

**INFORMATION WHERE  
INJURY OR DAMAGE FEARED**

**DÉNONCIATION - CRAINTE DE  
BLESSURES OU DE DOMMAGES**

**WHEREAS/ATTENDU QUE**

LYNDA STAUB

Informant/on behalf of the informant/dénonciateur [dénunciatrice]/personne agissant au nom de celui-ci [celle-ci]

this day appeared before me and says that there is fear that

a comparu aujourd'hui devant moi et déclare qu'il (elle) craint qu

MARLENE MARY MADELEINE LEGARE

(Defendant/défendeur [défenderesse])

- will cause personal injury to/ne cause des lésions corporelles :
  - the informant as named above or/au dénonciateur (à la dénonciatrice) indiqué(e) ci-dessus ou à
  - the informant's spouse/son conjoint
  - the informant's child/son enfant *— Krysta Staub - age 22*  
*— Michelle Staub - age 20*
- will cause damage to the informant's property/n'endommager sa propriété

**IN THAT/ÉTANT DONNÉ QUE**

OR of *Between* about the/le ou vers le 01 NOVEMBER 05  
*and the 30 day of January 2006* (day/jour) (month/mois) (year/année)  
at/à ELIE AND GORDON, Manitoba/au Manitoba,

the defendant/le défendeur (la défenderesse)

UTTERED THREATS ABOUT POSSIBLE BREAK-INS AND THERE WOULD BE A FUNERAL FOR ONE OF THE INFORMANTS DAUGHTERS. THE INFORMANT FEARS FOR HER SAFETY AS WELL AS THE SAFETY OF HER FAMILY.

contrary to S.810 of the Criminal Code of Canada.

en contravention à l'article 810 du Code criminel Canada.

SWORN before me this/ASSERMENTÉ(E) devant moi le 14 FEBRUARY 2006  
(day/jour) (month/mois) (year/année)  
at/à PORTAGE LA PRAIRIE, Manitoba/au Manitoba.

*W. R. Cross*  
Judge, Provincial Court Judge or Justice  
Juge, juge de la Cour provinciale ou juge de paix

*Lynda Staub*  
Informant/Dénonciateur (Dénunciatrice)

**ORDER/ORDONNANCE**

On being satisfied on the basis of the evidence before me that the informant has reasonable grounds for such fear it is hereby ordered that the defendant enter into a recognizance in the amount of

Étant convaincu(e), sur la base de la preuve qui m'a été présentée, que les craintes du dénonciateur (de dénonciatrice) sont fondées, j'ordonne par les présentes que le défendeur (la défenderesse) contracte un engagement d'un montant de :

(amount/montant)

with sureties/avec cautions

To keep the peace and be of good behaviour for a period of

Le défendeur (La défenderesse) s'engage à ne pas troubler l'ordre public et à observer une bonne conduite pendant une période de

and/et à



1 Ms. --

2 MS. STAUB: My name is Lynda Staub.

3 THE COURT: Yes. Ms. Staub.

4 MS. STAUB: I am concerned that Marlene has done  
5 things behind our back. As a family, we have agreed to  
6 Dad's well-being.

7 THE COURT: Yeah.

8 MS. STAUB: And she has taken my dad from the  
9 hospital, made him sign documents. The medication that he  
10 was prescribed when he was, upon the discharge from the  
11 Grace Hospital, she took it upon herself to scratch some of  
12 the medication off, 'cause she felt my dad didn't need it,  
13 antidepressants, and I am concerned that she's going to try  
14 and manipulate him some more. And she has flown in from  
15 Vancouver four times in the last month, and she appears at  
16 our door, scares us, and we're --

17 THE COURT: What are you scared about?

18 MS. STAUB: Well, her -- she's unpredictable.

19 THE COURT: Well, what, what -- no, but what  
20 scares you? She appears at your door. I presume she  
21 doesn't break in.

22 MS. STAUB: She's -- for myself, she has told me  
23 that there will be a theft happening.

24 THE COURT: Okay.

25 MS. STAUB: That there'll be a fire happening.

26 THE COURT: Yeah. I'm going to still get to those  
27 things. I mean just with respect to your dad.

28 MS. STAUB: Yeah. So for my dad -- for my  
29 father's concern, I am really -- I'm, I'm -- she's taken it  
30 upon herself to change his medication. As a family, we've  
31 arranged things, and she, she's, she comes in the middle of  
32 the night, and takes him out of the hospital, and changes  
33 his medication. That's a huge thing. And I really feel the  
34 passport is missing, that's she's taken it. We're afraid



1 that she may take my dad away.

2 THE COURT: Okay. Well, like I say, all of those  
3 matters really aren't anything for this court to deal with,  
4 unfortunately. Like I say, I don't know how you got here.  
5 I don't know who gave you the advice. I probably don't want  
6 to know. But whoever got you here doing this peace bond  
7 application is, gave you some wrong advice, 'cause this is  
8 not going to solve your problems, not going to solve those  
9 problems.

