

**COURT OF APPEAL**

**COUR D'APPEL**

**OF**

**DU**

**NEW BRUNSWICK**

**NOUVEAU-BRUNSWICK**



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

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

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

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

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

**COURTROOM / SALLE #6**

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

- 105/07/CA**
1. 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**
2. Her Majesty The Queen ) **Monica G. McQueen,**  
- and - ) **for the Appellant**  
Ronald James Perry and ) **James J. Matheson,**  
Donna Kelly Richard ) **for the Respondents**

**WEDNESDAY, MAY 14 / LE MERCREDI 14 MAI**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

- 12-08-CA**
3. Levar Anthony Brooks ) **Levar Anthony Brooks,**  
- and - ) **per se**  
Her Majesty The Queen ) **John J. Walsh, Q.C.,**  
 ) **for the Respondent**

**TUESDAY, MAY 20 / LE MARDI 20 MAI**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

**85/07/CA**

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

**WEDNESDAY, MAY 21 / LE MERCREDI 21 MAI**  
**9:00 a.m. / 9h**

**COURTROOM / SALLE #6**

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

**85/07/CA**

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

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

**COURTROOM / SALLE #6**

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

**No. 5 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.**

**MONDAY, MAY 26 / LE LUNDI 26 MAI**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

- 173/07/CA**
6. Barry D. May ) **George A. McAllister,**  
- and - ) **for the Appellant**  
Colin Lythgoe ) **Donald V. Keenan,**  
 ) **for the Respondent**
- 8-08-CA**
7. Aaron Stone ) **George A. McAllister,**  
- and - ) **for the Appellant**  
Pamela Sharp and David Sharp ) **Richard B. Costello, Q.C.,**  
 ) **for the Respondents**

**TUESDAY, MAY 27 / LE MARDI 27 MAI**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

**No. 8 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.**

**COURTROOM / SALLE #8**

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

- 23-08-CA**
9. *Allan Mason* ) **George A. McAllister,**  
- and - ) *for the Appellant*  
*The Acting Superintendent of* ) **Nancy E. Forbes,**  
*Insurance, David Weir* ) *for the Respondent*
- 3-08-CA**
10. *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)*

**TUESDAY, JUNE 10 / LE MARDI 10 JUIN**  
**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**
17. *Her Majesty The Queen* ) **Mario J. Cormier,**  
- and - ) *for the Appellant*  
*Allan Kenneth Bernard* ) **Lisanne Maurice,**  
 ) *for the Respondent*

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

**COURTROOM / SALLE #6**

**BAR ADMISSION / ADMISSION AU BARREAU**

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

**COURTROOM / SALLE #6**

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

**165/07/CA**

11. John Rodney Milton ) **Rodney J. Gillis, Q.C.,**  
- and - ) for the Appellant  
Beverly Jean Milton ) **Barry L. Athey, Q.C.,**  
) for the Respondent  
(on appeal from 2007 NBQB 363 / en appel de 2007 NBBR 363)

**TUESDAY, JUNE 17 / LE MARDI 17 JUIN**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

**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

**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**

13. 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**

14. 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**

15. 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)

**REMANET**

**62/06/CA**

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

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

**14-08-CA**

8. *State Farm Mutual Automobile Insurance Company* ) **Richard B. Costello, Q.C.**  
*- and -* ) **and Peter M. Rogers,**  
*Privacy Commissioner of Canada* ) **for the Appellant**  
*and Attorney General of Canada* ) **Frederick C. McElman, Q.C.,**  
 ) **for the Respondent,**  
 ) **Privacy Commissioner**  
 ) **of Canada**  
 ) **Corinne Bedford,**  
 ) **for the Respondent,**  
 ) **Attorney General of Canada**  
(on appeal from 2008 NBQB 33 / en appel de 2008 NBBR 33)

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

**10-08-CA**

5. *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)