

**COURT OF APPEAL**

**COUR D'APPEL**

**OF**

**DU**

**NEW BRUNSWICK**

**NOUVEAU-BRUNSWICK**



***List of Cases for the  
April 2008 sitting***

***Le rôle pour la session du mois  
d'avril 2008***

***Court of Appeal  
P.O. Box 6000  
Fredericton, NB  
E3B 5H1***

***Cour d'appel  
C.P. 6000  
Fredericton, (N.-B.)  
E3B 5H1***

**TUESDAY, APRIL 8 / LE MARDI 8 AVRIL**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

**(\*DRAPEAU, C.J.N.B./J.C.N.-B., TURNBULL AND/ET ROBERTSON, JJ.A.)**

- 81/07/CA**
- |    |                       |   |                          |
|----|-----------------------|---|--------------------------|
| 1. | Her Majesty The Queen | ) | <b>Mario J. Cormier,</b> |
|    | - and -               | ) | for the Appellant        |
|    | Allan Kenneth Bernard | ) | <b>Lisanne Maurice,</b>  |
|    |                       | ) | for the Respondent       |

**No. 1 Adjourned and set over to June 10, 2008, pursuant to directions of the Court/  
La date de l'audience est remise au 10 juin 2008, en vertu de la directive de la cour.**

**WEDNESDAY, APRIL 9 / LE MERCREDI 9 AVRIL**  
**9:30 a.m. / 9h30**

**COURTROOM / SALLE #6**

**(\*DRAPEAU, C.J.N.B./J.C.N.-B., LARLEE AND/ET RICHARD, JJ.A.)**

**BAR ADMISSION / ADMISSION AU BARREAU**

**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

**(\*DRAPEAU, C.J.N.B./J.C.N.-B., LARLEE AND/ET RICHARD, JJ.A.)**

- 153/07/CA**
- |    |                       |   |                                |
|----|-----------------------|---|--------------------------------|
| 2. | Shane Timothy Voeller | ) | <b>John M. Henderson,</b>      |
|    | - and -               | ) | for the Appellant              |
|    | Her Majesty The Queen | ) | <b>David W. Schermbrucker,</b> |
|    |                       | ) | for the Respondent             |
- (on appeal from 2006 NBQB 203 / en appel de 2006 NBBR 203)**

**THURSDAY, APRIL 10 / LE JEUDI 10 AVRIL**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

**(\*DRAPEAU, C.J.N.B./J.C.N.-B., LARLEE AND/ET RICHARD, J.J.A.)**

**No. 3 Adjourned and set over to April 16, 2008, pursuant to directions of the Court /  
La date de l'audience est remise au 16 avril 2008, en vertu de la directive de la cour.**

**TUESDAY, APRIL 15 / LE MARDI 15 AVRIL**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

**(\*DRAPEAU, C.J.N.B./J.C.N.-B., TURNBULL AND/ET QUIGG, J.J.A.)**

**No. 4 Notice of Discontinuance filed April 14, 2008/  
Un avis de désistement a été émis le 14 avril 2008**

**2:00 p.m. / 14h**

**COURTROOM / SALLE #8**

**(\*LARLEE, RICHARD AND/ET BELL, J.J.A.)**

<b>157/07/CA</b>		
22. Gilles Godin	)	<b>Gilles Godin,</b>
- et -	)	<b>per se</b>
Sa Majesté la Reine	)	<b>Sébastien A. Michaud,</b>
	)	<b>avocat de l'intimée</b>

**2:30 p.m. / 14h30**

**COURTROOM / SALLE #8**

**VIDEO CONFERENCE / VIDÉO CONFÉRENCE**

**Bathurst Courthouse, 254 St Patrick Street, 2<sup>nd</sup> Floor, Courtroom "A" /  
Palais de Justice – Bathurst, 254 rue St. Patrick, 2<sup>ième</sup> étage, Salle « A »**