10 And so as far as your father is concerned, you can  
11 step down from the stand now, sir. Okay? You can have a  
12 seat wherever you want. Okay.

13  
14 (WITNESS EXCUSED)

15  
16 THE COURT: Who do you want to call next? Do you  
17 want to call Ms. Staub, now that I've heard -- or Ms.  
18 Demery? Let's hear from one of them.

19 Ms. Demery, do you want to come up? And if you'd  
20 just take the stand here, and we'll -- and let's have a bit  
21 of a hearing. This is Ms. Staub. My apologies.

22 THE CLERK: State your full name for the court,  
23 please.

24 MS. STAUB: My name is Lynda Staub.

25  
26 LYNDA STAUB, sworn, testified as  
27 follows:

28  
29 THE CLERK: Thank you. You may be seated.

30  
31 DIRECT EVIDENCE BY MS. STAUB:

32 THE COURT: Okay, Ms. Staub. When did problems  
33 begin in the family between -- or I guess I should make it  
34 more personal. When did problems begin between you and Ms.



1 Legare?

2 THE WITNESS: For approximately five or six  
3 months, she has scared our family, and she has scared me,  
4 and she has told us that she --

5 THE COURT: Okay. Let me get into that in a  
6 minute. So you're saying that up until five or six months  
7 ago, you were sisters, you were fine?

8 THE WITNESS: Absolutely.

9 THE COURT: The relationship was fine?

10 THE WITNESS: Yeah.



1 since my mom and dad separated. He's been at my house for  
2 Christmas almost every year. I meet him, or talk to him  
3 almost weekly. And she says in her e-mails that I am trying  
4 to kill him. I don't think so.

5 And she's telling me to watch, because there will  
6 be a theft amongst the family. There will be a fire. One  
7 of our daughters is going to get killed. And I have an  
8 e-mail right here, saying we were talking about something  
9 more serious, like a funeral. This is her e-mail to me: I  
10 have visions of, and dreams, if you like, about a warning of  
11 upcoming events. This is her e-mail to me. And she's  
12 scaring us.

13 I've told my daughters, they're both home.  
14 They're both in school. They're 21 and 22. I've told my  
15 daughters, make sure you lock the door. We don't know  
16 what --

17 THE COURT: Okay. But how do you, how do you --  
18 we're going to get into this, but how do you take that as a  
19 threat, just what you last said there?

20 THE WITNESS: I --

21 THE COURT: I mean, it, it says she feels that  
22 something bad is going to happen. But how does, how does  
23 that convert to her being the author of that?

24 THE WITNESS: I think, I think maybe she has  
25 something -- I can't -- I don't understand her, and I'm  
26 scared of her. And I don't know who she's working with, or  
27 if she's working with anyone. I don't know. I'm just very  
28 concerned. And I don't want her on my property. My  
29 daughters are scared of her. And --

30 THE COURT: Well, yeah, but understand here, I've  
31 got to -- I don't -- I can't just take, my daughters are  
32 scared of her --

33 THE WITNESS: I am.

34 THE COURT: And you are scared of her. That isn't



23 ----  
24 THE COURT: Well, she's having a dispute.  
25 don't we -- why is this somehow covered up in here?  
26 isn't someone just out and saying it? She's having  
27 dispute with you people about how to care for your father  
28 Right?

29 THE WITNESS: We would like to -- we've --  
30 came in the first time, and we all agreed --

31 THE COURT: Yeah.

32 THE WITNESS: -- that Dad was coming out of  
33 hospital, and it was all arranged for February the 1st.  
34 then four days later, on the Friday, she snuck



1 sufficient. I want to know whether there's a reason  
2 that. And so tell me the reason.

3 THE WITNESS: The reason is -- the e-mails.  
4 night she phoned my house 30 times and hung up. I was  
5 home, but my husband said the phone rang 30 times. I --  
6 reason I am scared is because of the e-mails she's sent  
7 me, that there will be a funeral. And she has said that  
8 is one of our daughters. And that -- I think she --

9 THE COURT: Well, yeah, but that's cause  
10 upset with a person.

11 THE WITNESS: Um-hum.

12 THE COURT: But I want to know -- I want you  
13 draw the connection between her, that is, your sister,  
14 something that would cause your daughter to be, her  
15 funeral; die, in other words. What, in those e-mails  
16 what has she --

17 THE WITNESS: She has said that there will  
18 break-in, and that someone will be assaulted. She has  
19 me over the phone that someone will be assaulted, and

20 THE COURT: But is it, is it in the nature  
21 same as that e-mail? Because all I'm reading in an  
22 so far is: I foresee into the future -- just as  
23 said -- that this is going to happen. Or is she say  
24 --will be doing this?

25 THE WITNESS: I -- it -- I think -- I don't  
26 her on my property, 'cause I'm scared of what she's  
27 of. Her -- yeah.

