



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, Kathleen Brennan, legal assistant, of 301-852 Fort Street, in the City of Victoria, in the Province of British Columbia, V8W 1H8, MAKE OATH AND SAY AS FOLLOWS THAT:

1. I am employed by Mulroney & Company, legal counsel for Lois Sampson in her Petition for committeeship of her mother Kathleen Palamarek, and as such I have personal knowledge of the facts hereinafter deposed to, save and except where the same are stated to be based on information and belief, and where so stated, I verily believe them to be true.
2. I make this affidavit in support of a short leave application to have the applicant's interlocutory application heard December 24, 2008.
3. On November 10 and 14, 2008, an interim application was heard in front of Mr. Justice Johnston in Action #07 3415 and #08 0324. In the judgment pronounced November 19, 2008, the court declared that:
 - a. Mrs. Palamarek is incapable of managing both herself and her affairs;
 - b. Ralph Palamarek be appointed as committee of the person and property of Mrs. Palamarek;

- c. No finding be made with respect to terminating any of the representation agreements signed by Mrs. Palamarek; and
 - d. Lois Sampson be at liberty to apply on four days notice to Ralph Palamarek for an order for access to Mrs. Palamarek if access is unreasonably restricted.
4. The order has not yet been entered by the parties due to Mulrone y & Company recently taking over conduct of the matter on behalf of Mrs. Sampson and needing time to become familiar with the materials.
5. On December 17, 2008, counsel agreed to a draft form of order. Attached hereto as Exhibit "A" to this my affidavit is a copy of the letter Mulrone y & Company received from Fiona Hunter, counsel for Ralph Palamarek, Robert Palamarek and Ernest Palamarek enclosing a copy of the draft order.
6. On that same day, David Mulrone y, of Mulrone y & Company, signed that order and forwarded it by courier to John Jordan, counsel for Kathleen Palamarek. Attached hereto as Exhibit "B" to this my affidavit is a copy of the letter dated December 17, 2008 sent by Mr. Mulrone y to Mr. Jordan. Our office has yet to receive a copy of the entered order.
7. On November 25, 2008, Ms. Hunter sent a letter to Andrew Gay, then counsel for Mrs. Sampson, proposing a visitation schedule for the children of Mrs. Palamarek to have access to her. In a similar fashion as the agreement on the order, there was a delay in responding to this letter due to the change of counsel.
8. Mr. Mulrone y responded to Ms. Hunter's November 25th letter on the morning of December 19, 2008 and is attached hereto as Exhibit "C" to this my affidavit.

9. The December 19th letter to Ms. Hunter included a P.S. which requested a visitation schedule for the Christmas holiday.

10. Mulroney & Company received a response from Horne Coupar almost four hours later. Attached hereto as Exhibit "D" to this my affidavit is a copy of the letter from the offices of Horne Coupar stating that Ms. Hunter is out of the country until December 29, 2008.

11. As a result of receiving this letter, I was instructed by Mr. Mulroney to contact the offices of Horne Coupar to find out if any lawyers were available who could receive instructions from Ralph Palamarek as to the acceptability of the proposed visitation schedule.

12. I spoke to the receptionist at Horne Coupar who identified herself as Jill at or about 3:30 p.m. December 19, 2008. Jill said she would send an email to all lawyers at Horne Coupar but that they were operating at a skeleton staff level.

13. On the morning of Monday, December 22, 2008, I contacted the offices of Horne Coupar and was advised to talk to Patrice Newman in the interim and who shortly thereafter returned my call. She advised that a copy of the Mulroney & Company December 19th letter had been forwarded to their clients but to date Horne Coupar had not received any instructions from Ralph, Robert or Ernest Palamarek on the Christmas visitation schedule for Kathleen Palamarek.

14. Ms. Newman also advised that she did not think there would be a resolution by Christmas to this visitation issue unless it was brought before a judge.

