

REVISED/MODIFIÉ 03/25/2008
NUMBER/NUMÉRO 6

COURT OF APPEAL

COUR D'APPEL

OF

DU

NEW BRUNSWICK

NOUVEAU-BRUNSWICK



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

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

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

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

TUESDAY, MARCH 11 / LE MARDI 11 MARS
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

MOTIONS PURSUANT TO RULE 63.22/
MOTIONS EN VERTU DU RÈGLE 63.22

108/07/CA

- | | | | |
|----|-------------------------|---|--------------------------|
| 1. | Robert Leslie O'Donnell |) | Randy G. Maillet, |
| | - and - |) | for the Appellant |
| | Her Majesty The Queen |) | Aleacia Bennett, |
| | |) | for the Respondent |

146/06/CA

- | | | | |
|----|-----------------------|---|---------------------------------|
| 2. | Ivan Walsh |) | Randy G. Maillet, |
| | - and - |) | for the Appellant |
| | Her Majesty The Queen |) | Hilary J.A. Drain, Q.C., |
| | |) | for the Respondent |

78/07/CA

- | | | | |
|----|-----------------------|---|---------------------------------|
| 3. | Arnold Kenneth Lynds |) | Randy G. Maillet, |
| | - and - |) | for the Appellant |
| | Her Majesty The Queen |) | Hilary J.A. Drain, Q.C., |
| | |) | for the Respondent |

114/07/CA

- | | | | |
|----|-----------------------|---|-----------------------------|
| 4. | Robert O'Kane |) | M. Aloysius Hayes, |
| | - and - |) | for the Appellant |
| | Her Majesty The Queen |) | John J. Walsh, Q.C., |
| | |) | for the Respondent |
- (on appeal from 2007 NBQB 239 / en appel de 2007 NBBR 239)

No. 5 Adjourned set over to April 15, 2008, pursuant to directions of Court/La date de l'audience est remise au 15 avril 2008, en vertu de la directive de la cour.

WEDNESDAY, MARCH 12 / LE MERCREDI 12 MARS
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

- 155/07/CA**
6. **H.J.L.B.**) **James H. McCue,**
- and -) **for the Appellant**
Her Majesty The Queen) **Kenneth L. Oliver,**
) **for the Respondent**

2:00 p.m. / 14 h

COURTROOM / SALLE #8

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

- 178/07/CA**
7. **VE Networks Canada, Inc., VE**) **R. Bruce Johnson,**
Networks, Inc. and Brian Flood) **for the Appellants**
- and -) **Douglas A.M. Evans, Q.C.,**
Patterson Palmer and Peter R.) **for the Respondents**
Forestell)
(on appeal from 2007 NBQB 384/ en appel de 2007 NBBR 384)

THURSDAY, MARCH 13 / LE JEUDI 13 MARS
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

**No.8 Removed pursuant to Notice of Abandonment dated March 11, 2008 /
Un avis d'abandon en date du 11 mars 2008.**

FRIDAY, MARCH 14 / LE VENDREDI 14 MARS
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

19-08-/CA

27.	<i>In the Matter of Section 696.1 of the Criminal Code S.C. 2002, C.13; and In the Matter of a Reference By the Minister of Justice to the Court of Appeal for New Brunswick, Pursuant to Section 696.1 of the Criminal Code, Upon an Application by Erin Walsh Who Was Convicted In St. John, New Brunswick, On October 17, 1975 of One Count of Non-Capital Murder</i>)	James Lockyer, Philip Campbell, Sean T. MacDonald and Gus F. Camelino for the Appellant Jeffrey L. Mockler, Q.C., for the Respondent
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WEDNESDAY, MARCH 19 / LE MERCREDI 19 MARS
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

125/07/CA

9.	<i>Daniel Chiasson - and - Her Majesty The Queen</i>)	Daniel Chiasson, per se C. Gabriel Bourgeois, Q.C., for the Respondent
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THURSDAY, MARCH 20 / LE JEUDI 20 MARS
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

9/07/CA

10. John Lempen) **Graham J. Sleeth, Q.C.,**
- and -) **for the Appellant**
Her Majesty The Queen) **Mark J. Covan,**
) **for the Respondent**
(on appeal from 2006 NBQB 170 / en appel de 2006 NBBR 170)

TUESDAY, MARCH 25 / LE MARDI 25 MARS
10:00 a.m. / 10h

COURTROOM / SALLE #6

(DAIGLE, TURNBULL AND/ET *RICHARD J.J.A.)

