

COURT OF APPEAL

COUR D'APPEL

OF

DU

NEW BRUNSWICK

NOUVEAU-BRUNSWICK



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

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

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

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

TUESDAY, JANUARY 8 / LE MARDI 8 JANVIER
9:30 a.m. / 9h30

COURTROOM / SALLE #6

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

BAR ADMISSION / ADMISSION AU BARREAU

10:00 a.m. / 10h

COURTROOM / SALLE #6

**Justice Building, 427 Queen Street, Fredericton, NB /
Palais de Justice – 427, rue Queen, Fredericton, N.-B.**

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

93/07/CA

- | | | | |
|----|-----------------------------|---|--------------------------------|
| 1. | Le ministre des Services |) | Rita Godin, |
| | familiaux et communautaires |) | avocate de l'appelant |
| | - et - |) | Jonathan Roch Noël, |
| | L.J.B et R.D. |) | avocat de l'intimée, |
| | - et - |) | L.J.B. |
| | A.B. et D.B. |) | R.D., |
| | |) | per se |
| | |) | Prisca Levesque, |
| | |) | avocate des enfants |
| | |) | Carole Sirois-Paquette, |
| | |) | avocate de l'intimés, |
| | |) | A.B. et D.B. |

164/07/CA

- | | | | |
|-----|-----------------------------|---|--------------------------------|
| 28. | Le ministre des Services |) | Rita Godin, |
| | familiaux et communautaires |) | avocate de l'appelant |
| | - et - |) | Jonathan Roch Noël, |
| | L.J.B et R.D. |) | avocat de l'intimée, |
| | - et - |) | L.J.B. |
| | A.B. et D.B. |) | R.D., |
| | |) | per se |
| | |) | Prisca Levesque, |
| | |) | avocate des enfants |
| | |) | Carole Sirois-Paquette, |
| | |) | avocate de l'intimés, |
| | |) | A.B. et D.B. |

174/07/CA

29.	Le ministre des Services	)	Rita Godin,
	familiaux et communautaires	)	avocate de l'appelant
	- et -	)	Jonathan Roch Noël,
	L.J.B et R.D.	)	avocat de l'intimée,
	- et -	)	L.J.B.
	A.B. et D.B.	)	R.D.,
		)	per se
		)	Prisca Levesque,
		)	avocate des enfants
		)	Carole Sirois-Paquette,
		)	avocate de l'intimés,
		)	A.B. et D.B.

**Justice Building, 427 Queen Street, Fredericton, NB /
Palais de Justice – 427, rue Queen, Fredericton, N.-B.**

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

156/07/CA

2.	A.H.	)	Carley Parish,
	- and -	)	for the Appellant
	M.H.	)	Richard J. Albert,
		)	for the Respondent

2:00 p.m. / 14h

COURTROOM / SALLE #6

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

**No. 3 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.**

WEDNESDAY, JANUARY 9 / LE MERCREDI 9 JANVIER
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

138/06/CA

4.	Charlene Winmill	)	Margaret Gallagher,
	- and -	)	for the Appellant
	Her Majesty The Queen	)	Jeffrey L. Mockler, Q.C.,
And Between:		)	for the Respondent
	Her Majesty The Queen	)	Jeffrey L. Mockler, Q.C.,
	- and -	)	for the Appellant
	Charlene Winmill	)	Margaret Gallagher,
		)	for the Respondent

THURSDAY, JANUARY 10 / LE JEUDI 10 JANVIER
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

121/07/CA

5.	Joel Jon Post	)	Joel Jon Post,
	- and -	)	per se
	Her Majesty The Queen	)	Lucie Mathurin-Ring,
		)	for the Respondent

**No.6 removed pursuant to Notice of Abandonment dated January 8, 2008 /
 Un avis d'abandon en date du 8 janvier 2008.**

TUESDAY, JANUARY 15 / LE MARDI 15 JANVIER
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