15. I have been advised by Ms. Sampson and I verily believe it to be true that she has attempted on December 22, 2008 to call her brother Ralph Palamarek on his home number (250-656-9275); his direct line at work (250-363-6944) and on his cell phone number (250-857-0987). Ms. Sampson said she let the phone ring 12 times on Mr. Palamarek's home number but there was no voicemail activated

so she could not leave a message on his home number. When she called his direct line at work, she received a personalized voice message for her brother and left the following message:

Hi Ralph. It's your sister Lois.

I sent an email to you late Friday afternoon with a copy of a letter we had sent to your lawyer.


Have you received it? I'd like to discuss Christmas visits with Mom. Please call me back as soon as possible.

She then included her number where she could be reached. Ms. Sampson left the identical message on her brother's cell phone after listening to his personal voice message on his cell.

16. Mulrone y & Company today sent an email to Ms. Newman enclosing a draft Notice of Motion. Attached hereto and marked as Exhibit "E" to this my affidavit is a copy of this email and draft Notice of Motion.


17. Subsequently, Mulrone y & Company received a letter from Horne Coupar which is attached to this my affidavit and marked as Exhibit "F".

SWORN BEFORE ME at the City)
of Victoria, in the Province of)
British Columbia, this 22ND day)
of December, 2008.)



A Commissioner for taking Affidavits in the)
Province of British Columbia.)

Name: Christopher Allan Siver)


Kathleen Brennan

CHRISTOPHER ALLAN SIVER
A Commissioner for taking Affidavits
In the Province of British Columbia

HORNE COUPAR *Barristers & Solicitors*

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612 VIEW STREET
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EMAIL: answers@hc-law.com

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

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

PLEASE REPLY: Fiona Hunter
FILE NO: 18477

RECEIVED DEC 17 2008

December 16, 2008

Via Courier

Mulroney & Company
301-852 Fort Street
Victoria, BC V8W 1H8

Attention: David S. Mulroney

Dear Mr. Mulroney,

Re: Proposed Committeeship of Kathleen Palamarek

Enclosed please find the revised draft order of Mr. Justice Johnston for your review and approval. If it meets with your satisfaction, please sign it and forward it to Mr. Jordan as soon as possible for his endorsement and return to our offices. We will then provide you and Mr. Jordan with an entered copy of the Order in due course.

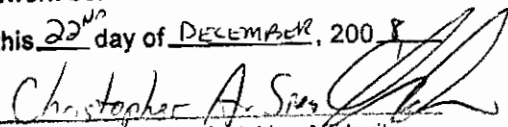
Sincerely yours,

HORNE COUPAR



Fiona Hunter
FH*tfa
Enclosure
copy clients
copy Mr. Jordan via fax

This is Exhibit "A" referred to in the
Affidavit of KATHLEEN BRENNAN
sworn before me at VICTORIA, B.C.
this 22nd day of DECEMBER, 2008


A Commissioner for taking Affidavits
for British Columbia

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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 AND AMENDMENTS THERETO

AND

IN THE MATTER OF KATHLEEN PALAMAREK, PATIENT

ORDER

BEFORE MR. JUSTICE JOHNSTON

) WEDNESDAY, THE 19TH DAY
) OF NOVEMBER, 2008

THE APPLICATION of the Petitioners, Ralph James Palamarek and Robert Kenneth Palamarek, coming on for hearing at 850 Burdett Avenue, Victoria, British Columbia, on Monday, November 10, 2008 and Friday November 14, 2008, and on hearing Fiona Hunter, Counsel for the Petitioners, and on hearing Andrew D. Gay, Counsel for the Respondent, Lois Sampson and on hearing John Jordan, Counsel for Kathleen Palamarek, and no one appearing on behalf of the Public Guardian and Trustee although duly served, and on reading the material filed, and Judgment being reserved to this date:

THIS COURT DECLARES that:

1. The Patient, KATHLEEN PALAMAREK, is by reason of dementia incapable of managing herself and her affairs.

THIS COURT ORDERS that:

2. Ralph James Palamarek is appointed, on an interim basis, as Committee of the person and property of Kathleen Palamarek, pending a full hearing of the Petitions;
3. Lois Sampson is at liberty to apply on four (4) days notice to Ralph James Palamarek for an order for access to Kathleen Palamarek if access is unreasonably restricted;

- 4. No specific finding is made with respect to the termination of any Representation Agreements signed by Kathleen Palamarek before the date of this Order;
- 5. The issue of costs is reserved to the Court hearing the Petitions.

