

COURT OF APPEAL

COUR D'APPEL

OF

DU

NEW BRUNSWICK

NOUVEAU-BRUNSWICK



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

***Le rôle pour la session du mois
de février 2008***

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

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

TUESDAY, FEBRUARY 12 / LE MARDI 12 FÉVRIER
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. | <i>Her Majesty The Queen</i> |) | Mario J. Cormier, |
| | - and - |) | <i>for the Appellant</i> |
| | <i>Allan Kenneth Bernard</i> |) | Allan Kenneth Bernard, |
| | |) | <i>per se</i> |

2:00 p.m. / 14h

COURTROOM / SALLE #6

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

89/07/CA

- | | | | |
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| 2. | <i>The Minister of Family and</i> |) | Jill Knee, |
| | <i>Community Services</i> |) | <i>for the Appellant</i> |
| | - and - |) | Richard J. Albert, |
| | <i>S.(B).</i> |) | <i>for the Respondent</i> |

WEDNESDAY, FEBRUARY 13 / LE MERCREDI 13 FÉVRIER
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

100/05/CA

- | | | | |
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| 3. | <i>Richard A. Harris</i> |) | David H. Dunsmuir, |
| | - and - |) | <i>for the Appellant</i> |
| | <i>Her Majesty The Queen in right</i> |) | David D. Eidt, |
| | <i>of the Province of New Brunswick</i> |) | <i>for the Respondent</i> |
| | <i>as represented by the Minister of</i> |) | |
| | <i>Transportation</i> |) | |
| | <i>(on appeal from 2005 NBQB 197 / en appel de 2005 NBBR 197)</i> |) | |

2:00 p.m. / 14 h

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

	123/07/CA		
4.	Duane Guay)	Margaret Gallagher,
	- and -)	for the Appellant
	Her Majesty The Queen)	Cameron H. Gunn,
)	for the Respondent

THURSDAY, FEBRUARY 14 / LE JEUDI 14 FÉVRIER
10:00 a.m. / 10h

COURTROOM / SALLE #8

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

**No.5 Removed pursuant to Notice of Abandonment dated January 31, 2008 /
 Un avis d'abandon en date du 31 janvier 2008.**

**No.6 Removed pursuant to Notice of Abandonment dated February 8, 2008 /
 Un avis d'abandon en date du 8 février 2008.**

COURTROOM / SALLE #6

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

	170/07/CA		
7.	Sa Majesté la Reine)	Joanne Durette,
	- et -)	avocate de l'appelant
	Guy Robichaud)	Lucien L. LeBlanc,
)	avocat de l'intimé

**No. 8 Adjourned 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, FEBRUARY 19 / LE MARDI 19 FÉVRIER
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

148/07/CA

9. *Euclide Cormier Plumbing and Heating Inc. and Economical Mutual Insurance Company,*) **Danys R.X. Delaquis,**
added pursuant to Section 104.1) *for the Appellants*
of the Insurance Act, R.S.N.B.) **Edwin G. Ehrhardt, Q.C.,**
1973, c. I-12 as amended) *for the Respondent,*
- and -) *Canada Post Corporation*
Canada Post Corporation and) **J. Paul M. Harquail,**
Irving Oil Company, Limited and) *for the Respondents,*
Irving Oil Limited) *Irving Oil Company,*
(on appeal from 2007 NBQB 328 / en appel de 2007 NBBR 328)) *Limited and Irving Oil Limited*

COURTROOM / SALLE #6

2:00 p.m. / 14h

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

138/07/CA

10. *Ian Fraser*) **A. Gordon Shepard,**
- and -) *for the Appellant*
Alan Haines) **Richard B. Costello, Q.C.**
) **and Marco R. Cloutier,**
) *for the Respondent*
(on appeal from 2007 NBQB 285 / en appel de 2007 NBBR 285)

**WEDNESDAY and THURSDAY FEBRUARY 20 and 21 /
LE MERCREDI et JEUDI 20 et 21 FÉVRIER
10:00 a.m. / 10h**

COURTROOM / SALLE #8

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

4/07/CA

11. The Corporation of the City of) **Howard A. Spalding, Q.C.**
Moncton) **and Enrico Scichilone,**
- and -) **for the Appellant**
Benoit Landry et al.) **Charles A. LeBlond, Q.C.**
) **and Melanie L. Cassidy,**
) **for the Respondent**
(on appeal from 2006 NBQB 430 / en appel de 2006 NBBR 430)

**TUESDAY, WEDNESDAY and THURSDAY, FEBRUARY 26, 27
and 28 / LE MARDI, MERCREDI et JEUDI 26, 27 et 28 FÉVRIER
10:00 a.m. / 10h**

COURTROOM / SALLE #6

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

52/07/CA

12. Brian Adams et al (Les Fermes) **John C. Friel, Q.C.**
Gervais Inc., François Ouellette,) **and Thomas G. O'Neil, Q.C.,**
Ouellette Seed Farm Ltd., and) **for the Appellants**
Albright Farms Ltd.),) **David W. Hooley, Q.C.**
- and -) **and Edward W. Keyes,**
Ben Borrel, John McDonald and) **for the Respondents**
The Attorney General of Canada)
(on appeal from 2007 NBQB 102 / en appel de 2007 NBBR 102)

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

COURTROOM / SALLE #8

VIDEO CONFERENCE / VIDÉO CONFÉRENCE

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

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

112/07/CA

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| 14. | René's Service and Trailer Sales)
Ltd., a body corporate)
- and -)
Daniel Savoie and Marie-Josee)
Savoie)
(on appeal from 2007 NBQB 229 / en appel de 2007 NBBR 229) |) Daniel P.L. Leger,
) for the Appellant
) René Arseneault,
) for the Respondents |
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**TUESDAY and WEDNESDAY APRIL 22 and 23 /
 LE MARDI et MERCREDI 22 et 23 AVRIL**
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

142/06/CA

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| 16. | New Brunswick Power)
Holding Corporation)
- and -)
Westinghouse Canada Inc.)
)
)
(on appeal from 2006 NBQB 370 / en appel de 2006 NBBR 370) |) Kenneth B. McCulloch, Q.C.,
) for the Appellant
) David S. Morritt,
) Sonia Bjorkquist and
) Derek Ronde,
) for the Respondent |
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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

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| 11. | 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 and WEDNESDAY, APRIL 29 and 30 /
LE MARDI et MERCREDI 29 et 30 AVRIL
10:00 a.m. / 10h

COURTROOM / SALLE #6

41/07/CA

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| 17. | 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

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| 18. | 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) | | |

REMANET**(DAIGLE, *RICHARD AND/ET BELL, J.J.A.)****71/07/CA**

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| 8. | 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

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| 19. | Roy Murray |) | Roy Murray, |
| | - and - |) | per se |
| | Her Majesty The Queen |) | Iain R. W. Hollett, |
| | |) | for the Respondent |

137/07/CA

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| 20. | 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 Respondent |
| | (on appeal from 2007 NBQB 287 / en appel de 2007 NBBR 287) | | |

105/07/CA

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| 21. | 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

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| 22. | Her Majesty The Queen |) | Monica G. McQueen, |
| | - and - |) | for the Appellant |
| | Ronald James Perry and |) | James J. Matheson, |
| | Donna Kelly Richard |) | for the Respondents |