

**COURT OF APPEAL**

**COUR D'APPEL**

**OF**

**DU**

**NEW BRUNSWICK**

**NOUVEAU-BRUNSWICK**



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

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

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

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

**TUESDAY, JUNE 10 / LE MARDI 10 JUIN**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #8**

**(\*DRAPEAU, C.J.N.B./J.C.N.-B., LARLEE AND/ET ROBERTSON, J.J.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       |

**167/07/CA**

- |    |                       |   |                           |
|----|-----------------------|---|---------------------------|
| 2. | Her Majesty The Queen | ) | <b>Rémi J. Allard,</b>    |
|    | - and -               | ) | for the Appellant         |
|    | Prudence MacNeil      | ) | <b>Johanne M. Landry,</b> |
|    |                       | ) | for the Respondent        |

**COURTROOM / SALLE #6**

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

**56/07/CA**

- |    |  |   |                             |
|----|--|---|-----------------------------|
| 3. | Garth Patrick Donovan and                                  | ) | <b>Randall G. Maillet,</b>  |
|    | Jerard John Donovan  | ) | for the Appellants          |
|    | - and -  | ) | <b>John J. Walsh, Q.C.,</b> |
|    | Her Majesty The Queen                                      | ) | for the Respondent          |
|    | (on appeal from 2007 NBQB 145 / en appel de 2007 NBBR 145) |   |                             |

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

**COURTROOM / SALLE #6**

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

**11-08-CA**

- |   |                       |   |                              |
|---|-----------------------|---|------------------------------|
| 4 | Brian Lester Edgett   | ) | <b>Brian Lester Edgett,</b>  |
|   | - and -               | ) | per se                       |
|   | Her Majesty The Queen | ) | <b>Kelly Ann Winchester,</b> |
|   |                       | ) | for the Respondent           |

**WEDNESDAY, JUNE 11 / LE MERCREDI 11 JUIN**  
**9:00 a.m. / 9h**

**COURTROOM / SALLE #6**

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

**BAR ADMISSION / ADMISSION AU BARREAU**

**THURSDAY, JUNE 12 / LE JEUDI 12 JUIN**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

- 165/07/CA**
5. John Rodney Milton ) **Rodney J. Gillis, Q.C.,**  
- and - ) **for the Appellant**  
Beverly Jean Milton ) **Allison Whitehead, Q.C.,**  
) **for the Respondent**  
(on appeal from 2007 NBQB 363 / en appel de 2007 NBBR 363)

**FRIDAY, JUNE 13 / LE VENDREDI 13 JUIN**  
**9:00 a.m. / 9 h**

**COURTROOM / SALLE #8**

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

**No. 6 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, JUNE 17 / LE MARDI 17 JUIN**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

**BAR ADMISSION / ADMISSION AU BARREAU**

**71/07/CA**

- |    |                              |   |                                    |
|----|------------------------------|---|------------------------------------|
| 7. | <i>Richard Alan King</i>     | ) | <b>Brian D. Munro,</b>             |
|    | <i>- and -</i>               | ) | <i>for the Appellant</i>           |
|    | <i>Her Majesty The Queen</i> | ) | <b>Hilary J.A. Drain, Q.C. and</b> |
|    |                              | ) | <b>Kenneth L. Oliver,</b>          |
|    |                              | ) | <i>for the Respondent</i>          |

**TUESDAY, JUNE 24 / LE MARDI 24 JUIN**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

**2-08-CA**

- |    |                              |   |                                    |
|----|------------------------------|---|------------------------------------|
| 8. | <i>Flossie Corey</i>         | ) | <b>Joyce M.A. Richardson,</b>      |
|    | <i>- and -</i>               | ) | <i>for the Appellant</i>           |
|    | <i>Her Majesty The Queen</i> | ) | <b>C. Gabriel Bourgeois, Q.C.,</b> |
|    |                              | ) | <i>for the Respondent</i>          |

**THURSDAY, AUGUST 14 / LE JEUDI 14 AOÛT**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

**172/07/CA**

16.	Benjamin Dionne	)	<b>Benjamin Dionne</b>
	- and -	)	for the Applicant
	Canada (Minister of Justice)	)	<b>Theodore K. Tax,</b>
		)	for the Respondent

**WEDNESDAY and THURSDAY, SEPTEMBER 10 and 11 /**  
**LE MERCREDI et JEUDI, 10 et 11 SEPTEMBRE**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

**14-08-CA**

9.	State Farm Mutual Automobile	)	<b>Richard B. Costello, Q.C.</b>
	Insurance Company	)	and <b>Peter M. Rogers,</b>
	- and -	)	for the Appellant
	Privacy Commissioner of Canada)	)	<b>Frederick C. McElman, Q.C.,</b>
	and Attorney General of Canada )	)	for the Respondent,
		)	Privacy Commissioner
		)	of Canada
		)	<b>Corinne Bedford,</b>
		)	for the Respondent,
		)	Attorney General of Canada

(on appeal from 2008 NBQB 33 / en appel de 2008 NBBR 33)

**THURSDAY, SEPTEMBER 25 / LE JEUDI 25 SEPTEMBRE**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #8**

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

**180/07/CA**

11. 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)

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

**COURTROOM / SALLE #6**

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

**73/07/CA**

12. 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)

**COURTROOM / SALLE #8**

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

**100/05/CA**

13. 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)

**WEDNESDAY and THURSDAY, NOVEMBER 19 & 20 /  
LE MERCREDI et JEUDI 19 et 20 NOVEMBRE  
10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

- 160/07/CA**
10. Law Society of New Brunswick ) **Richard B. Costello, Q.C. and**  
- and - ) **Richard J. Scott, Q.C.,**  
FCT Insurance Company, ) *for the Appellant*  
carrying on business as First ) **Harry Underwood,**  
Canadian Title, and First ) **Awanish Sinha and**  
Canadian Title, Company Limited ) **Barry R. Morrison, Q.C.,**  
) *for the Respondents*  
(on appeal from 2007 NBQB 347 / en appel de 2007 NBBR 347)

**REMANET**

- 62/06/CA**
14. Roy Murray ) **Roy Murray,**  
- and - ) *per se*  
Her Majesty The Queen ) **Jeffrey L. Mockler, Q.C.,**  
) *for the Respondent*
- 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)
- 26-08-CA**
6. Linda Davis and Thomas Davis ) **Edwin G. Ehrhardt, Q.C.**  
- and - ) *for the Appellants*  
Barbara MacKenzie ) **Peter F. Blair, Q.C.**  
) *for the Respondent*  
(on appeal from 2008 NBQB 083 / en appel de 2008 NBBR 083)