28 THE COURT: Okay. Tell me about that.  
29 would she be capable of something? Has she a  
30 record?



1 Winnipeg. Nobody even knew my Dad was discharged. She took  
2 it upon herself to discharge my dad, and took him down to  
3 the lawyer, had a psychiatric living will signed. My dad  
4 doesn't remember that. She had a power of attorney changed  
5 into my sister Claire's name, and Claire had no idea. She  
6 took off to B.C. with the original power of attorney instead  
7 of serving it on to Claire.

8 She goes to the bank with my dad, and has him sign  
9 a paper that she -- it looks like there was a thousand  
10 dollar deposit into my dad's account, and then immediately a  
11 thousand dollars withdrawn. My --

12 THE COURT: Yeah, I know, but this is all the  
13 dispute. I mean, before that, before she did those things,  
14 that's what you were doing. Right? So ...

15 THE WITNESS: No. I'm sorry. I don't understand  
16 what you just said.

17 THE COURT: Well, before she was doing those  
18 things, that's the part of your dad's life that you were in  
19 charge of. You just told me that. You were in charge of  
20 him getting legal documents signed. You were in charge of  
21 getting him into the hospital, and getting him out?

22 THE WITNESS: Not in charge. The family worked  
23 together to help my dad.

24 THE COURT: Right.

25 THE WITNESS: Yeah. But I -- but we --

26 THE COURT: But she's disagreeing with that.

27 THE WITNESS: No. We worked as a family.

28 THE COURT: But she's disagreeing with the way,  
29 your course of the way you're caring for your dad now.  
30 Right?

31 THE WITNESS: No, no. The thing is everything is  
32 behind our back. She's sneaky.

33 THE COURT: But she's disagreeing with it. Right?  
34 I mean, she's -- you told me something about medications,



1 that she doesn't agree he should be on certain medications.

2 THE WITNESS: Yeah. Right. But you said we  
3 should sit down as a family, and [we] did. And [we] had all  
4 agreed that my dad would come out on February the 1st. But  
5 she came in that Friday prior, and just took our dad out of  
6 the hospital.

7 THE COURT: Yeah. But I just talked to him. He's  
8 a competent person.

9 THE WITNESS: Um-hum.

10 THE COURT: He took himself out of the hospital.  
11 Right?

12 THE WITNESS: I don't -- I don't know what  
13 happened that day.

14 THE COURT: Okay. Well, I mean, he certainly has  
15 all his marbles still. He may not be able to hear as well.

16 THE WITNESS: Um-hum.

17 THE COURT: But he's all there. So if --

18 THE WITNESS: He doesn't -- he doesn't remember  
19 signing a psychiatric will.

20 THE COURT: Well, how do you know he did?

21 THE WITNESS: Because we saw it.

22 THE COURT: Okay. And how did you come to see it?

23 THE WITNESS: It was given to my brother Andy at  
24 the RCMP office. Marlene handed it to the RCMP officer, who  
25 handed it to Andy.

26 THE COURT: Okay. What's this will?

27 MS. LEGARE: Okay. First of all, my brother took  
28 it from my hands.

29 THE COURT: Okay. But what is it?

30 MS. LEGARE: Okay. It's just basically stating  
31 that Dad doesn't want any psychiatric treatment. He doesn't  
32 want to be placed in a home. Going back to -- I left B.C.,  
33 Manitoba in 1972. My brother Andy has never talked to me in  
34 my life. He phoned me in Vancouver, and said that,



1 I know what that was about. Either my brother's  
2 trying to sell the place, or trying to rent the place.  
3 So --

4 THE COURT: Okay. Well, yeah, now we're getting  
5 in too much detail for me, 'cause none of this matters --

6 MS. LEGARE: Okay. Sure. Okay.

7 THE COURT: -- from my perspective, unfortunately.

8 MS. LEGARE: Sure. And the psychiatric will --

9 THE COURT: Today, like I say, everybody is here.  
10 Just tell me why you got it.

11 MS. LEGARE: Why I got it?

12 THE COURT: Yeah.

13 MS. LEGARE: To protect him so that he couldn't be  
14 committed down the road. It's, it's, it's -- there's an  
15 organization out there that takes care of people that have  
16 had personal trauma, and it's a one step safeguard. When we  
17 were in the lawyer's to revoke the power of attorney that  
18 Andy -- when Dad was in the hospital, Andy had him sign  
19 insurance papers, and he had him sign a renewal for his van,  
20 and for his licence, 'cause it was his birthday. Underneath  
21 the paper where he hid the power of attorney, Dad did not  
22 know it, but he ended up signing on the power of attorney,  
23 which gave Andy the power of attorney.

24 THE COURT: Well, okay. Let's talk about -- let's  
25 talk about that, Ms. Staub.

26 THE WITNESS: Okay. Yes. Thank you. That power  
27 of attorney, and my dad had given Chris Christianson, in  
28 Portage la Prairie, instructions, and he had been at my home  
29 early in November, and he said: Lyn, I need to update my  
30 will. Do you think I should update it? And I looked at it,  
31 and said: Dad, your will's fine. He said: Well, my lawyer  
32 suggested I update it every five years, so I think I should  
33 update it. Should I get a power of attorney? And I says:  
34 Absolutely, if you want to get a power of attorney. And Dad

TOTAL  
FALSE



1 said: How about yourself and Andy? And I said: Sure.  
2 That'll work here. We look after you all the time. So the  
3 power of attorney had been prepared in November. And so  
4 it's something my dad wanted.