**(DAIGLE, \*RICHARD AND/ET BELL, JJ.A.)**

**112/07/CA**

5. René's Service and Trailer Sales ) **Daniel P.L. Leger,**  
Ltd., a body corporate ) for the Appellant  
- and - ) **René Arseneault,**  
Daniel Savoie and ) for the Respondents  
Marie Josee Savoie )  
(on appeal from 2007 NBQB 229 / en appel de 2007 NBBR 229)

**WEDNESDAY, APRIL 16 / LE MERCREDI 16 AVRIL**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

**(\*DRAPEAU, C.J.N.B./J.C.N.-B., LARLEE AND/ET RICHARD, JJ.A.)**

**5-08-CA**

3. Jesse Michael Joe ) **M. Aloysius Hayes,**  
- and - ) for the Appellant  
Her Majesty The Queen ) **John J. Walsh, Q.C. and**  
 ) **Jean-Guy Savoie,**  
 ) for the Respondent

10:00 a.m. / 10h

**COURTROOM / SALLE #8**

**(\*ROBERTSON, BELL AND/ET QUIGG, J.J.A.)**

**137/07/CA**

6. André Isabelle ) **Lee McKeigan-Dempsey,**  
- and - ) for the Appellant  
The Royal Bank of Canada and ) **Hugh J. Cameron,**  
A.C. Poirier & Associates Inc., ) for the Respondents  
(on appeal from 2007 NBQB 287 / en appel de 2007 NBBR 287)

**TUESDAY and WEDNESDAY APRIL 22 and 23 /  
LE MARDI et MERCREDI 22 et 23 AVRIL  
10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

**(DAIGLE, \*LARLEE AND/ET ROBERTSON, J.J.A.)**

**142/06/CA**

7. New Brunswick Power ) **Kenneth B. McCulloch, Q.C.,**  
Holding Corporation ) for the Appellant  
- and - ) **David S. Morritt,**  
Westinghouse Canada Inc. ) **Sonia Bjorkquist and**  
) **Derek Ronde,**  
) for the Respondent  
(on appeal from 2006 NBQB 370 / en appel de 2006 NBBR 370)

**WEDNESDAY APRIL 23 / LE MERCREDI 23 AVRIL  
2:00 p.m. / 14h**

**COURTROOM / SALLE #8**

**(TURNBULL, \*LARLEE AND/ET ROBERTSON, J.J.A.)**

**No.8 Removed pursuant to Notice of Abandonment dated March 26, 2008 /  
Un avis d'abandon en date du 26 mars 2008.**

**THURSDAY, APRIL 24 / LE JEUDI 24 AVRIL**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

**(\*DRAPEAU, C.J.N.B./J.C.N.-B., TURNBULL AND/ET DESCHÊNES, J.J.A.)**

**57/07/CA**

9. Great-West Life Assurance ) **André G. Richard, Q.C.,**  
Company ) for the Appellant  
- and - ) **Mark S. Sheehan,**  
Beatrice Wilson ) for the Respondent  
(on appeal from 2007 NBQB 108 / en appel de 2007 NBBR 108)

**TUESDAY, APRIL 29 / LE MARDI 29 AVRIL**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #8**

**(TURNBULL, \*LARLEE AND/ET BELL, J.J.A.)**

**41/07/CA**

10. Elizabeth Wilbur ) **William G. Stephenson,**  
- and - ) for the Appellant  
William G. West ) **Gregory E. Murphy,**  
) for the Respondent  
(on appeal from 2007 NBQB 67, varied by 2007 NBQB 95 /  
en appel de 2007 NBBR 67, modifié par 2007 NBBR 95)

**42/07/CA**

11. Kelly Fletcher and Godiva ) **Mark S. Sheehan,**  
Holdings Ltd. ) for the Appellants  
- and - ) **Gregory E. Murphy,**  
William G. West ) for the Respondent  
(on appeal from 2007 NBQB 67, varied by 2007 NBQB 95 /  
en appel de 2007 NBBR 67, modifié par 2007 NBBR 95)

