

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.

11 THE COURT: Okay. And what changed, as far as you
12 could tell?

13 THE WITNESS: A lot of the tension started when

14 [REDACTED]
15 [REDACTED] because she was afraid for her own life,
16 [REDACTED] and said, "Could I borrow
17 [REDACTED] because my ex-boyfriend is looking
18 [REDACTED] I
19 [REDACTED] help? And my heart bled for her. And I
20 [REDACTED] you know, you are a sister.
21 [REDACTED] passed her \$8,000. And that was two years ago,
22 [REDACTED] years on and on and on, and in the end,
23 [REDACTED] for money, and it ended up \$14,000. So
24 [REDACTED] the tension started.

25 THE COURT: Yeah, that can cause tension for
26 [REDACTED]

27 THE WITNESS: Right. And but I mean
28 [REDACTED] and if I lose my money, that's not a problem. But
29 [REDACTED] the past five or six months,
30 [REDACTED] e, that I am trying to
31 kill my father. She said I am trying to kill my father, in
32 her e-mails. *

33 She said that I was not looking after his best
34 interest when I've been looking after my father for 27 years *

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. [REDACTED] e. [REDACTED]

7 [REDACTED]. And I have an
8 e-mail right here, saying we were talking about something

9 [REDACTED]
10 [REDACTED]

11 [REDACTED] 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

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

3 THE WITNESS: The reason if -- the e-mails. Last
4 night she phoned my house 30 times and hung up. I wasn't
5 home, but my husband said the phone rang 30 times. I -- the
6 reason I am scared is because of the e-mails she's sending
7 me, [REDACTED]

8 [REDACTED] And that -- I think she --

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

11 THE WITNESS: Um-hum.

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

17 THE WITNESS: She has said that there will be a
18 break-in, and that [REDACTED]. She has told
19 me over the phone that [REDACTED], and --

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

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

28 THE COURT: Okay. Tell me about that. Why, why
29 would she be capable of something? [REDACTED]

30 [REDACTED]
31 THE WITNESS: [REDACTED]
32 [REDACTED]

33 THE COURT: Right. I understand that.

34 THE WITNESS: Um-hum.

1 THE COURT: [REDACTED]

2 THE WITNESS: [REDACTED]

3 [REDACTED]

4 THE COURT: [REDACTED]

5 [REDACTED]

6 THE WITNESS: [REDACTED]

7 THE COURT: [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 THE WITNESS: [REDACTED]

11 [REDACTED] like last, on January the 30th, over at my

12 [REDACTED] house, she was yelling and screaming in my face and

13 I, I was actually afraid. A good thing -- I was afraid to

14 be alone with her. And she says: Do you want your house

15 robbed? Like, and she said exactly that. Do you want a

16 theft? And she was pointing her finger at me, like she

17 knows what's going to happen, or she can do things to me,

18 and to my home. And she was just -- [REDACTED] at

19 [REDACTED], and she -- she, she terrified me. I really

20 think -- I really believe that she can, or has a circle of

21 friends that can hurt our family, just because of how she's

22 acting irrationally. Flying in four times from Vancouver.

23 The e-mails.

24 THE COURT: Well, she's having a dispute. Why

25 don't we -- why is this somehow covered up in here? Why *

26 isn't someone just out and saying it? She's having a

27 dispute with you people about how to care for your father.

28 Right?

29 THE WITNESS: We would like to -- we've -- she

30 came in the first time, and we all agreed --

31 THE COURT: Yeah.

32 THE WITNESS: -- that Dad was coming out of the

33 hospital, and it was all arranged for February the 1st. And

34 then four days later, on the Friday, she snuck into

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 X
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 basically, Dad was cornflakes, and that he would be staring
2 outside the window, staring out a window for the rest of his
3 life, and for me to get used to the idea, meaning Dad was,
4 Dad was going to be committed. And I said --

5 THE COURT: When did this happen?

6 MS. LEGARE: The first week in January after Dad
7 had taken a bad fall --

8 THE COURT: Yeah.

9 MS. LEGARE: -- and had a head concussion.

10 THE COURT: Right.

11 MS. LEGARE: And I said: Andy, you get hockey
12 players that get concussions. You don't write them off and
13 put them in a funny farm just because of it. And this is
14 your father. Give him a break.