5 And Marlene said: Let's do it. Let's get --  
6 let's have Dad sign the power of attorney. So it was  
7 Marlene's idea. We didn't -- we weren't in any rush for  
8 anything. My dad's in the hospital. We know he's going to  
9 be there for a while. Marlene flew in from Vancouver and  
10 says: I've got an appointment already for a lawyer  
11 downtown, and we are going to start up the insurance claim  
12 immediately. I don't know why the big rush. And she wanted  
13 to start on the insurance claim immediately against my dad's  
14 fall against the church. And she had everything all set up  
15 before she even arrived in Winnipeg. And she phoned the  
16 lawyer, and says: Come in, and let's get this power of  
17 attorney signed immediately. And she kept on nodding and  
18 nodding, and we had it signed, and --

19 THE COURT: Okay. But who -- when did your father  
20 sign a power of attorney in favour of you and your brother?

21 THE WITNESS: When Marlene called the lawyer, Mr.  
22 Chapman. She had him, she had it arranged for him to come  
23 to the Grace Hospital and sign the power of attorney. This  
24 was Marlene's doing. She hired the lawyer.

25 THE COURT: Okay. And is that the power of  
26 attorney you're talking about?

27 MS. LEGARE: Yes. By my dad refused to sign. He  
28 says: I'm not signing any paperwork. And he was adamant  
29 for over half an hour. He said he's not signing it. So  
30 Andy --

31 THE COURT: Okay. How did it come to get signed,  
32 then?

33 MS. LEGARE: That's what I'm saying. It's --

34 THE COURT: No. I'm asking your sister.

FALSE!

ANDY  
BROUGHT  
UP THE  
SUBJECT  
OF CLAIM  
IN HIS  
CALL TO  
MARLENE

LYNDA'S  
LAWYER



1 THE WITNESS: My dad did sign it, and --

2 THE COURT: How?

3 THE WITNESS: That --

4 THE COURT: In front of a lawyer?

5 THE WITNESS: It was. It was signed in front of a  
6 lawyer, and Marlene kept on nodding and nodding and nodding.  
7 And then in the end, she says -- and I had an e-mail from  
8 her, and I'll have to track it down, saying it was good. We  
9 needed to get this done. Marlene -- this was her e-mail to  
10 me, saying everything is fine, that those were Dad's  
11 instructions, and we have a power of attorney signed.

12 And -- but then when she came back the following  
13 week, she went and had Dad taken down to Wilder and Wilder,  
14 and had a brand new power of attorney signed, in the name of  
15 Claire. Claire is now the new power of attorney. And  
16 Wilder said: Well, you serve that on your -- will you give  
17 it to your sister? And she said: Yes. But instead, she  
18 took off with Claire's power of attorney, and went to B.C.  
19 with it.

20 And she still has it to this day. And it's a big  
21 confusion. Her motives, we don't know. She confuses the  
22 family, where we think --

23 THE COURT: Okay. Hang on. Why do you have the  
24 power of attorney?

25 MS. LEGARE: Because I paid for it, and I don't  
26 want Dad's rights overridden. Dad is quite capable of doing  
27 his own, dealing with his own transactions. And would you  
28 like to ask my dad if he was aware he was signing a power of  
29 attorney?

30 THE COURT: No.

31 MS. LEGARE: Okay.

32 THE COURT: Because it has nothing to do with  
33 this. Would you put your hand down? I am not talking to  
34 you, not yet, not at all.

FALSE



1           What happened on January 30th at -- now, I don't  
2 know, was it your dad's place?

3           THE WITNESS:    No.     I think January 30th was  
4 Monday, that's correct.

5           THE COURT:    Third.   Third or 30th?

6           THE WITNESS:    Which day would you like, sir?

7           THE COURT:    Well, it's the date that your sister  
8 was yelling in your face.

9           THE WITNESS:    Yes.   That's correct.   She --

10          THE COURT:    Where is that?

11          THE WITNESS:    At my dad's home.

12          THE COURT:    Okay.   Good.   It was at your dad's.  
13 What happened?

14          MS. LEGARE:    It wasn't the 30th.   It was the 29th.

15          THE COURT:    Okay.   Whatever.

16          MS. LEGARE:    Okay.   What happened is Friday --  
17 well, back it up.   Thursday, Dad told me, I was talking to  
18 him on the phone from Vancouver, he said he had been  
19 discharged, okay? And he wanted to go home. And he had  
20 agreed he wanted to go home. Then Andy gets on the phone,  
21 and he says: Things were fine till you interfered. I got  
22 an e-mail from Lynda saying: Dad's saying he's not going to  
23 St. Eustache Manor after all. He wants to go home. And I  
24 said that's what he wants to do.

