



L. Sampson #4
Sworn November 6, 2008

NO. 07 3415
and 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

I, LOIS SAMPSON, of 303-1510 Pandora Avenue, in the City of Victoria, British Columbia, MAKE OATH AND SAY THAT:

1. I am the Petitioner in action No. 08 0327 and a respondent in action No. 07 3415 and the daughter of Kathleen Palamarek. I have personal knowledge of the facts and matters deposed to herein.
2. This Affidavit is intended to reply to the Affidavits of Dr. Leishman, Ms. Sudbury, and Ralph Palamarek in relation to the Friend of the Court application. I do not respond to everything in those affidavits, but the limited scope of this response should not be taken as agreement with the content of those affidavits.
3. Dr. Leishman states that my mother has "no understanding or appreciation for what is happening around her" and that she is "incapable of understanding or appreciating her health care and other personal needs". I strongly disagree with these statements. I can give countless examples of ways in which my mother shows understanding and appreciation for what is happening around her. I understand that Ms. Pickup and Ms.

England have addressed this in their affidavits so I will not add more here.

4. As for my mother being delusional, I spend far more time with her than Dr. Leishman and can say that while she has had a small number of delusions, these have been few in number. Calling my mother 'delusional' does not accurately capture her day-to-day presentation which is characterized by generally good awareness.
5. Ralph's reference to the Power of Attorney given him in 1998 is without context. As discussed in my first affidavit, our mother was abused by our father. She came to live with my husband and me for about four months to get away from him. This clearly showed that she trusted me and would be well looked after by me. After four months, my mother left under extreme pressure from my father who was not at all happy that my mother was living with me. I remember the day she left our house well; she was tearful and scared. A while later, my mother contacted me to say that our father wanted him and her to give Power of Attorney to Ernie. She and I had a discussion about our father not wanting me involved, and I recall suggesting to my mother that she should suggest to our father that they have a second of their sons appointed, not just Ernie. I believe that is how Ralph was appointed. I think it is clear that if my mother had been free of my father's influence she would have chosen me as her attorney, just as she had chosen me to live with.
6. The appointment of Ralph as Representative under a Representation Agreement was something that was kept hidden from me by my brothers until the committee proceedings were served on me (i.e. 9 months after the Representation Agreement was signed). When I learned of it, I asked our mother about it. She did not recall signing it. It was signed at a time when she was in hospital, apparently at the recommendation of a doctor. It was signed a year and a half after Dr. Prowse first diagnosed our mother with Dementia. It was signed very shortly after Ralph and I had a disagreement about whether our mother should live in a senior's home or assisted in her own home after being discharged from the hospital.
7. I disagree with Ralph's assertion that our mother is finding it increasingly difficult to remember discussions about her wishes. In fact, my husband and I have noted that her

memory has improved slightly over the past month. I agree with Ralph that our mother regularly forgets things, but if one reminds her of things she typically recalls and then is able to discuss the matter quite capably.

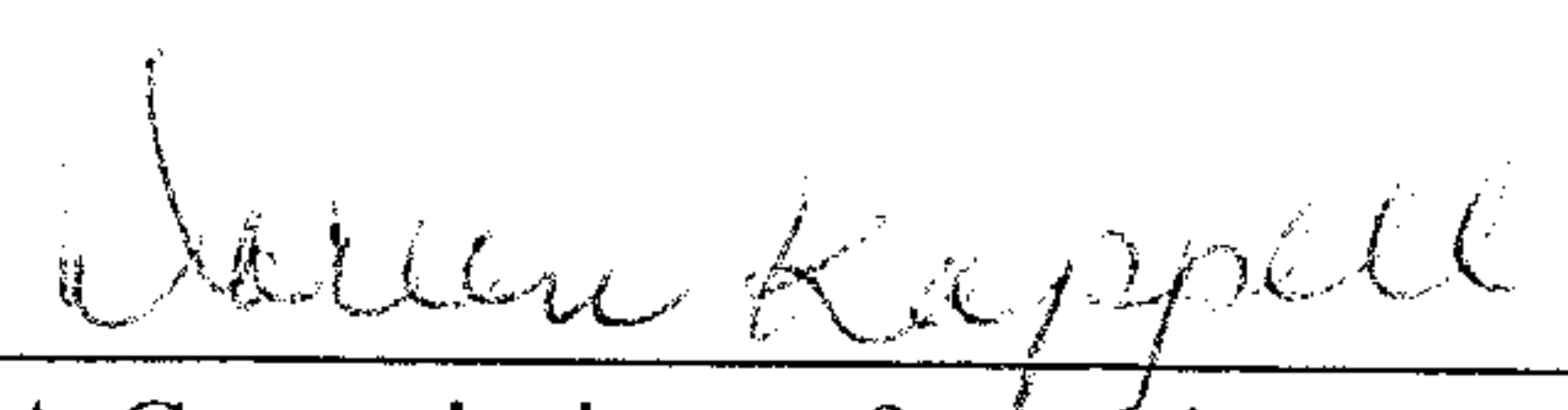
8. As for Ralph's contention that our mother is vulnerable to suggestion, this is partly true. Our mother is a victim of spousal abuse. I suspect because of this our mother is highly averse to confrontation. She can defer to people or withhold her true feelings. She has expressed to me a fear that she not "get on the bad side" of staff at the Lodge. However, when people get to know our mother and communicate with her in a non-threatening manner, she demonstrates that she has her own views and will express them consistently.
9. In response to paragraph 9 of Ms. Sudbury's Affidavit #1, it is not correct that I do not respect the views of Lodge staff. The fact is that ever since my mother began living at the Lodge, many staff there have been terse with me and on edge around me. I address this in my Affidavit #3. It is obvious that my brothers have influenced Lodge staff to treat me differently that they would normally treat a family member of a resident.
10. Nevertheless, contrary to what Ms. Sudbury says I do not "often take an angry and confrontational approach" with staff. I have occasionally been angry about some matter or other, but no more than any other person would be, particularly in light of the passion I have for looking after my mother. For example, I got angry at staff once when my mother was asking for a pair of clean underwear and staff were telling her there were none available and she would have to go to the dining room as-is.
11. The words Ms. Sudbury attributes to me in paragraph 9 of her affidavit are not ones I have ever uttered at the Lodge.
12. In response to paragraph 10 of Ms. Sudbury's affidavit, I can only recall two times when I have been angry in front of my mother at the Lodge. For Ms. Sudbury to suggest that I am the cause of the Lodge's decision to sedate my mother is appalling. Many times when my mother has been more agitated than she would be seeing me angry, I have been able to calm her down by talking to her. There is no need to sedate her because she has seen me upset or for any other agitation that can be resolved by taking the time to talk to

