

**Affidavit #7
of Ralph Palamarek
Sworn December 18, 2009**

**Action No. 08-0327
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, c. 3249 AND AMENDMENTS THERTO**

- AND -

IN THE MATTER OF KATHLEEN PALAMAREK, PATIENT

AFFIDAVIT

I Ralph Palamarek of 10324 Bowerbank Road, Sidney, in the Province of British Columbia, MAKE OATH AND SAY AS FOLLOWS:

1. I am one of the Petitioners in action number 07-3415 and am interim committee of my mother Kathleen Palamarek pursuant to an order of Mr. Justice Johnston pronounced the 19th day of November, 2008.
2. I have read the affidavit #6 of Lois Sampson sworn the 14th day of December 2009 and I make this affidavit in response thereto.
3. Neither I nor my brother Robert was not aware until Friday December 11, 2009 that there was any proposed change in the visiting schedule or that my mother's physicians and Broadmead Lodge (the "Lodge") were planning to loosen the restrictions on visiting hours and outings for my mother.
4. The communications our solicitor Mr. Jamieson wrote in response to requests for additional visitations and extended hours by Lois' solicitor and which are referred to in the correspondence attached to Lois' affidavit were based on our understanding at the time those communications were sent and were intended to ensure compliance with the doctors orders which were then to our knowledge in effect.

5. Based on the letter from Colleen Kovacs dated December 11, 2009, which was sent on behalf of the Lodge and the doctors, Robert and I are satisfied that the Doctors have approved new visiting hours and extended times during which our mother can be outside the lodge.

6. Neither I nor my brothers Robert and Ernie have any objection to Lois Sampson having visiting rights on each of Christmas Day, New Years Day and January 6, 2010. We are concerned, however, about the length of time in each case, as the hours suggested exceed what we understand are the doctor's orders as set out in the Kovacs letter.

7. Since receiving the letter of December 11, 2009 I have spoken to Dr. Leishman and it is his view that the hours reflect mom's more stable condition than she had in the past.

8. I understand that the orders are not rigid and that particularly at special occasions like at Christmas time some flexibility may be appropriate. My concern, however, is that because mom easily gets fatigued, she will find it very difficult to have visits or be outside the lodge for as long as Lois has requested. I believe 5 hours is far too long for mom and visitations on the dates requested but for periods in each case consistent with the Doctor's orders would be appropriate.

7. I should also state that in the past Lois and her husband Gil have insisted that Christmas day is their day and they have had little to do with the family on prior Christmases, so Lois demands this year are a change in her prior attitude to Christmas and break with her own practices over many years.

8. I have spoken to Sandi who is my brother Ernie's daughter and she advised me that she has not spoken or visited with Lois or Lois' husband Gil for about three years and knows nothing about the proposed visit. Sandi said that relations between her and Lois are strained and that she does not want to have any visit with her grandmother at which Lois is present.

9. Affidavit #6 of Lois Sampson contains a number of misleading or untruthful statements. In particular, in relation to paragraph 7, to my

knowledge, Lois has never requested any time with our mother on any of Easter or Thanksgiving.

10. If this is requested, in my opinion, it would be appropriate to rotate visits on those holidays among the children in the same manner Christmas and New Year should be rotated. Each child should get an equal number of Christmases.

11. The statement in paragraph 8 is false. At the time referred to, in July 2007, mom was still at the Saanich Peninsula hospital and Ernie and we were simply planning a two to three hour get together in Ernie's air conditioned motor home for some birthday cake for mom's birthday.

12. With regard to December 2007, Lois never communicated any intention to us that she wanted to visit with our mother at that time. We visited with mom only for short periods on those days so Lois could easily have gone to see mom on either of those days.

13. With respect to mom's medication, these are administered by the Lodge and we see no reason why any medication should be administered except by the staff of the Lodge.

14. On a number of occasions, through our former counsel we have made an effort to agree on a schedule of visits and outings so that all of the four of mom's children would have proper access to and visitation rights with our mother. Lois has failed or neglected to respond or have her counsel respond and it is only as Christmas approaches that she brings up the subject. We are agreeable to working out a schedule which is in compliance with the orders of the physicians. Lois is not willing to adhere to their orders as is indicated in her application.

Sworn before me at the City of
Victoria, in the Province of
British Columbia this 18 day of
December, 2009

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Ralph Palamarek

A commissioner for taking affidavits
within British Columbia

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