90/07/CA

- | | | | |
|---|-----------------------|---|------------------------------|
| 7 | Kayne Crothers |) | Mélanie Tremblay, |
| | - and - |) | for the Appellant |
| | Her Majesty The Queen |) | Sébastien A. Michaud, |
| | |) | for the Respondent |
- (on appeal from 2007 NBQB 237 / en appel de 2007 NBBR 237)

118/07/CA

- | | | | |
|----|------------------------|---|--------------------------------|
| 8. | Christopher David Paul |) | Christopher David Paul, |
| | - and - |) | per se |
| | Her Majesty The Queen |) | John J. Walsh, Q.C., |
| | |) | for the Respondent |

COURTROOM / SALLE #8

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

122/07/CA

- | | | | |
|----|---------------|---|----------------------------------|
| 9. | Armand Losier |) | Denys Saindon, |
| | - et - |) | avocat de l'appelant |
| | CSSIAT |) | Charles A. LeBlond, c.r., |
| | |) | avocat de l'intimée |

151/07/CA

- | | | | |
|-----|----------------------------------|---|----------------------------------|
| 10. | Benoit Bossé |) | Frédéric J. Soucy, |
| | - et - |) | avocat de l'appelant |
| | La Province du Nouveau- |) | Charles A. LeBlond, c.r., |
| | Brunswick (La commission de la |) | avocat de l'intimée |
| | santé, de la sécurité et de |) | |
| | l'indemnisation des accidents au |) | |
| | travail) |) | |

WEDNESDAY, JANUARY 16 / LE MERCREDI 16 JANVIER
10:00 a.m. / 10h

COURTROOM / SALLE #8

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

**No. 11 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.**

COURTROOM / SALLE #6

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

69/07/CA

- | | | | |
|-----|-----------------------|---|------------------------------------|
| 12. | Mark Todd McLaughlin |) | Mark Todd McLaughlin, |
| | - and - |) | per se |
| | Her Majesty The Queen |) | Catherine S. McNally, Q.C., |
| | |) | for the Respondent |

161/06/CA

- | | | | |
|-----|-----------------------------|---|------------------------------|
| 13. | Anique Ginette Marie Comeau |) | Tracy N. Bock, |
| | - and - |) | for the Appellant |
| | Her Majesty The Queen |) | Anthony Allman, Q.C., |
| | |) | for the Respondent |
- (on appeal from 2007 NBQB 036 / en appel de 2007 NBBR 036)

TUESDAY, JANUARY 22 / LE MARDI 22 JANVIER
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

60/07/CA

- | | | | |
|-----|---------------------|---|----------------------------|
| 14. | Allain J. Paquet |) | Lyne Raymond, |
| | - et - |) | avocate de l'appelant |
| | Sa Majesté la Reine |) | François T. Doucet, |
| | |) | avocat de l'intimée |
- (on appeal from 2007 NBQB 118 / en appel de 2007 NBBR 118)

- 130/07/CA**
- | | | | |
|-----|---------------------|---|---------------------------|
| 15. | Sa Majesté la Reine |) | Monica G. McQueen, |
| | - et - |) | avocate de l'appelante |
| | Serge Vary |) | Hazen L. Brien, |
| | |) | for the Respondent |

THURSDAY, JANUARY 24 / LE JEUDI 24 JANVIER
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

- 115/06/CA**
- | | | | |
|-----|---------------------|---|----------------------------------|
| 16. | Rodolphe Kla |) | Hélène L. Beaulieu, c.r., |
| | - et - |) | avocate de l'appelant |
| | Sa Majesté la Reine |) | Annie St-Jacques, |
| | |) | avocate de l'intimée |

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

- 83/07/CA**
- | | | | |
|-----|--|---|------------------------------|
| 17. | Ruth Veno |) | George A. McAllister, |
| | - and - |) | for the Appellant |
| | United General Insurance |) | Monika M.L. Zauhar, |
| | Corporation |) | for the Respondent |
| | (on appeal from 2007 NBQB 212 / en appel de 2007 NBBR 212) | | |