BY THE COURT

 DISTRICT REGISTRAR

APPROVED AS TO FORM
AND CONTENT:

 Fiona Hunter, Counsel for the
 Petitioners, Ralph James Palamarek
 and Robert Kenneth Palamarek

APPROVED AS TO FORM
AND CONTENT:

 David S. Mulroney, Solicitor for the
 Respondent, Lois Sampson

APPROVED AS TO FORM
AND CONTENT:

 John Jordan, Counsel for
 Kathleen Palamarek

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 AND AMENDMENTS THERETO

-AND-

IN THE MATTER OF KATHLEEN PALAMAREK, PATIENT

ORDER

HORNE COUPAR

Barristers & Solicitors

3RD FLOOR, 612 VIEW STREET
VICTORIA, BRITISH COLUMBIA
CANADA V8W 1J5

TELEPHONE (250) 388-6631
FAX (250) 388-5974

Court Box: 11

File No: FILE#18477-FH*tfa

5

David S. Mulroney

BARRISTER & SOLICITOR

December 17, 2008

Straith & Company
Barristers and Solicitors
704 - 880 Douglas Street
Victoria, B.C. V8W 2B7

BY COURIER

Attention: John Jordan

Dear Sirs and Mesdames,

Re: Proposed Committeeship of Kathleen Palamarek

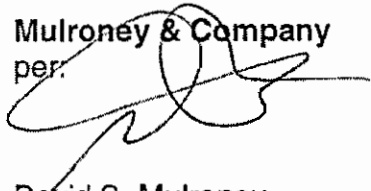
We have now received and signed the revised draft Order of Mr. Justice Johnston and are forwarding it to you for your review and approval as requested by Fiona Hunter.

Please return the executed Order to Ms. Hunter who advised that she will provide us with a copy of the entered Order in due course.

Thank you.

Yours truly,

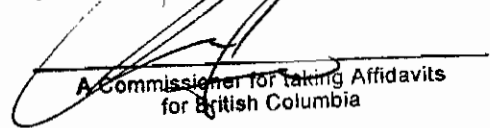
Mulroney & Company
per.



David S. Mulroney

DSM/kab
Enclosure(s)
cc: client; Fiona Hunter
457

This is Exhibit "B" referred to in the
Affidavit of KATHLEEN BRENNAN
sworn before me at VICTORIA, B.C.
this 20th day of DECEMBER, 2008


A Commissioner for taking Affidavits
for British Columbia

Mulroney & Company

9

301-852 Fort Street Victoria B.C. V8W 1H8

Tel: (250) 389 6022 Fax: (250) 389 6033 david@mulroneyco.com www.mulroneyco.com

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 AND AMENDMENTS THERETO

AND

IN THE MATTER OF KATHLEEN PALAMAREK, PATIENT

ORDER

BEFORE MR. JUSTICE JOHNSTON

) WEDNESDAY, THE 19TH DAY
) OF NOVEMBER, 2008

THE APPLICATION of the Petitioners, Ralph James Palamarek and Robert Kenneth Palamarek, coming on for hearing at 850 Burdett Avenue, Victoria, British Columbia, on Monday, November 10, 2008 and Friday November 14, 2008, and on hearing Fiona Hunter, Counsel for the Petitioners, and on hearing Andrew D. Gay, Counsel for the Respondent, Lois Sampson and on hearing John Jordan, Counsel for Kathleen Palamarek, and no one appearing on behalf of the Public Guardian and Trustee although duly served, and on reading the material filed, and Judgment being reserved to this date:

THIS COURT DECLARES that:

- 1. The Patient, KATHLEEN PALAMAREK, is by reason of dementia incapable of managing herself and her affairs.

