

S. Matheson #1
Sworn November 7, 2008

No. 07 3415
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 AND AMENDMENTS THERETO

- AND -

IN THE MATTER OF KATHLEEN PALAMAREK, PATIENT


AFFIDAVIT

I, SUSAN K. MATHESON, Legal Administrative Assistant, of 2525 – 1075 West Georgia Street, in the City of Vancouver, British Columbia, MAKE OATH AND SAY THAT:

1. I am a legal administrative assistant at the law firm of Gudmundseth Mickelson LLP, counsel for the Defendant, and as such have personal knowledge of the facts and matters deposed to in this Affidavit.
2. Attached as Exhibit "A" is a copy of correspondence from Fiona Hunter to Andrew Gay dated June 24, 2008.
3. Attached as Exhibit "B" is a copy of an email from Heather Fisher to Andrew Gay dated August 13, 2008.
4. Attached as Exhibit "C" is a copy of correspondence from Andrew Gay to Fiona Hunter dated October 10, 2008.

5. In response to Exhibit "C" Ms. Hunter sent a "without prejudice" letter to Mr. Gay dated October 16, 2008 in which she stated, *inter alia*, "it is our client's position that the appointment of a Friend of the Court is unnecessary, as is a further examination by any physician".

SWORN BEFORE ME in the City of
Vancouver, in the Province of British
Columbia on this 7 day of November,
2008.


A Commissioner for taking
Affidavits for British Columbia


SUSAN K. MATHESON

Commissioner's Name and/or Seal:

ANDREW D. GAY
Barrister and Solicitor
2525-1075 West Georgia Street
Vancouver, B.C. Canada V6E 3C9
(604) 628-5007

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IAN M. HORNE, Q.C. †
ROBERT B. COUPAR †
DAVID C. KIRCHNER †
ROSS, S. MANSON
MARK HORNE *
FIONA HUNTER *
JOHN F. COUPAR
HEATHER FISHER
ALISON COWAN
WILLIAM R. WALTERS**

COUNSEL:
DONOVAN WATERS, Q.C., F.R.S.C.
GEORGE EASDON, B.C.L.

PLEASE REPLY: Heather Fisher/Fiona Hunter
FILE NO: 18477

June 24, 2008

VIA FAX

Gudmundseth Mickelson LLP
2525-1075 W Georgia Street
Vancouver, BC V6E 3C9

Filed
June 25 2008

Attention: Andrew Gay

Dear Mr. Gay,

Re: Proposed Committee of Kathleen Palamarek

I write in response to your letter to Ms. Hunter, dated June 11, 2008.

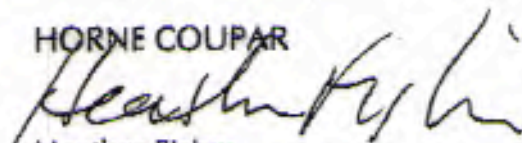
With respect to your client's request for a copy of Mrs. Palamarek's will, as the will is referred to in our clients' affidavit material, and is otherwise relevant, my clients have no issue with providing same to you. Enclosed please find a copy of a certified true copy of Mrs. Palamarek's will dated May 25, 1998.

With respect to your client's request for a copy of an accounting in relation to Mrs. Palamarek's income and assets, there is no apparent basis as set out in the pleadings for this information to be provided and it would be a breach of confidentiality.

Therefore, our clients are not prepared to provide your client with a copy of an accounting.

Sincerely yours,

HORNE COUPAR



Heather Fisher
HDF/sew
Enclosure
copy clients

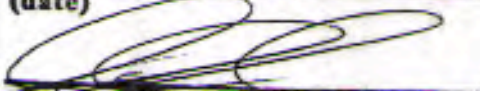
This is Exhibit "A" referred to in the Affidavit of

Susan R. Halderson

Made before me on

November 7, 2008

(date)



A Commissioner for taking Affidavits for British Columbia

Fx: 604-685-8434

From: Heather D. Fisher [mailto:hdf@hc-law.com]
Sent: Wednesday, August 13, 2008 8:48 AM
To: Andrew D. Gay
Cc: Fiona Hunter
Subject: RE: Palamarek

Yes, I sit on the Board. The Board and CEO are aware that we act for Mrs. Palamarek's sons and that I will excuse myself from any discussion that might occur with respect to the matter.

Heather Fisher
Home Coupar
Barristers and Solicitors
3rd Floor, 612 View Street
Victoria, BC, V8W 1J5
Tel: (250) 388-6631
Fax: (250) 388-5974

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From: Andrew D. Gay [mailto:adg@LAWGM.COM]
Sent: Wednesday, August 13, 2008 8:43 AM
To: Heather D. Fisher
Cc: Fiona Hunter
Subject: Palamarek

Dear Heather

I was advised recently that a Heather Fisher sits on Broadmead's board of directors. Is that you?

Sincerely,

Andrew Gay

This message and any attachment is intended solely for the party to whom it is addressed and may contain information that is privileged, confidential or exempt from disclosure under applicable law. Any distribution, copying or disclosure of its contents other than by the addressee is prohibited. If you receive this message in error, please notify us by e-mail and delete this message, attachment(s) and any reply copy.

Andrew D. Gay
Barrister & Solicitor
Gudmundseth Mickelson LLP
2525-1075 West Georgia Street
Vancouver, B.C. V6E 3C9
Ph: 604-628-5007
Fx: 604-685-8434

This is Exhibit "B" referred
to in the Affidavit of

Susan R. Matheson
Made before me on

November 7, 2008
(date)


Commissioner for taking Affidavits
for British Columbia



**GUDMUNDSETH
MICKELSON LLP**

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ANDREW D. GAY
adg@lawgmn.com
Direct Line: 604 628 5007

October 10, 2008

VIA FAX

Attention: Fiona Hunter

Horne Coupar
Barristers & Solicitors
3rd Floor, 612 View Street
Victoria, B.C. V8W 1J5

Dear Sirs/Mesdames:

**Re: Proposed Committeeship of Kathleen Palamarek ("Mrs. Palamarek")
B.C.S.C. Action Nos. 07 3415 and 08 0327, Victoria Registry**

You have recently advised me that you are obtaining an Affidavit from Dr. Leishman. I understand from your comments to me that his Affidavit will address issues concerning the alleged susceptibility of Mrs. Palamarek to influence.

I am writing to ask whether your clients are prepared to agree to having Mrs. Palamarek sent to a physician of our choice for an independent assessment. To date in this litigation, your clients have had a monopoly over medical evidence. I have said before that I view this as problematic and I continue to have significant concerns in this regard.

It is our client's view that seeing a further physician will not be a burden on Mrs. Palamarek and that she is easily capable of withstanding this.

Could you please get back to me at your earliest convenience.


Yours sincerely,

GUDMUNDSETH MICKELSON LLP


Andrew D. Gay
ADG/skm

This is Exhibit "C" referred
to in the Affidavit of

Susan K. Madson
Made before me on
November 7, 2008
(date)


A Commissioner for taking Affidavits
for British Columbia