this Affidavit.
13. The Lodge records show that in August 2008, Lois continued to take Mrs. Palamarek for outings of several hours at a time and more frequently than twice a week. As a result of an outing on August 22, 2008 which was over three hours long, I wrote to Lois on August 25, 2008, asking her to adhere to Dr. Nicholl's order. A copy of that letter is attached as Exhibit B to this Affidavit.
14. Lois did not respond to my letter, and the Lodge records show that she continued to take Mrs. Palamarek out on 7 occasions from August 22 to September 26, 2008, including outings on 2 consecutive days on August 28 & 29th and on Sept 3 & 4th. The frequency of outings by Mrs. Sampson leaves little or no time available for other family members to take Mrs.

Palamarek out. Mrs. Palamarek continued to display delusional thoughts and sleep disturbance, although these symptoms have been less prominent in the last 2 weeks.

15. On August 22, 2008, I received a letter dated August 18, 2008, apparently from Mrs. Palamarek, stating that she did not want any restrictions on her outings. A copy of that letter is attached as Exhibit C to this Affidavit.
16. The validity of this letter was discussed with Dr. Nicoll and Ralph. It was agreed that it was unlikely that Mrs. Palamarek has the capacity to independently write the letter. The Lodge records show that Mrs. Palamarek had no recollection of the letter when told about it by staff later on the day it was received.
17. Mrs. Palamarek has in the past 4 months periodically made statements that the Lodge is running a prostitute ring, that she has been sexually assaulted, and that she is being drugged. Although these are serious allegations, I believe that they are a result of Mrs. Palamarek's dementia and not based in reality. I have made sure, however, that only female staff attend upon Mrs. Palamarek for her personal care. It should be noted that Mrs. Palamarek is quite able to attend to her own washing and dressing, so she rarely requires staff to provide personal care that would involve dressing or undressing her, assistance with toileting, or changing incontinence products.
18. My belief that there is no basis for Mrs. Palamarek's allegations is based in part on her general condition, and in part on a prior incident in mid June 2008. At that time, Lois and her husband, Gil, discussed with me an allegation made by Mrs. Palamarek that she had been sexually assaulted. I immediately investigated the allegation, and contacted her doctor, Dr. Nicoll, and a geriatric psychiatrist, Dr. Leishman, to determine if there was any physical basis for this allegation; they found none. If there had been I would have contacted the police immediately. I reported the allegation to

Ralph and fully shared my findings with him. I reported to Lois that I undertook an investigation and was unable to substantiate that an assault occurred.

19. Dr. Nicholl and Dr. Leishman both concluded that the allegation of Mrs. Palamarek was a delusion, possibly triggered by a urinary tract infection.

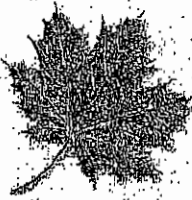
20. Mrs. Palamarek's delusions and her easily suggestible nature make her care challenging. The Lodge is well equipped to provide care for residents with her conditions, and it is my belief that Mrs. Palamarek's care can be best addressed by continuing to reside at the Lodge. She has, however, in recent weeks expressed the intention on more than one occasion that she will soon be living with Lois, and has stated that she is "packing to leave".

21. In conclusion, I believe that Mrs. Palamarek is a vulnerable older adult who is suffering the effects of progressive dementia with troubling psychiatric symptoms. The conflict between family members and the combative approach of Lois further complicate the situation. The Lodge has no wish to prevent any family members from visiting or enjoying outings with Mrs. Palamarek. However, it is essential that all family members are respectful of Mrs. Palamarek's need for a stable daily life, adequate rest and positive communication between Lodge staff, the resident, and all family members in order to ensure the best quality of care and quality of life for her.

SWORN BEFORE ME at the City of Victoria,)
in the Province of British Columbia, this)
30 day of Sept., 2008)

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

Fiona Sudbury
FIONA SUDBURY



BROADMEAD

Care Society

*Excellence in Care for
Veterans and Seniors*

Ralph Palamarek
Ernie Palamarek
Bob Palamarek
Lois Sampson

THIS IS EXHIBIT "A" REFERRED TO IN THE AFFIDAVIT OF <u>FIONA SUDBURY</u> SWORN BEFORE ME AT VICTORIA, BC THE <u>30</u> DAY OF <u>Sept</u> 20 <u>08</u> <u>Colleen Wase</u> A COMMISSIONER FOR TAKING AFFIDAVITS FOR BRITISH COLUMBIA

July 31, 2008

Dear Palamarek family,

Lodge staff have reported to me an increase in Mrs. Palamarek's level of anxiety, suspiciousness and distress. It is noted that the resident has recently been taken out of facility for periods of 2 to 4 hours almost every day. Staff observe that Mrs. Palamarek very tired upon return from these outings, and that her expressions of anxiety, fear and suspiciousness seem to increase following outings.

I have assessed Mrs. Palamarek and until such time as her behaviour and psychiatric symptoms are more stable, I have provided an order that outings with family and visitors be limited to twice per week and no longer than 2 hours in length. This order will be reviewed monthly.

Yours truly,


Dr. R. D. Nicholl

Medical Staff, The Lodge at Broadmead



BROADMEAD Care Society

*Excellence in Care for
Veterans and Seniors*

August 25, 2008

Dear Lois Sampson,

<p>THIS IS EXHIBIT B REFERRED TO IN THE AFFIDAVIT OF <u>FIONA SUDBURY</u> SWORN BEFORE ME AT VICTORIA, BC THE <u>30</u> DAY OF <u>Sept</u> 20<u>08</u> <u>Alleen Cowan</u> A COMMISSIONER FOR TAKING AFFIDAVITS FOR BRITISH COLUMBIA</p>

On Friday, August 22, 2008 you took your mother on an outing from 1645 until 2000 hours. Please be reminded that the doctor has provided an order that outings with family and visitors be limited to twice per week and no longer than 2 hours in length. The order is in place to support your mother's well being.

We would appreciate your adherence to the doctor's order.

Yours truly,

Fiona Sudbury RN
Director of Care

c.c. Ralph Palamarek



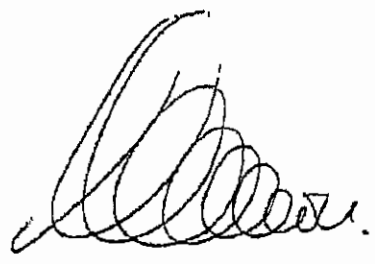
REPLY:

Faxed []

Confidentiality Warning:
The attached material is intended for the use of the individual or institution to which it is addressed and may not be distributed, copied or disclosed to other unauthorized persons. If you have received this communication in error, please notify the sender immediately by telephone and destroy the copy you have received. Thank you.

RE. Kay PALAMAREK

PLEASE RESPECT OURS WITH VISITORS
TIME PER WEEK AND NO LONGER THAN 2 HOURS EACH



To Broadmead Lodge.

To Whom it may concern:

You gave my daughter a letter stating that my outings are to be restricted.

I do not want any restrictions on who I go out with, how often I go out, or for how long.

I enjoy going out & it does not make me anxious, fearful or suspicious. It does me a world of good to go out.

Kathleen Palumarek

Aug 19, 2008.

Received Aug 22/08

F. Sudbury

THIS IS EXHIBIT "C" REFERRED TO IN THE AFFIDAVIT OF FIONA SUDBURY SWORN BEFORE ME AT VICTORIA, BC THE 30 DAY OF <u>Sept</u> 2008 <u>Allen Rose</u> A COMMISSIONER FOR TAKING AFFIDAVITS FOR BRITISH COLUMBIA
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