

FEBRUARY 15, 2006
C.D. DEMERY - DR.EV.

1 THE COURT: Let's hear from Ms. Demery, if we
2 could. Yeah. Come on up.

3 Okay. If you would swear her in, please. You can
4 have a seat there, Ms. Legare, if you want, for now.

5 MS. LEGARE: Thank you.

6 THE CLERK: State your full name for the court,
7 please.

8 THE WITNESS: Claire Deanna (phonetic) Demery.

9
10 CLAUDE DEANNA DEMERY, sworn,
11 testified as follows:

12 THE CLERK: Thank you. You may be seated.

13
14
15 DIRECT EVIDENCE BY MS. DEMERY:

16 THE COURT: Okay. I think we've hashed -- and I
17 will hear some more of this information from you if it's
18 necessary, but I think we've hashed quite a bit through with
19 your sister and Ms. Staub, in the sense that any of this
20 stuff about where your dad goes, and whether your sister's
21 had anything to do with caring for him, and whether she
22 should or shouldn't, really is nothing to do with the
23 jurisdiction of this court. What I am interested in is this
24 possible break-in at your home that you alleged in your
25 information, and saying that one of the girls would be hurt.
26 Can you tell me about that?

27 MS. DEMERY: Again, this is through e-mails, and
28 my sister and I, we keep in close contact, so we're always
29 communicating, and we're always relating back to each other,
30 and she's getting the same information, too, and it's almost
31 like, I don't know if she's got -- like I said, she's --
32 either she's got connections, or something. Like, why does
33 she keep saying this? Why does she --

34 THE COURT: Well, you don't -- when she says

1 that -- what about this story about her mother, your mother
2 getting sick with cancer after this person who had a vision
3 thought that she might, and she had told all of you that
4 Mom's going to have a bad health time, which I guess, given
5 her age, probably is a pretty certain event. But anyways,
6 what about that? Did that happen that way?

7 THE WITNESS: Mom is -- Mom has cancer and --

8 THE COURT: Okay. But did that happen? Was there
9 a warning from Ms. Legare at some point in time that some
10 crystal ball gazer had felt that she was going to have a bad
11 health event happen in her life?

12 Do you remember that?

13 THE WITNESS: No.

14 THE COURT: Okay. So you --

15 THE WITNESS: I just know when Mom got sick --

16 when Mom --

17 THE COURT: -- didn't get an e-mail -- you didn't

18 get an e-mail --

19 THE WITNESS: I can't remember that.

20 THE COURT: You didn't get an e-mail --

21 THE WITNESS: Mom -- it's been a few years ago.

22 THE COURT: Yeah. That's fair. You didn't get an

23 e-mail about that, though, eh?

24 THE WITNESS: I can't recall that.

25 THE COURT: Okay. But certainly, you think these

26 e-mails are a little different, eh?

27 Like, what -- you've got --

28 THE WITNESS: We've taken -- we've taken her into

29 our homes, and like --

30 THE COURT: Right.

31 THE WITNESS: -- you know, we've let her into our
32 homes, like. We have no idea, you know. Like I said, we
33 cannot trust her any more.

34 THE COURT: No. That's fair. I know that. I'm

1 somebody in the family here?

2 MS. LEGARE: No.

3
4 THE WITNESS:

5
6 MS. LEGARE:

7 THE COURT: Okay. Okay. Okay. Okay. Thank you.

8 You can have a seat back there, Ms. Demery.

9 THE WITNESS: Can I ask one more thing?

10 THE COURT: Yeah.

11 THE WITNESS: I was never asked to be power of
12 attorney. I never knew about it.

13 THE COURT: Yeah.

14 THE WITNESS: And now I was told that there's a
15 sworn document, affidavit of execution, that is missing. I
16 do not have -- I do not have the original power of attorney.
17 Should I have this, and all the information that goes with
18 it? Where is the sworn affidavit that was saying that
19 somebody was there to witness Dad signing this? Like I
20 said, I never, I never asked for --

21 THE COURT: Well, I -- yeah -- unfortunately,
22 you're asking a judge questions that should be asked of a
23 lawyer, and that's what I would do.

24 THE WITNESS: Okay.

25 THE COURT: As far as power of attorney is
26 concerned --

27 THE WITNESS: Like, who --

28 THE COURT: -- your dad can make one out when he
29 feels like it, if he has, if someone determines that he's
30 still in his right mind to do so, so as far as -- yeah.
31 Like, all of those questions should be asked of a lawyer.

32 THE WITNESS: Okay.

33 THE COURT: There is certainly nothing criminal
34

1 that has been done here at all. I know that for a fact.

2 Okay?

3 THE WITNESS: Okay.

4 THE COURT: I mean, like I say, I mean, so far *
5 I -- I mean, I haven't talked to your brother yet, and I
6 don't think I'm going to enjoy that conversation, but I am
7 sure it will be coming up, but I -- I mean, at some point in
8 time, someone in this family has to step up and take some
9 leadership role. And I think it might be you to say: Let's
10 get Dad interviewed by a professional, to find out what his
11 true wishes are. And --

12 MS. LEGARE: And before they move him.

13 THE COURT: Hang on. And you know, like, where
14 does he want to go? What does he want to do? Or does he
15 know that? He may not know that.

16 And I think it's really clear that people in the
17 family cannot manipulate someone who still, very clearly, is
18 with it, and knows exactly what's going on. I mean, I only
19 have to look him in the eye, much less talk to him for a few
20 minutes, to know that he knows. But he's caught in the
21 middle here, and he's trying to please everybody. And it's
22 a terrible thing to do when you're in your old age, that
23 when you're trying to just keep yourself together, that
24 you've got to please the whole family. And we've got a
25 family around that is running to the RCMP, that is stealing
26 cell phones, that is snapping pictures, all because of this
27 man. I mean, you're loading a lot of guilt on this guy
28 right there. And he's your father. He doesn't deserve
29 that.

30 THE WITNESS: He deserves to live in peace.

31 THE COURT: Yeah. Exactly.

32 THE WITNESS: But --

33 MS. LEGARE: At his home. At his own home.

34 THE COURT: Well --

1 THE WITNESS: Does it matter? He deserves to live
2 in peace.

3 THE COURT: He deserves to live how he wants to
4 live, however that might be, and not how everybody else
5 'seems to want him to live, one way or the other. But I
6 don't think that there's anybody in this family that can
7 figure that out with him right now, because everybody's got
8 so much self-interest in moving him, or taking one side, or
9 taking the other side, or leaving him where he is.

10 So I'd really encourage you to contact his own
11 doctor, and see if you can get a gerontologist to come out
12 and talk to him in his surroundings, see how he's doing, and
13 then give you a report that at least will give you guys the
14 satisfaction of knowing that this is what he wants to do
15 right for now.

16 But in any event, somebody's going to have to step
17 up and do it, and so far, you look like the likely
18 candidate, from my point of view. I am sure your brother
19 isn't. But anyways, let's hear from your brother.

20 THE WITNESS: Thank you.

21
22 (WITNESS EXCUSED)

23
24 THE COURT: Yes, Ms. Legare. Stand up, and talk
25 to me.

26 MS. LEGARE: May I make a comment?

27 THE COURT: Yeah.

28 MS. LEGARE: My brother took my dad out of his
29 home last Thursday. All his neighbours, including his
30 brother-in-law, have been over to see Dad. He's not there.
31 There's a note on the door, saying he's gone. So he's --
32 and not only that, he's supposed to have home support every
33 morning. They've shown up, and Dad's not there for his home
34 support. So it will affect him. So this is my brother