THIS COURT ORDERS that:

- 2. Ralph James Palamarek is appointed, on an interim basis, as Committee of the person and property of Kathleen Palamarek, pending a full hearing of the Petitions;
- 3. Lois Sampson is at liberty to apply on four (4) days notice to Ralph James Palamarek for an order for access to Kathleen Palamarek if access is unreasonably restricted;

4. No specific finding is made with respect to the termination of any Representation Agreements signed by Kathleen Palamarek before the date of this Order;
5. The issue of costs is reserved to the Court hearing the Petitions.

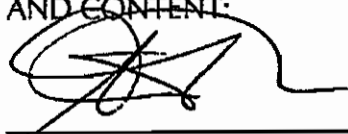
BY THE COURT

DISTRICT REGISTRAR

APPROVED AS TO FORM
AND CONTENT:

Fiona Hunter, Counsel for the
Petitioners, Ralph James Palamarek
and Robert Kenneth Palamarek

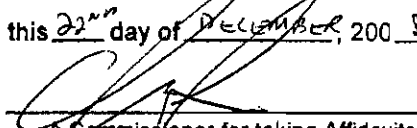
APPROVED AS TO FORM
AND CONTENT:



David S. Mulroney, Solicitor for the
Respondent, Lois Sampson

APPROVED AS TO FORM
AND CONTENT:

John Jordan, Counsel for
Kathleen Palamarek

This is Exhibit "C" referred to in the Affidavit of KATHLEEN PALAMAREK sworn before me at VICTORIA, B.C. this 22nd day of DECEMBER, 2008

A Commissioner for taking Affidavits for British Columbia

David S. Mulroney
BARRISTER & SOLICITOR

December 19, 2008

Home Coupar
Barristers & Solicitors
3rd Floor 612 View Street
Victoria BC V8W 1J5

BY FACSIMILE: (250) 388-5974
3 PAGES

Attention: Fiona Hunter

Dear Ms. Hunter,

Re: Kathleen Palamarek: Family visits

This letter is in reply to your November 25th letter requesting input on your proposal for a visitation schedule for the children of Kathleen Palamarek.

We believe what is best for all, including Mrs. Palamarek, is for everyone to be able to visit with their mother in the frequency and duration which they desire and will utilize. The best source of information available on what the wishes of the parties are in this regard comes from the entries of The Lodge at Broadmead itself. In their September 8, 2008 entry, Lodge staff noted that the outing log for the month of August showed that Lois visited 26 times on 15 days, Ralph visited 14 times on 13 days, and Emie visited 6 times on 5 days. We believe this entry fairly represents the proportion of visitation that each child desires and should receive.

We understand that Ralph works full-time and visits his mother as often as he can notwithstanding his workplace obligations. We also understand that Ernest has health problems, which limit his ability to visit as often as he may wish.

As Lois is retired, she is willing to work around the schedule of Ralph and Ernest in order to maximize time spent with her mother and ensure that her mother's access to her children is as high as possible.

Therefore, our client proposes to allow Ralph and Ernest access to their mother on an unrestricted basis for three days of the week one of which is a weekend day. Ralph and Ernest are at complete liberty to set which three days of the week they would prefer to visit their mother, including which one of the two weekend days they would prefer.

We would suggest that on an on-going basis, Robert's visitation time should ordinarily come out of the three days a week allotted to Ralph and Ernest. This

Mulroney & Company

would have the benefit of not requiring any negotiations in order to secure visitation time for Robert. If Robert desires visitation that cannot be met by his two brothers, we are certain that our client would take all reasonable requests into consideration.

In September 2007, Ralph Palamarek instructed staff at the Lodge at Broadmead to not provide our client with Mrs. Palamarek's medications. This instruction had the effect of restricting Mrs. Palamarek's ability to be away from the Lodge for periods greater than an hour or two. Mrs. Palamarek is an adult who is very much capable of deciding where she would like to go, when and with whom despite of her diminished capacity. An additional concern is the undue strain this restriction puts upon the staff of The Lodge at Broadmead. This restriction turns staff members who are normally oriented as loving caregivers providing support for residents and their families into enforcement personnel. This restriction has no medical basis and only disrupts excursions. Our client requests that this restriction be removed.