15 So immediately I came out to see Dad, because I'd
16 been talking to him every day. He sounded very competent.
17 He remembered the past so well. Granted, he was doing a few
18 strange things, but you will when you have a concussion,
19 when you've been unconscious for half an hour, and you've
20 lost all your blood.

21 THE COURT: Right.

22 MS. LEGARE: So I came out to talk to Dad. And
23 then before leaving, Andy says to me: Dad is not, not *
24 coming home. And I thought, excuse me? And I said to
25 Lynda, I said Dad and Andy have an agreement that Dad sold
26 the property to my brother at a reduced price, with the
27 option for him to stay on the farm the rest of his life. *
28 And Lynda says: Well, that was only verbal.

29 And anyways, so I thought, oh, I know what this is
30 all about. Andy, the first opportunity he gets is to move
31 Dad off the farm. Also, at Christmas time he had gone and
32 cleaned out Dad's place against his wishes. And I have an
33 e-mail from Lynda saying: We're going to convince Dad that
34 we should go over and clean it up.

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

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.

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.

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 --

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

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

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

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

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1 security system. And I quote right here, and her e-mail to
2 me was that: Wrong. This is not what I have seen. We are
3 talking about way more serious than this. Like, a funeral.
4 So this is her e-mail back to me.

5 THE COURT: Why do you -- why do you take it upon
6 yourself to break this news to people?

7 MS. LEGARE: Because if I can prevent a death,
8 [REDACTED], why not --

9 THE COURT: Are you getting the message now that
10 no one likes that kind of stuff?

11 MS. LEGARE: Well, fine. But okay. But by the
12 same token, I don't want them coming back and say: You were
13 right. We had a break-in, and someone did get hurt. So
14 it's my -- all I can do is give the information. If they
15 don't want to take it, and it's already happened once, and I
16 said: That's not what I saw. That's just a warning. Get
17 yourself some security system, especially in this day and
18 age. That's all I'm saying. And if they don't want to take
19 my advice, then I'm not saying anything ever again, and I
20 don't want to hear the message when and if something does
21 happen. I've given my, what I --

22 THE COURT: Have you got anything else to say, Ms.
23 Staub?

24 THE WITNESS: Yes, sir. Thank you for listening.
25 We have taken care of my dad for 27 years, since my mom and
26 dad separated. And everything has been fine. He's been
27 living on the farm with my brother Andy. My brother Andy
28 has taken care of him as well. He's worked very closely
29 with my brother Andy. Everything has been smooth for 27
30 years. Now, all -- [REDACTED]

31 [REDACTED]
32 [REDACTED]
33 [REDACTED]

34 THE COURT: Okay.

1 THE WITNESS: [REDACTED] e

2 [REDACTED] Now, all of a sudden,
3 my dad has a fall, and she flies into Winnipeg, starts this
4 insurance claim. I really feel that she's looking to invest
5 his money, and maybe -- I know she's financially in trouble.
6 And I -- she's caused a lot of disruption in the family.

7 THE COURT: Okay.

8 THE WITNESS: And the last two months it's been a
9 nightmare. I've missed four days of work. And we just want
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 when
14 she was 19. And now she shows up, and ready to file an
15 insurance claim. Like, what's the hurry? It's all suspect.
16 She's scaring the family with all this. We want her to go
17 home. And that's basically --

18 THE COURT: Okay. Thanks. Well, you understand,
19 and I hope you understand really clearly now, that this
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, but
25 that's just the way it goes. I have my jurisdiction. And
26 this is an 810 application, under the Criminal Code. It is
27 not an application that sorts out family problems, and sorts
28 out where people go, and whether they stay away because
29 other people just don't want them around. But thank you for
30 that.

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

33
34 (WITNESS EXCUSED)