25          THE COURT:    Right.

26          MS. LEGARE:    So I sensed that Andy was going to  
27 try to relocate him to the home.

28          THE COURT:    Yeah.

29          MS. LEGARE:    Dad told me he had been discharged.  
30 He had a clean bill of health. They were just waiting for  
31 home support.   So I flew in that night, Thursday, and went  
32 to the hospital in the morning, not the middle of the night,  
33 at nine o'clock.   He was discharged at 11:30, because all  
34 they were waiting for is home care, home support.   And I



1 says, well, I'm here from Vancouver. I'll give him home  
2 support till Wednesday, till the home care can come out.

3 THE COURT: Right.

4 MS. LEGARE: And he wants to go home. So that's  
5 fine. So Friday night, Andy comes over, and he was furious  
6 'cause Dad was home. He didn't want Dad to come home. He  
7 had taken his keys, taken his Visa, basically stripped him.  
8 So we got into the place. His bedroom was locked. Dad was  
9 upset 'cause the bedroom door was locked. We found the key.  
10 We got him in. Andy came over, and he says: Well, you  
11 going to care of Dad? I said yeah. He says: Are you here  
12 permanently to take care of him? I said yeah. He says:  
13 Okay, then. You pay rent. I says fine. I'll pay rent to  
14 my dad. So that's fine. So he leaves.

15 The next morning, Andy comes over. He brought  
16 over a little fridge, 'cause the fridge was broken. And Dad  
17 told him twice he wanted to stay home. He was happy home.  
18 He didn't want to move. Like, he says: Just 'cause I got a  
19 bump on the head, everybody's trying to move me. Before I  
20 had this bump on the head, he said, you know, I didn't even  
21 talk about moving. So he says: I'm staying. Andy left  
22 Dad's home, went to St. Eustache, to the Manor, to confirm  
23 that he still had his room for the next week. So he's  
24 overriding Dad. And that's why I don't want a power of  
25 attorney. Dad can make his own decisions. That's fine.

26 The next morning I get a call from my sister in  
27 Calgary. Andy had phoned her, and told her that he was  
28 setting up a meeting.--

29 THE COURT: And who -- your sister in Calgary  
30 isn't one of these people here?

31 MS. LEGARE: She's -- no. 'She's in Calgary.

32 THE COURT: Okay.

33 MS. LEGARE: So she phones to warn me that my  
34 brother has got all the sisters together. There's a



1 meeting, and it was on the pretext of meeting my dad's  
2 brother from Kenora, and that they're all coming against me  
3 to move Dad to St. Eustache. So I said that's interesting.  
4 Andy walks in, uses the key, walks into my dad's place. So  
5 I gave him the phone. I says: Here's your sister. Talk to  
6 her.

7 So I went to the washroom. I was getting my  
8 makeup done. I went back out. Andy's gone. I look. The  
9 truck's gone. Dad says: Where's my phone? I says: I  
10 don't know. Andy had it. He says: Well, he took my phone.  
11 I said: Yeah, I guess so. And I says, I went to look for  
12 my phone. My Blackberry. It's missing. My briefcase,  
13 along with the new power of attorney, everything's gone. So  
14 I was really annoyed, 'cause Dad's got no other phone. I  
15 ended up getting stuck in the driveway 'cause there was a  
16 lot of snow. And I'm thinking here's Dad out of the  
17 hospital, 82. We've got no forms of communication. Dad was  
18 upset. I was upset. So I went to the Headingley  
19 detachment, and I charged him with theft. He was charged  
20 with theft, and no contact.

21 So that's fine. Then when I went to the  
22 restaurant, we continued on to the restaurant, we get there.  
23 My sister, Lynda, grabs my dad without his jacket, puts him  
24 in the car, gives him a blanket, and says: I'm taking him  
25 home. I said: No. He's under my care. I'm going to take  
26 him home, and do home support.

27 So she grabs him and takes off. So I went to the  
28 RCMP, picked up my phone that -- Andy had it in his  
29 possession, the two phones, and the binder.

30 I go home, and by then Andy's got -- he sent the  
31 title to the property to the RCMP, and he says: It's my  
32 property. She's got no right coming on my property. And I  
33 told the officer that, and she says: No, you're allowed  
34 there. You're a guest of your dad. I said I know.



1 Well, because Andy had got a power of attorney  
2 when Dad sold him the property, he was supposed to give him  
3 a written agreement that Dad could stay there the rest of  
4 his life. So now he's pulling a power trip with this land  
5 title. So now I'm not allowed on there.

6 And so I went to pick up my suitcase, got stuck in  
7 the snow. We're outside discussing. And I was telling  
8 Lynda, I said: You guys all agreed that he belongs at home.  
9 So why are you guys changing it? So we were discussing  
10 that. And that's when we were talking.

11 THE COURT: Well, she says you were yelling at  
12 her.

13 MS. LEGARE: Well, we were all -- we were all  
14 loud. Big deal. We're -- I'm telling him the point. Dad  
15 stated many times over he wanted to stay in his home in  
16 Elie. He is a farmer. What is he going to do in one little  
17 room? He's eight miles out. He has no vehicle.