**WEDNESDAY, APRIL 30 / LE MERCREDI 30 AVRIL**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

**(\*RICHARD, BELL AND/ET QUIGG, J.J.A.)**

**No. 12 Removed and set over to the remanet list, pursuant to directions of The Court/  
La date de l'audience est remise sans date fixée au remanet, en vertu de la directive de la  
cour.**

**TUESDAY, MAY 13 / LE MARDI 13 MAI**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

**105/07/CA**  
13. Her Majesty The Queen ) **Monica G. McQueen,**  
- and - ) *for the Appellant*  
Ronald James Perry and ) **James J. Matheson,**  
Donna Kelly Richard ) *for the Respondents*

**107/07/CA**  
14. Her Majesty The Queen ) **Monica G. McQueen,**  
- and - ) *for the Appellant*  
Ronald James Perry and ) **James J. Matheson,**  
Donna Kelly Richard ) *for the Respondents*

**THURSDAY, MAY 22 / LE JEUDI 22 MAI**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

**10-08-CA**  
15. Imperial Oil ) **David D. Eidt,**  
- and - ) *for the Appellant*  
Her Majesty The Queen, in right ) **Harvey Morrison, Q.C.**  
of the Province of New Brunswick ) **and Ann Marie McDonald,**  
as represented by the Minister ) *for the Respondent*  
of Finance )  
(on appeal from 2007 NBQB 422 / en appel de 2007 NBBR 422)

**WEDNESDAY, JUNE 11 / LE MERCREDI 11 JUIN**  
**10:00 a.m. / 10 h**

**COURTROOM / SALLE #6**

**BAR ADMISSION / ADMISSION AU BARREAU**



**WEDNESDAY, OCTOBER 15 / LE MERCREDI 15 OCTOBRE**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

**73/07/CA**

16. Cherubini Metal Works Limited ) **George W. MacDonald, Q.C.,**  
- and - ) **and Eric LeDrew,**  
New Brunswick Power ) **for the Appellant**  
Corporation ) **Kenneth B. McCulloch, Q.C.,**  
) **for the Respondent**  
(On appeal from 2007 NBQB 157/ en appel de 2007 NBBR 157)

**REMANET**

**71/07/CA**

12. Richard Alan King ) **Brian D. Munro,**  
- and - ) **for the Appellant**  
Her Majesty The Queen ) **Hilary J.A. Drain, Q.C. and**  
) **Kenneth L. Oliver,**  
) **for the Respondent**

**62/06/CA**

17. Roy Murray ) **Roy Murray,**  
- and - ) **per se**  
Her Majesty The Queen ) **Jeffrey L. Mockler, Q.C.,**  
) **for the Respondent**

**180/07/CA**

18. David Arthur McKnight and ) **James M. Barry,**  
Kim Marie Polar-McKnight ) **for the Appellants**  
- and - ) **Mary Ann G. Holland,**  
Mary Elizabeth Grant ) **for the Respondent**  
(on appeal from 2007 NBQB 416 / en appel de 2007 NBBR 416)

**85/07/CA**

19. Peter Wallace ) **Joseph E. Cantini,**  
- and - ) **for the Appellant**  
Emile Joseph Thibodeau ) **Peter M. Rogers and**  
) **Denis G. Thériault,**  
) **for the Respondent**  
(on appeal from 2007 NBQB 172 / en appel de 2007 NBBR 172)

**3-08-CA**

20. Gerald Gaudet ) **George A. McAllister,**  
- and - ) *for the Appellant*  
The Acting Superintendent of ) **Nancy E. Forbes,**  
Insurance, David Weir ) *for the Respondent*  
(on appeal from 2007 NBQB 417 / en appel de 2007 NBBR 417)

**(DAIGLE, \*LARLEE AND/ET ROBERTSON, J.J.A.)**

**100/05/CA**

21. Richard A. Harris ) **David H. Dunsmuir,**  
- and - ) *for the Appellant*  
Her Majesty The Queen in right ) **David D. Eidt,**  
of the Province of New Brunswick) *for the Respondent*  
as represented by the Minister of )  
Transportation )  
(on appeal from 2005 NBQB 197 / en appel de 2005 NBBR 197)