117/07/CA

11. Michael W. Kennedy) **Michael W. Kennedy,**
- and -) **per se**
HSBC Bank of Canada) **Hugh J. Cameron,**
) **for the Respondent**
(on appeal from 2007 NBQB 233 / en appel de 2007 NBBR 233)

WEDNESDAY, MARCH 26 / LE MERCREDI 26 MARS
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

166/07/CA

12. Theresa Marie Taylor, Roger E.) **A. Gordon Shepard,**
Spear, Jr., Joyce Marshall and) *for the Appellants*
Edward H. Dawson Jr.) **W. Allen Miles,**
- and -) *for the Respondents*
Lewis Herbert Stoddard and)
Freda Stoddard, Executors of the)
Estate of Mildred Haughn, Estate)
Of John S. Brownrigg and)
Cebacob Holdings Ltd.)
(on appeal from 2007 NBQB 361/ en appel de 2007 NBBR 361)

THURSDAY, MARCH 27 / LE JEUDI 27 MARS
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

177/07/CA

13. John Mulder) **J. Gordon Petrie, Q.C.,**
- and -) *for the Appellant*
Her Majesty The Queen in right) **Nancy E. Forbes,**
of the Province of New Brunswick) *for the Respondent*
as represented by the Minister)
of Health)
(on appeal from 2007 NBQB 385 / en appel de 2007 NBBR 385)

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, J.J.A.)

81/07/CA

26. Her Majesty The Queen) **Mario J. Cormier,**
- and -) for the Appellant
Allan Kenneth Bernard) **Allan Kenneth Bernard,**
) per se

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

COURTROOM / SALLE #6

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

152/07/CA

14. Blaine Reid) **George A. McAllister,**
- and -) for the Appellant
John Murdock and Edna Murdock) **Jade A. Spalding,**
) for the Respondent

TUESDAY, APRIL 15 / LE MARDI 15 AVRIL
2:00 p.m. / 14h

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 »**

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

112/07/CA

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

TUESDAY, APRIL 15 / LE MARDI 15 AVRIL
2:00 p.m. / 14h

COURTROOM / SALLE #6

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

157/07/CA

5.	Gilles Godin)	Gilles Godin,
	- et -)	<i>per se</i>
	Sa Majesté la Reine)	Sébastien A. Michaud,
)	<i>avocat de l'intimée</i>

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

COURTROOM / SALLE #6

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

137/07/CA

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

**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

- | | | | |
|-----|--------------------------|---|------------------------------------|
| 17. | 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

- | | | | |
|-----|---------------------------|---|--------------------------------|
| 18. | 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

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

41/07/CA

19. 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

20. 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

21. **62/06/CA**
Roy Murray)
- and -)
Her Majesty The Queen)
)
Roy Murray,
per se
Iain R. W. Hollett,
for the Respondent
22. **105/07/CA**
Her Majesty The Queen)
- and -)
Ronald James Perry and)
Donna Kelly Richard)
Monica G. McQueen,
for the Appellant
James J. Matheson,
for the Respondents
23. **107/07/CA**
Her Majesty The Queen)
- and -)
Ronald James Perry and)
Donna Kelly Richard)
Monica G. McQueen,
for the Appellant
James J. Matheson,
for the Respondents
24. **71/07/CA**
Richard Alan King)
- and -)
Her Majesty The Queen)
)
)
Brian D. Munro,
for the Appellant
Hilary J.A. Drain, Q.C. and
Kenneth L. Oliver,
for the Respondent

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

25. **100/05/CA**
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