18 THE COURT: Okay. Yeah. None of this is --

19 MS. LEGARE: You know, there's --

20 THE COURT: None of this is any concern to me,  
21 fortunately.

22 MS. LEGARE: Exactly.

23 THE COURT: Okay. Ms. Staub, your sister says  
24 that this whole argument had to do with your dad's location.  
25 Is that true or not?

26 THE WITNESS: That was partly it. But one of the  
27 things that she, that really scares me as well, is the whole  
28 time that myself and my sister are approaching Marlene's  
29 vehicle at my dad's home, she's snapping pictures of us.  
30 And why is she snapping pictures of us?

31 THE COURT: That's a good question. Why are you  
32 snapping pictures?

33 MS. LEGARE: No. That -- that was, that was the  
34 Sunday. I wasn't snapping pictures of you. It was, like,



1 7:30 at night. It's dark. I didn't have my camera.

2 THE COURT: Okay. Well, why are you snapping  
3 pictures on Sunday, of them?

4 MS. LEGARE: I didn't take any pictures on Sunday.

5 THE COURT: Okay. Why are the RCMP in Headingley  
6 involved in this?

7 MS. LEGARE: Because I had to charge my brother  
8 with theft, because he still --

9 THE COURT: You had to?

10 MS. LEGARE: Pardon me?

11 THE COURT: You had to?

12 MS. LEGARE: Yes. Because --

13 THE COURT: That's an interesting concept.

14 MS. LEGARE: Well, prior to that he had ordered me  
15 to give my film out of my camera. He's very manipulative,  
16 very controlling. - So he's always ordering me around.

17 THE COURT: What made you charge him with theft?

18 MS. LEGARE: Because I had enough of this.  
19 Because Dad said he wanted to stay home, and what happened,  
20 he overrode him, and said that he's going to be moved.

21 THE COURT: Okay. So you think -- I mean, excuse  
22 me to say this, but you're as misguided as the rest of your  
23 siblings here if you think this is the way to solve a family  
24 dispute, go and charge somebody with theft?

25 MS. LEGARE: Well, he didn't have to steal the  
26 phone. Dad had no source of communication. Neither did I.  
27 We were stuck in snow. We had to get to Winnipeg. So he  
28 had no business stealing our property. Like, where does he  
29 get off thinking he can do that in the first place? I'm  
30 from B.C. You have no business taking my property. You see  
31 me only every couple of years. Until this happened.

32 THE COURT: Are you having a dispute about your  
33 father or not when this happens? Is your voice raised as  
34 well? I mean, why don't --



1 THE WITNESS: No. Absolutely not. I'm keeping --  
2 THE COURT: Absolutely not?  
3 THE WITNESS: I'm keeping calm, because she is out  
4 of control. And I am keeping very calm.  
5 THE COURT: Okay. Well, she's describing some  
6 pretty unusual circumstances here. Why wouldn't she be out  
7 of control? I mean, did your brother take the phone?  
8 THE WITNESS: This was -- we're talking about at  
9 my dad's house three days later?  
10 THE COURT: Right.  
11 THE WITNESS: At that point --  
12 THE COURT: Well, did he take the phone?  
13 THE WITNESS: He --  
14 MS. LEGARE: I'm sorry. It was on the Sunday.  
15 THE WITNESS: He --  
16 MS. LEGARE: You're misguided there. I was out of  
17 town three days later.  
18 THE COURT: Hang on. Hang on. Did he take the --  
19 THE WITNESS: Okay, Your Honour. Which --  
20 THE COURT: -- phone?  
21 THE WITNESS: He took the phone and the binder,  
22 yes, he did.  
23 THE COURT: Why?  
24 THE WITNESS: I think because, actually, she  
25 was -- all her actions were suspect. We didn't know -- she  
26 tried to --  
27 THE COURT: You're putting the pin -- you're  
28 right. We didn't know, 'cause it is all of you together.  
29 Right?  
30 THE WITNESS: I'm sorry?  
31 THE COURT: Well, yeah.  
32 THE WITNESS: Yeah. What Your Honour --  
33 THE COURT: Why do you -- why is everybody here  
34 manipulating your father?



1 THE WITNESS: That's --

2 MS. LEGARE: True. True.

3 THE WITNESS: My father, in November -- my  
4 father -- my father -- my mom and dad have been separated  
5 for 27 years.

6 THE COURT: Yeah.

7 THE WITNESS: My dad's always lived on the farm,  
8 in Elie, for this length of time. The family here, in the  
9 courtroom, besides Marlene, we've had weekly contacts with  
10 my dad. In November, my dad said he wanted to go to the  
11 Manor, and he was thinking of moving away to the Manor. And  
12 that was, that was all in progress. We were all thinking  
13 about this avenue for my dad before the fall. And he had  
14 told me before the fall, and this is where we're heading,  
15 and --

16 THE COURT: Well, have you got any professional  
17 involved in this?

18 THE WITNESS: -- she --

19 THE COURT: Let me interrupt you, 'cause I've  
20 heard all of this already.

21 THE WITNESS: I'm sorry? Any professional?

22 THE COURT: Any professional? I mean, you know  
23 that there's a dispute in the family. Right?

24 THE WITNESS: Um-hum.

25 THE COURT: Okay. Have you called anybody, and  
26 said: Gosh, doctor, social worker, nurse, we're having a  
27 dispute about this. Can you find out what my dad's real  
28 wishes are, without any of us being present? Can you  
29 mediate this problem with the family? Have you thought  
30 about that? Or is it just a case of you guys deciding  
31 what's going to be right?

