

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

REPONSE TO WRITTEN ARGUMENT OF LOIS SAMPSON

1. The major portion of the written submission of Lois Samson repeats arguments made by Lois Sampson relating to financial disclosure. This matter has been ruled on by both Madam Justice Dorgan and by Mr. Justice Metzger and Lois' application have in each case been refused.

Chambers Record Tab # 14 (Order of Justice Dorgan May 13, 2010)

Supplemental Chambers Record Tab # 1 (Order of Mr. Justice Metzger, October 21, 2010)

2. Lois Samson for most of the past three years has denied that Kathleen was unable to manage herself or her affairs. She only recently conceded that.

Lois Affidavit #7, para 5.


Chambers Record Tab # 60.

3. Lois initially had no objection to her mother living at Broadmead Lodge but has since changed her view she says to comply with her mother's express wishes to leave the Lodge.
4. Lois refuses to accept Kathleen's physicians opinions that her mother's impairment is as serious and as limiting as they say. She has no support for that view that Kathleen's dementia is mild and has little effect on her cognitive abilities including the decision to make rational decisions as to where she might live. Even the physicians hired by her have not indicated that Kathleen's impairment is as slight as Lois asserts.
5. Lois has challenged Kathleen's caregivers and physicians. She has made complaints against the Director of Nursing at the Lodge, Fiona Sudbury and has complained to the College of Physicians and Surgeons relating to Dr. Nicholl. NO such complaint has been found to have any substance.

6. Lois has also sued her brothers thereby making any cooperation amount her and her brothers virtually impossible.
7. Lois repeats allegations of conflict of interest in relation to her brothers Robert and Ralph. She does not acknowledge that these have been fully responded to in affidavits filed in this proceeding. There is no substance to any such allegations. As to Ralph in particular, he is not only paying market rent to live in the property, he is maintaining it to ensure a good price when it is sold.
8. Lois argument in the final analysis is that Ralph and Robert are not to be trusted because they have not provided her with the accounting information she has demanded. Ralph has accounted to the Public Guardian and Trustee as they requested.
10. Lois is not satisfied to have the accounting provided for in the Patient's Property Act, as mandated by the Legislature. This is yet another example of Lois refusal to accept a decision by anyone about her mother and her affairs, including this court, if it does not accord with her views.
11. This expression of lack of trust in Ralph in particular, is at odds with the view expressed by Kathleen when she appointed Ralph as her attorney as long ago as in 1998.

All of which is respectfully submitted.

Dated this 18th day of November, 2010



Solicitor for Ralph and Robert Palamarek