



Affidavit #3 of Ralph James Palamarek
Sworn October 16, 2008

Action No: 07 3415
~~Action 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 OF RALPH PALAMAREK

I, RALPH JAMES PALAMAREK, federal government employee, of 10324
Bowerbank Road, Sidney, British Columbia, MAKE OATH AND SAY THAT:

1. I am a son of Kathleen Palamarek ("Mom") and one of the Petitioners in Action No. 07 3415, Victoria Registry and one of the Respondents in Action No. 08 0327, Victoria Registry and as such have personal knowledge of the matters hereinafter deposed to except where the same are said to be on information and belief, in which case we verily believe the same to be true.
2. I make this affidavit in reply and response to the application of Lois Sampson ("Lois") for the appointment of a friend of the Court ("Friend") filed in both proceedings.
3. My brother, Robert Kenneth Palamarek ("Bob") and I oppose the appointment of a Friend because we do not believe that a further examination of Mom is necessary, useful or in Mom's best interests.
4. Since May 2007, four doctors have determined that Mom is not capable of caring for herself or her affairs. One of them who is now seeing her

regularly is Dr. Leishman. He specializes in the area of geriatric psychiatry, and he is of the opinion that, due to her dementia, Mom is incapable of choosing or expressing a preference for a person to be appointed as her committee.

5. It is my experience that Mom sometimes no longer remembers what she says from one moment to the next, and certainly what she said or did a day or two earlier. She is very suggestible, and changes her mind depending upon who is speaking to her.

Mom's Expressed Wishes

6. While Mom was capable, she clearly expressed the wish that I be one of the persons who should care for her affairs, by appointing me as an attorney under an Enduring Power of Attorney signed on May 25, 1998.
7. Mom also expressed the wish that I care for her person, by appointing me as her Representative under a Representation Agreement signed December 12, 2006.
8. Mom has also told me many times over the years that she did not want Lois in charge of her decision making.
9. I understand that one of my duties as a Representative is to consult with Mom to determine her wishes, and comply with them if it is reasonable to do so.
10. I see Mom at least three times at week at the Lodge at Broadmead (the "Lodge"). We regularly talk about her wishes. We have had many discussions about living at the Lodge generally, and she has expressed to me her preference for living there.
11. Mom clearly expressed the wish to live at the Lodge as far back as May 2006, when she realized that she could no longer live in her home. She specifically chose the Lodge and was not happy that there was a long wait

list for it. However, she said that if she had to wait to get into it, she would. She was able to move to the Lodge in August 2007.

12. When a private room became available at the Lodge in the spring of 2008, I talked to Mom about whether she wanted to move to it before committing to the room. She was definite that she did want a private room.
13. I have noticed that it has become increasingly difficult for Mom to remember our discussions about her wishes. For example, she has said to me that she was moved to her private room at the Lodge without consultation. When I remind her of our conversations, however, she does remember that she wanted to move to it and she says she is happy to be there. These conversations have happened on a number of occasions.
14. Mom has also been having delusions about her care at the Lodge. These delusions started during a time that she had a urinary tract infection, and Dr. Leishman informed me that such an infection can cause delirium, hallucinations and depression.
15. Mom has become increasingly vulnerable to suggestion in the last year. This has been observed by me, Bob, my wife Donna, and other family members, as well as Dr. Leishman and Fiona Sudbury, Director of Care at the Lodge.

Lois's Affidavit #2

16. In response to Lois' Affidavit #2 sworn on July 24, 2008, the statements made to her by Mom are not in any way consistent with what Mom says to me.
17. While Mom was still capable, she told me many many times over the years that she never wanted to live with Lois again. She has continued to say so since she moved to the Lodge. As recently as the end of August 2008, she told me that she keeps telling Lois that she does not want to live with Lois and is perfectly happy at the Lodge.

18. I have regularly reviewed Mom's finances with her since I started to help her with them. However, Mom now often forgets our discussions about her finances, and lately I have been reviewing them with her every time I see her (three times a week on average).
19. I agree with Lois that Mom is able to express views and feelings, but it is clear to me that they are not consistent from day to day, or even reasonable sometimes, because of her increased dementia and vulnerability. For example, she is sometimes very agitated when I visit her, talking about people wanting her out of the Lodge or bad things that are happening there. Once she calms down and we talk about the situation, she is able to understand that her concerns are not real, and ends up in a positive mood, stating how much she likes the staff and living at the Lodge.
20. I have always told Mom the truth and have open conversations with her about her situation. When she started having delusions during her urinary tract infection, I explained to her many times how the infection might affect her (according to Dr. Leishman) and it clearly helped her to have that information.
21. Mom is very well cared for at the Lodge, and I believe that it is in her best interests to live there, and consistent with her wishes expressed to me when she was still capable.
22. Mom does have difficulty hearing sometimes, but if people talk to her straight on, face to face, she hears what is said and responds well.

Ms. Pickup's Affidavit

23. In specific response to Ms. Pickup's affidavit sworn on July 18, 2008:
 - a. Mom told me that:
 - i. She thought Ms. Pickup was a lawyer; and


- ii. Ms. Pickup asked her if she wanted to live with Lois and did not mention any other family member.

- b. Contrary to what Mom told Ms. Pickup, Mom has visited her home several times this year (in January, April, May, June and August), but when asked in the late summer if she wanted to again, Mom said did not need to as she was settling nicely into the Lodge. She also told me that she would tell me if she got "homesick", and she has not done so to date.

- c. As noted above, I regularly reviewed Mom's finances with her.

- d. I have never told Mom that I or my brothers would not visit her if she lived with Lois. When Mom tells me that Lois has asked her to live with her, I have reminded her that Lois made it very difficult for us to see or speak to her when she lived with Lois 12 years ago.

SWORN BEFORE ME at the City of)
Victoria, in the Province of British)
Columbia, this 16 day of)
October, 2008)


_____)

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


_____)
RALPH JAMES PALAMAREK)

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