32 THE WITNESS: We, we tried to do that, and Marlene  
33 said she would only sit with Andy, and no one else. And  
34 actually, Constable --

FALSE!  
NEVER  
EVER  
discussed  
moving



1 THE COURT: You tried to do that with who?

2 THE WITNESS: With Marlene. Marlene, Andy and  
3 Constable Gibbs. We did that --

4 THE COURT: Well, no, no, no, no. I don't -- an  
5 RCMP constable is not --

6 THE WITNESS: Okay. No. We haven't done it with  
7 mediation, no, we have not.

8 THE COURT: -- a professional. Yes. You can tell  
9 me something.

10 MS. DEMERY: Yeah. That Sunday, Dad, Constable  
11 Sarah (inaudible) took Dad in, and took a statement from  
12 him, so she has that, as to why he wanted --

13 THE COURT: (Inaudible) No, but -- is anybody  
14 listening to me? Is anybody listening to me here? What is  
15 an RCMP constable -- he's not a professional. He's a law  
16 enforcement person. I'm asking you, is there a doctor? Did  
17 you know that there are such things as doctors that help  
18 make these decisions for older people? An RCMP constable?  
19 I can't make this decision. None of you can.

20 THE WITNESS: No. I think -- I -- okay. My dad's  
21 wishes are, were in November, to go, to move out of the --

22 THE COURT: If your dad's wishes are that, why did  
23 he sign a different power of attorney? 'Cause he's confused  
24 about what he should and should not do.

25 THE WITNESS: Okay. That was after, after the  
26 fall, and he had a concussion. But before --

27 THE COURT: He went to a lawyer's office to sign  
28 that power of attorney. Is that right?

29 MS. LEGARE: The first one, no. He was tricked  
30 into signing it.

31 THE COURT: The second one.

32 MS. LEGARE: Yeah. He went to a lawyer. The one  
33 who is handling his claim.

34 THE COURT: So are you suggesting that the lawyer

FALSE!



1 was incompetent?

2 THE WITNESS: No, no. Not at all.

3 THE COURT: Because that's the first thing he's  
4 supposed to check --

5 THE WITNESS: Oh, no, no.

6 THE COURT: -- is whether your dad's with it.

7 THE WITNESS: I -- I think that Dad was confused  
8 after the fall. But we know what he wanted before the fall.  
9 And he wanted to move to --

10 THE COURT: So you're disagreeing with the lawyer,  
11 then? Because the first thing the lawyer has to find out is  
12 whether he's with it. And whether this is what he wants.  
13 Not what someone is manipulating him into. And are you  
14 saying that, therefore, that power of attorney's no good?

15 THE WITNESS: I think my dad was confused, because  
16 not only did he sign the power of attorney, he signed the  
17 living will. And he doesn't remember that.

18 MS. LEGARE: Excuse me --

19 THE COURT: Okay. Hang on. I've given my last  
20 piece of advice on this when I asked if anybody had thought  
21 of getting a professional involved -- a professional. Not a  
22 law enforcement officer charging somebody with theft, or  
23 taking a statement to find out what your dad's real wishes  
24 are.

25 Anyways, let's talk about these e-mails. What's  
26 the story on these e-mails and phone calls? Why are you  
27 phoning and e-mailing people that don't want to talk to you?

28 MS. LEGARE: Okay. I -- first of all, the other  
29 night, I did not phone 30 times. I phoned once, to talk to  
30 Lynda, because I found out late that night that they had  
31 already approached the Manor in St. Eustache, to make  
32 accommodations for him.

33 Now, in November, when Dad was even discussing it,  
34 if he was, he was talking about the Manor in Elie, not the

FALSE.  
WIA HAD  
ALREADY  
WITHHELD  
ANDY'S  
ATTORNEY.



1 one in St. Eustache, eight miles out, that has got no  
2 facilities whatsoever. No one wants to live there.

3 THE COURT: Okay. But you know these people  
4 aren't talking to you, and you know they're really mad at  
5 you, and you're still phoning them. Why?

6 MS. LEGARE: I'm not phoning them. They're  
7 e-mailing me. And I'm replying to their e-mails.

8 THE COURT: Well --

9 MS. LEGARE: I'm not phoning them. I'm not taking  
10 any calls from them.

11 THE COURT: Well, why are you even e-mailing them?  
12 Because you know these people don't want to deal with you.

13 MS. LEGARE: Because the -- Sergeant Gibbs told me  
14 that after all was said and done, that yes, the family came  
15 around and said that yeah, Dad did belong at home.