If there is a medical reason based upon evidence to restrict Mrs. Palamarek's visits, outings and access to the love and support of all of her children, our client needs to be fully informed of those reasons in order to engage in constructive dialogue with your clients. Your letter indicates that your office has been in contact and received information from Dr. Leishman. If Dr. Leishman has issued a direction or order we would appreciate being forwarded a copy of that direction or order. If no written documentation of his direction exists, then perhaps you took notes of your conversations with Dr. Leishman. If so, we would also appreciate being provided with a copy of those notes.

We believe the Dr. Leishman should be given the opportunity to review and approve any visitation schedule agreed upon between our clients. We do request, however, that if Dr. Leishman disapproves of our clients' plan that he provide all parties with his written reasons.

Dr. Leishman's previous comments may turn out not to be particularly relevant if the parties can accommodate each others' needs. If the restriction on our client providing the medication to her mother as needed during any excursions is lifted, then we would have a further suggestion which we think might be beneficial to the patient and to the family. That suggestion would be that the weekend visits be stacked so that our client could have every second weekend and could do a weekend-long visit running from 4 pm on Friday to 8 pm on Sunday, with our client's mother spending the weekend at the condo. Apparently other residents of Broadmead Lodge have similar rights, and so there is no reason that Ms. Palamarek should be denied that opportunity.

If that suggestion were accommodated, then every second weekend would be our client's and the other alternate weekend would be divided amongst Ralph, Ernest and Robert. As Dr. Leishman has indicated that he would lift his

Mulroney & Company

301-852 Fort Street Victoria B.C. V8W 1H8 Tel: (250) 389 6022 Fax: (250) 389 6033 david@mulroneyco.com www.mulroneyco.com

restrictions if the family agreed on visitation, we presume that his concerns are minimal or administrative and they will no longer be relevant if you are agreeable with our proposed schedule.

In conclusion, Mrs. Sampson is requesting four days of unrestricted access to her mother per week. One of those days per week could actually be converted into two stacked days every second weekend, as outlined above.

We look forward to your reply.

Yours truly,

Mulroney & Company

per:



David S. Mulroney

DSM/tdb
cc. client
457

P.S. Our client wishes to spend a part of Christmas holidays with her mother, preferably away from the Lodge. Last year, our client graciously accommodated your clients by celebrating Christmas with her mother on December 22. Our client requests that this year your clients show her the same courtesy that she showed them by allowing Mrs. Palamarek to spend December 24th from 10 am to 8 pm and Boxing Day from 2 pm to 8 pm and New Years Day from 10 am to 8 pm with their daughter away from the Lodge. That would leave your clients to again have Christmas Day and we believe would be a generous concession.

Mulroney & Company

301-852 Fort Street Victoria B.C. V8W 1H8 Tel: (250) 389 5022 Fax: (250) 389 6033 david@mulroneyco.com www.mulroneyco.com

DEC-19-2008 FRI 03:42 PM Horne Coupar

FAX NO. 250 388 5974

P. 02/02

HORNE COUPAR *Barristers & Solicitors*

JRD FLOOR
612 VIEW STREET
VICTORIA, BRITISH COLUMBIA
CANADA V8W 1J5

TELEPHONE (250) 388-6631
FAX (250) 388-5974
EMAIL: answers@hc-law.com

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

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

PLEASE REPLY: Fiona Hunter
FILE NO: 18477

December 19, 2008

Via Fax

Mulroney & Company
301-852 Fort Street
Victoria, BC V8W 1H8

Attention: David S. Mulroney

Dear Mr. Mulroney,

Re: Proposed Committeeship of Kathleen Palamarek

Thank you for your letter of December 19, 2008.

Please note that Ms. Hunter is out of the country until December 29, 2008 and will reply to your correspondence at that time.