WEDNESDAY, JANUARY 30 / LE MERCREDI 30 JANVIER
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

- 83/06/CA**
- | | | | |
|-----|--|---|-------------------------|
| 18. | Marc Langlais |) | Marc Langlais, |
| | - et - |) | per se |
| | Sa Majesté la Reine |) | Stephen J. Holt, |
| | |) | avocat de l'intimée |
| | (on appeal from 2006 NBQB 215 / en appel de 2006 NBBR 215) | | |

THURSDAY, JANUARY 31 / LE JEUDI 31 JANVIER
10:00 a.m. / 10h

FEDERAL COURT BUILDING / COUR FÉDÉRALE
82, RUE WESTMORLAND STREET
FREDERICTON, NB

COURTROOM / SALLE #1

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

131/06/CA

- | | | |
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| 19. | 512842 N.B. Inc., Roger Landry,)
Cape Bald Packers Limited,)
Patrice Landry and Denis Carrier)
- and -)
Delphinium Ltee and Louis)
Schofield)
(on appeal from 2006 NBQB 346 / en appel de 2006 NBBR 346) | David N. Rogers,
for the Appellants
Christian E. Michaud,
for the Respondents |
|-----|--|--|

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

100/05/CA

- | | | |
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| 26. | Richard A. Harris)
- and -)
Her Majesty The Queen in right)
of the Province of New Brunswick)
as represented by the Minister of)
Transportation)
(on appeal from 2005 NBQB 197 / en appel de 2005 NBBR 197) | David H. Dunsmuir,
for the Appellant
David D. Eidt,
for the Respondent |
|-----|---|---|

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

170/07/CA

- | | | |
|-----|---|---|
| 26. | Sa Majesté La Reine)
- et -)
Guy Robichaud)
) | Joanne Durette,
avocate de l'appelant
Guy Robichaud
per se |
|-----|---|---|

**WEDNESDAY and THURSDAY FEBRUARY 20 and 21 /
LE MERCREDI et JEUDI 20 et 21 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.)

4/07/CA

20. 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

21. 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)

REMANET

- 62/06/CA**
22. Roy Murray) **Roy Murray,**
 - and -) *per se*
 Her Majesty The Queen) **Iain R. W. Hollett,**
) *for the Respondent*
- 9/07/CA**
23. John Lempen) **John Lempen,**
 - and -) *per se*
 Her Majesty The Queen) **Paul B. Adams,**
) *for the Respondent*
(on appeal from 2006 NBQB 170 / en appel de 2006 NBBR 170)
- 148/07/CA**
24. Euclide Cormier Plumbing and) **Danys R.X. Delaquis,**
 Heating Inc. and Economical) *for the Appellants*
 Mutual Insurance Company,) **Edwin G. Ehrhardt, Q.C.,**
 added pursuant to Section 104.1) *for the Respondent,*
 of the Insurance Act, R.S.N.B.) *Canada Post Corporation*
 1973, c. I-12 as amended) **J. Paul M. Harquail,**
 - and -) *for the Respondents,*
 Canada Post Corporation and) *Irving Oil Company,*
 Irving Oil Company, Limited and) *Limited and Irving Oil*
 Irving Oil Limited) *Limited*
(on appeal from 2007 NBQB 328 / en appel de 2007 NBBR 328)
- 138/07/CA**
25. Ian Frasier) **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)

TUESDAY, FEBRUARY 12 / LE MARDI 12 FÉVRIER**(*TURNBULL, ROBERTSON AND/ET BELL, J.J.A.)**

- 89/07/CA**
3. The Minister of Family and) **David R. Colwell,**
 Community Services) *for the Appellant*
 - and -) **Margaret F. Layden,**
 S.(B).) *for the Respondent*

**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**
- | | | | |
|-----|--------------------------|---|------------------------------------|
| 27. | 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)

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**
- | | | | |
|-----|---------------------------|---|--------------------------------|
| 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)