16 THE COURT: But why are you phoning and talking to  
17 people that don't want to talk to you?

18 MS. LEGARE: I am not initiating the calls. I am  
19 getting the phone calls. And I'm not taking --

20 THE COURT: Did you phone first?

21 THE WITNESS: Heavens, no. I have not -- I've  
22 tried to -- I blocked her from my e-mails. Last night,  
23 my -- she called my house. My husband was having a nap.  
24 And he was upset because the phone kept ringing and ringing  
25 and ringing and ringing. And he phoned me, 'cause I was  
26 here, in Portage, and he said: Lynda, your sister just  
27 called. It rang 30 times.

28 THE COURT: Did you let the phone ring 30 times?

29 MS. LEGARE: No. I called once. And I got  
30 through to him, and he said: Lynda's not here. She's not  
31 here today.

32 THE COURT: Okay. Did you --

33 MS. LEGARE: So that's not true --

34 THE COURT: -- know that she'd blocked your

*How did he  
know who  
called?*



1 e-mails?

2 MS. LEGARE: No.

3 THE COURT: Okay.

4 MS. LEGARE: No. And if she did, then she doesn't  
5 get my e-mails, so it's not a big deal, anyways.

6 THE COURT: Right.

7 MS. LEGARE: And I haven't been e-mailing her,  
8 anyways. I have been e-mailing my sister in Wisconsin.

9 THE COURT: What is the story on these e-mails,  
10 about fires, and tragedies?

11 MS. LEGARE: There is no such thing as a fire.  
12 What I said is --

13 THE COURT: Okay. Or tragedies.

14 MS. LEGARE: Okay. In the past, I saw that Mom  
15 was not well. I had -- somebody gave me the information  
16 that --

17 THE COURT: In the past, what?

18 MS. LEGARE: In the past, okay, someone that I am  
19 familiar with saw that my mom was having a medical  
20 condition, and he's got this gift, okay, and he said --

21 THE COURT: Right.

22 MS. LEGARE: -- that Mom was going to be having  
23 some problems, health problems, women's problems. And later  
24 on, like, a year and a half later, yeah, she had cancer.  
25 Okay. And he also told me that there was danger, for my  
26 sisters to put alarm systems in, especially in this day and  
27 age. So that's all the message I was relaying. And I said  
28 I really, really feel strongly, but my sister, Lynda,  
29 e-mails me back, and she said: **Guess what? My daughter got**  
30 **broken into. You were right.**

31 THE COURT: Is that true?

32 THE WITNESS: Yes. And I said: So let's -- and  
33 so I said: This is the end of the e-mails, please. I'm not  
34 getting a security system. And she said: You have to get a



8 THE WITNESS: And the last two months it's been  
9 nightmare. I've missed four days of work. And we just  
10 this to go away. We want her to go back to Vancouver where  
11 she's been for the last, since she was 18. She moved away  
12 She's only -- she's never spent a week with my dad, ever  
13 In the whole time that she's moved away, she moved away  
14 she was 19. And now she shows up, and ready to file  
15 insurance claim. Like, what's the hurry? It's all suspicious  
16 She's scaring the family with all this. We want her to  
17 home. And that's basically --

→ ANDY  
OPENED  
CLAIM

18 THE COURT: Okay. Thanks. Well, you understand  
19 and I hope you understand really clearly now, that  
20 court can do nothing about that.

21 THE WITNESS: Um-hum.

22 THE COURT: There may be another court that might  
23 make that order some day. But this court does not, cannot  
24 do anything about that at all. So that's unfortunate,  
25 that's just the way it goes. I have my jurisdiction.  
26 This is an 810 application, under the Criminal Code. It's  
27 not an application that sorts out family problems, and  
28 out where people go, and whether they stay away because  
29 other people just don't want them around. But thank you  
30 that.

31 Okay. Let's try -- now I want to hear from --  
32 can just -- you can get down from the stand, and sit back  
33

34 (WITNESS EXCUSED)



## Marlene Legare, CFP

From: Staub, Lynda (TPR) [LStaub@gov.mb.ca]  
Sent: Thursday, January 05, 2006 11:43 AM  
To: mlegare@telus.net  
Subject: house breakin at Krysta's

Hi Marlene - You predicted right - Krysta had a house breakin - the punks dropped their cellphone in her living room. They broke into via the window and took booze, etc. She is making a police report as I type.

She is nearly all moved out from that address - officially her last day is Jan 31<sup>st</sup> but I told her to move all her things home today.

Nothing new with Dad - will call you if there are any changes.

Love Lynn

Page 1 of 2

## Marlene Legare, CFP

From: Lynda Staub [lstaub@skyweb.ca]  
Sent: Wednesday, January 11, 2006 9:29 PM  
To: Marlene Legare, CFP  
Subject: thanks for coming..

Hi Marlene:

Thanks for coming and helping us get starting on all this! Susie just called me tonight and said we must give Dad lots of time so hopefully he will get better.