Sincerely yours,

HORNE COUPAR

Ty A, Legal Assistant
FOR/ Fiona Hunter
FH*tra
copy clients

This is Exhibit "D" referred to in the
Affidavit of KATHLEEN BREUNAU
sworn before me at VICTORIA, B.C.
this 22ND day of DECEMBER, 2008

[Signature]
A Commissioner for taking Affidavits
for British Columbia

Kathleen Brennan (reception@mulroneyc.com)

From: Dave Juteau
Sent: December 22, 2008 3:16 PM
To: patrice@hc-law.com
Cc: Chris Siver; David Mulroneyc; Kathleen Brennan (reception@mulroneyc.com)
Subject: Kathleen Palamarek X-mas visits



Notice of Motion
draft.pdf (42...

Dear Ms. Newman,

Please find attached our draft notice of motion on behalf of Lois Sampson. You will find that the subject matter is the Christmas visitation schedule and does not speak to the overall visitation schedule.

We confirm your advice to our office that you have contacted Ralph Palamarek, that he is aware of our letter of December 19, 2008, that Mr. Palamarek has instructed your office and you have drafted a proposal for our office to forward to our client.

We look forward to the receipt of such a proposal. However, in the absence of an agreement between the parties we are proceeding with our short leave application. Please inform our office if you intend to speak to the access application.

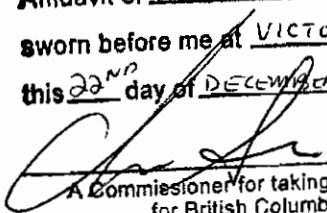
Yours Truly,

Dave Juteau

"Dave Juteau"

Articled Law Student

Mulroneyc & Company
301 - 852 Fort Street
Victoria, BC V8W 1H8
Phone (250) 389-6022
Fax (250) 389-6033

This is Exhibit " E " referred to in the
Affidavit of KATHLEEN BRENNAN
sworn before me at VICTORIA, B.C.
this 22ND day of DECEMBER, 2008

A Commissioner for taking Affidavits
for British Columbia

This communication, including any attachments, may contain information that is confidential and may be privileged and exempt from disclosure under applicable law. It is intended solely for the use of the individual or entity to which it is addressed. If you are not the intended recipient, you are hereby notified that any use, disclosure, dissemination, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify the sender. Thank you for your cooperation.

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

NOTICE OF MOTION

To: The Respondents Ralph Palamarek, Ernest Palamarek and Petitioner
Robert Palamarek

And To: Their Solicitor, Fiona Hunter, Horne Coupar, Barristers & Solicitors

TAKE NOTICE that an application will be made by Lois Sampson, the Respondent, to the presiding judge at the courthouse at 850 Burdett Avenue, Victoria in the Province of British Columbia at a date and time to be set for an order that:

1. Lois Sampson be granted uninterrupted and unrestricted access to Kathleen Palamarek on December 24, 2008 from 10:00 a.m. to 8:00 p.m., on December 26, 2008 from 2:00 p.m. to 8:00 p.m and on January 1, 2009 from 10:00 a.m. to 8:00 p.m.
2. Ralph Palamarek's standing instruction to The Lodge At Broadmead's staff to not provide Lois Sampson with the medications of Kathleen Palamarek be suspended from 10:00 a.m. December 24, 2008 to 8:00 p.m. January 1, 2009.
3. Lois Sampson be provided by The Lodge At Broadmead staff the medications of Kathleen Palamarek in sufficient quantities to allow for Kathleen Palamarek to be absent from The Lodge At Broadmead on December 24, 2008 from 10:00 a.m. to 8:00 p.m., on December 26, 2008 from 2:00 p.m. to 8:00 p.m and on January 1, 2009 from 10:00 a.m. to 8:00 p.m.
4. The costs of this application be paid by the estate of Kathleen Palamarek or in the alternative by Ralph Palamarek in any event of the cause.

