



Andrew Mercier MLA
Langley

March 31, 2021

Attorney General
PO Box 9044 Stn Prov Gov't
Victoria, BC
V8W 9E2

Re: The Experiences of Langley Constituent Kari Bateman and the Family Compensation Act

Dear Honourable David Eby,

Thank you for taking my call a few weeks ago to discuss the issue facing my constituent, Kari Bateman, with respect to the passing of her late father. This letter is in way of supplement to our phone call, to clearly lay out the issues facing my constituent.

Kari Bateman is a constituent residing in Langley. In March 2007 her father was diagnosed with pancreatic cancer, which marked the beginning of a long and difficult journey for Ms. Bateman and her family. He was 64 years old at the time. Ms. Bateman's father was waitlisted for surgery in British Columbia and ultimately received surgery at the Mayo Clinic in the United States.

The doctors whose care he was under declared him cancer-free.

He received chemotherapy under the supervision of a radiation oncologist at St. Joseph's Hospital in Bellingham in partnership with a physician at Royal Columbian in B.C. He experienced side effects from chemo on the last day of treatment. His doctor was going on vacation and advised him to make sure that he was hydrated and to attend an emergency room if he had any issues.

His health took a turn and he ended up in an emergency room in B.C. He was advised to stay over night. He passed away in the morning. According to Ms. Bateman, the ER nurse told her that the physician attending had commented that allowing her father to pass was the kindest thing to do. The ER physician maintains that Ms. Bateman's father was palliative and suffering.

Ms. Bateman has spent a great deal of time seeking justice for her father. She ultimately took the issue to the B.C. College of Physicians, where it was determined that the physician's judgement was influenced by the loss of her own brother to cancer years before. A finding of error on the part of the physician was made, but no penalty was meted out.

Ms. Bateman feels that the lack of penalty, or disincentive in the form of a legal remedy of damages, means that there is little accountability in situations of wrongful death. Further, Ms. Bateman strongly feels that the current Family Compensation Act is wholly inadequate to address the untimely loss of a loved one such as her father.

While I realize that the Ministry of the Attorney General plans to look at the issues surrounding the Family Compensation Act within this mandate, I believe it is important to hear the stories of the individuals and families affected by this issue. I understand how busy your office is and the array of external pressures faced by yourself and your team and I am incredibly grateful that you continue to take the time to hear people's stories directly.

Thank you for taking the time to read this letter, and I encourage you to reach out to Ms. Bateman who I have cc'd on our correspondence.

Yours truly,



Andrew Mercier
MLA for Langley

Cc: Kari Bateman

[Redacted contact information]