

## Life and Dignity of Aging Priest in Danger

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FOR IMMEDIATE RELEASE

PASADENA, CALIF.—A **fierce custody battle between an Arizona woman and a priest's family** threatens the life and dignity of California-based Fr. Bernard "Brian" Gallagher, 76, a **retired priest** from the Diocese of Yakima, Washington.

"In my 25 years of legal practice, I have never seen a more egregious abuse of the legal system to victimize an elderly defenseless priest," says attorney Greg Weiler, partner at Palmieri, Tyler, Wiener, Wilhelm & Waldron LLP, who represents Fr. Gallagher and his family. "I am absolutely confident that the Probate Court in Los Angeles will protect Father and award custody to his family."

Fr. Gallagher, who has **resided in California after his retirement, was placed in a remote Arizona care facility, Payson Care Center, by Apache County, Arizona, resident Imelda Guadalupe "Lupe" Kowalczyk. After repeated complaints of being treated poorly at the facility, located far from California-based family and friends, and unable to have access to the Sacraments, the frail but mentally alert priest revoked, in writing, a health care power of attorney he had assigned jointly to Kowalczyk and another person, David Picella, in 2006.**

On February 20, 2008, **only five days after this written revocation and without notification to Picella, Fr. Gallagher or his family, Kowalczyk hastily obtained Temporary Guardianship and Temporary Conservator over Fr. Gallagher from an Apache County court—although Fr. Gallagher has never lived in Arizona—claiming him to be mental incompetent.** Kowalczyk **then ordered the care facility to forbid all calls and visits to the aging priest.**

Unable to reach Fr. Gallagher by phone, **concerned friends and family drove more than 450 miles to pay a surprise visit to the Payson Care Center, located in a remote part of Arizona.** They **found Fr. Gallagher in a deplorable state, isolated in a dark room, barely clothed with only a diaper, without blankets or sheets, flat on his back with a feeding tube in his stomach and exhibiting a troubling cough.** According to Picella, an experienced nurse practitioner, **allowing a feeding tube patient to remain on his back for prolonged periods is commonly known to be dangerous since the stomach contents will spill into the esophagus and cause coughing or pneumonia.**

Additionally, the elderly priest had **lost a significant amount of weight and was experiencing severe bladder pain.** His bed was low to the ground and without guard rails to prevent a fall. **A mattress placed next to the bed, to cushion the priest patient should he fall, was filthy.**

"In all my experience of making nursing home rounds," wrote Picella, NP, Ph.D.(c), in a written legal declaration, "I have never seen such bad neglect, abuse, and outright lack of concern for a patient's well-being."

Fr. Gallagher **repeatedly begged to return to California** where he could be near family and friends, and most especially near the Sacraments. **On February 25, his request was honored. Father Gallagher checked himself out of the Arizona facility and is now under the medical care of seasoned doctors** at Pasadena's Huntington Memorial Hospital, reputed to be one of the finest medical facilities in southern California.

Within hours of arriving at Huntington Memorial, Fr. Gallagher was medically evaluated and given CAT scans and other tests. He was determined to have **acquired pneumonia from improper care** at Payson. **A final determination of other serious illness awaits further evaluation.** Currently Fr. Gallagher is resting comfortably, sustained daily by the Sacraments and regular visits of family and friends—a far cry from what one friend of Fr. Gallagher's called "a rat hole," in Arizona under Kowalczyk's directives.

**But Kowalczyk will not leave Fr. Gallagher in peace.**

**Arizona police were asked to order a return of the very weak and ill Fr. Gallagher to Arizona.** Fr. Gallagher's Pasadena doctors warned that such a move could bring about the priest's untimely death. **The police agreed to honor a Los Angeles County Superior Court stipulation that Fr. Gallagher not be moved until after court hearing regarding the priest's custody,** which is slated for Friday, March 7, 2008.

**As of Sunday, March 2, 2008, Kowalczyk again threatened to violate the court stipulation.** A restraining order against Kowalczyk may be sought in court on Monday, March 3, if the Arizona woman's attorney cannot confirm that Kowalczyk will abide by court orders that Fr. Gallagher not be moved until the March 7 hearing to determine custody.

For more information on the case, or to leave a note of encouragement for Fr. Gallagher, go to the website: [www.FrGallagher.com](http://www.FrGallagher.com).