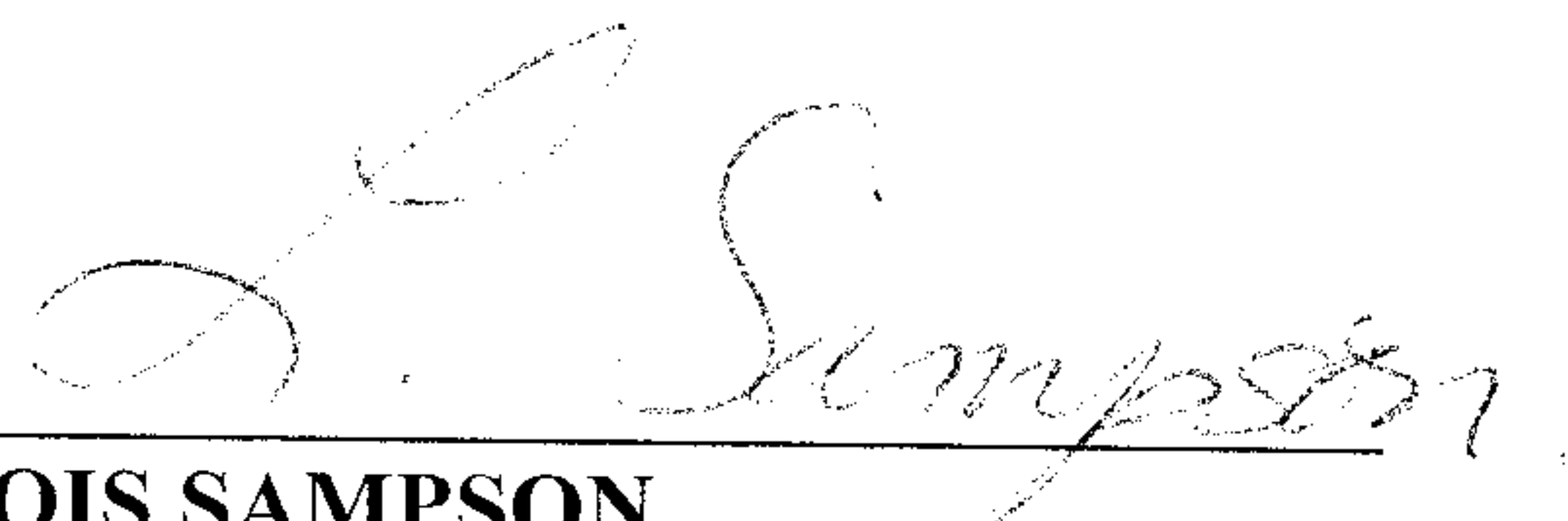
her.

13. When Dr. Nicoll placed a restriction on how many outings my mother was allowed to go on, I do not believe he asked my mother about this. I showed her Dr. Nicoll's letter when I received it. She reacted very strongly to it, saying she was free to go out and did not want her outings restricted. I told my mother if that's how she felt she should put it in writing to the Lodge. She did so. The letter which is attached as Exhibit "C" to Ms. Sudbury's affidavit was written by my mother and I did not dictate it to her.

14. Ms. Sudbury says in her affidavit that she and her staff were concerned since June 2008 that I was taking my mother out too much. Not once did she or any member of the staff tell me this or ask to discuss it with me! The first notice I got of this was Dr. Nicoll's letter which is dated July 31, 2008. I have tried to respect Dr. Nicoll's letter and have taken my mother out far less, but I did not want to be a slave to his letter in light of my mother's express wishes that she wanted no limitation on her outings and that she felt outings were good for her. After my mother gave her letter opposing these restrictions to the Lodge, there was an occasion on which I took my mother out longer than Dr. Nicoll's order specified. Several days later, Ms. Sudbury delivered her letter to me reiterating Dr. Nicoll's order. Thereafter, I have acted in accordance with Dr. Nicoll's order, even though my mother and I disagree with it.

15. I disagree with the contention that the outings were causing my mother to be "exhausted" or "disoriented". My mother has always perked up on outings and enjoys them immensely. It is returning to the Lodge that she does not like and I believe returning there makes her nervous and unhappy.

SWORN BEFORE ME at Victoria,)
British Columbia on this 6 day)
of November, 2008.)
)
)
A Commissioner for taking)
Affidavits for British Columbia)


LOIS SAMPSON

DOREEN KAPPELL
NOTARY PUBLIC
213 - 895 FORT STREET
VICTORIA BC V8W 1H7
TEL: (250) 380-1164
PERMANENT COMMISSION