The Applicant will rely on Rule 44(1), the order of Mr. Justice Johnston and its provision for reasonable access for Lois Sampson to Kathleen Palamarek, the Patients Property Act [R.S.B.C. 1996] c. 349 and all materials previously filed herein and in Petition # 07 3415.

At the hearing of the application, the applicant will rely on the following affidavit:

- 1. Affidavit of #1 Kathleen Brennan.

The applicant estimates that the application will take 30 minutes.

If you wish to receive notice of the time and date of the hearing or to respond to the application, you must, within the proper time for response,

- (a) deliver to the applicant
 - (i) 2 copies of a response in Form 124, and
 - (ii) 2 copies of each of the affidavits and other documents, not already in the court file, on which you intend to rely at the hearing, and
- (b) deliver to every other party of record
 - (i) one copy of a response in Form 124, and
 - (ii) one copy of each affidavit and other document, not already in the court file, on which you intend to rely at the hearing.

TIME FOR RESPONSE

If the application is for a final judgment under Rule 18A, the response must be delivered on or before the 11th day after the delivery to you of the notice of motion.

In all other cases, the response must be delivered on or before the 8th day after the later of

- (a) the last date fixed for entry of appearance by you, and
- (b) the date on which the notice of motion was delivered to you.

Dated: _____

David S. Mulroney
Solicitor for the Petitioner

THIS NOTICE OF MOTION was prepared by David S. Mulroney, of the firm Mulroney & Company, Barrister and Solicitor, whose place of business and address for service is 301 - 852 Fort Street, Victoria, B.C. V8W 1H8 Tel: 250-389-6022; Fax: 250-389-6033.

DEC-22-2008 MON 03:22 PM Horne Coupar

FAX NO. 2503885974

P. 01/01

15

HORNE COUPAR *Barristers & Solicitors*

3RD FLOOR
612 VIEW STREET
VICTORIA, BRITISH COLUMBIA
CANADA V8W 1J5

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HOIWON KIM**

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

PLEASE REPLY: Fiona Hunter
FILE NO: 18477

December 22, 2008

Via Fax 250-389-6033

Mulroney & Company
301-852 Fort Street
Victoria, BC V8W 1H8

Attention: David S. Mulroney

Dear Mr. Mulroney,

Re: Proposed Committeeship of Kathleen Palamarek

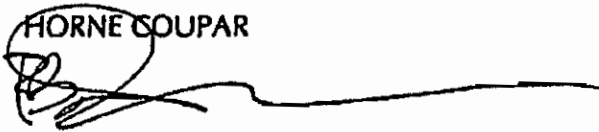
Please be advised that our clients have now had a chance to review the contents of your letter dated December 19, 2008. Mr. Ralph Palamarek has contacted Dr. Lieshman with respect to Kathleen Palamarek's visitation schedule, with a view to ensuring that Kathleen's health and well-being are ensured over the holidays. It is Dr. Lieshman's opinion that the orders he set out in the October 31, 2008 Leave Authorization continue should continue to be in effect until further notice.

However, Mr. Palamarek discussed extending visitation periods with Dr. Lieshman, on a one-time basis, over the holidays. He has agreed that Lois may be permitted to extend her visitation periods with Mrs. Palamarek, at the Lodge, to 3 hours per visit. Accordingly, we propose that Lois be permitted to visit Mrs. Palamarek, at the Lodge, for visits of up to 3 hours on December 24, December 26, 2008, and January 1, 2009.

We trust this will resolve this matter, and remain,

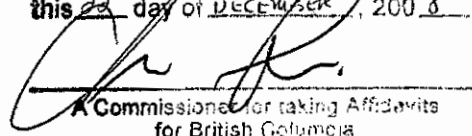
Yours truly,

HORNE COUPAR



PATRICE B. NEWMAN
PBN/bat
copy clients

This is Exhibit "F" referred to in the
Affidavit of KATHLEEN BRENNAN
sworn before me at VICTORIA, B.C.
this 22nd day of DECEMBER, 2008


A Commissioner for taking Affidavits
for British Columbia