

**COURT OF APPEAL**

**COUR D'APPEL**

**OF**

**DU**

**NEW BRUNSWICK**

**NOUVEAU-BRUNSWICK**



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

***Le rôle pour la session du mois  
d'octobre 2008***

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

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

**TUESDAY, OCTOBER 14 / LE MARDI 14 OCTOBRE**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

**No. 1 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.**

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

**61-08-CA**

23.	Adam Wade Nash	)	<b>Graham J. Sleeth, Q.C.,</b>
	- and -	)	for the Appellant
	Her Majesty The Queen	)	<b>William J. Corby, Q.C. and</b>
		)	<b>Cameron H. Gunn,</b>
		)	for the Respondent

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

**COURTROOM / SALLE #8**

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

**24-08-CA**

2.	Cameron James Grant	)	<b>Sheila J. Cameron,</b>
	- and -	)	for the Appellant
	Lindy Townsend-Grant	)	<b>Grant Ogilvie and</b>
		)	<b>Adam B. Neal,</b>
		)	for the Respondent

(on appeal from 2008 NBQB 030 / en appel de 2008 NBBR 030)

**COURTROOM / SALLE #6**

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

**73/07/CA**

3. 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)

**48-08-CA**

4. Fundy Linen Service Inc. ) **James F. LeMesurier,**  
- and - ) **for the Appellant**  
Workplace Health Safety and ) **Matthew R. Letson,**  
Compensation Commission ) **for the Respondent**

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

**COURTROOM / SALLE #8**

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

**100/05/CA**

5. 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)

**THURSDAY, OCTOBER 16 / LE JEUDI 16 OCTOBRE**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #8**

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

**28-08-CA**

6. *Covered Bridge Recreation Inc.* ) **G. Peter Hyslop,**  
*d.b.a. Covered Bridge Golf and* ) *for the Appellant*  
*Country Club, a body corporate* ) **Daniel P. Leger,**  
*- and -* ) *for the Respondent*  
*Tom Schurman* )  
*(on appeal from 2008 NBQB 084 / en appel de 2008 NBBR 084)*

**COURTROOM / SALLE #6**

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

**1-08-CA**

7. *Joshua Stephen Copp* ) **Joshua Stephen Copp,**  
*- and -* ) *per se*  
*Her Majesty The Queen* ) **Kelly Ann Winchester,**  
 ) *for the Respondent*  
*(on appeal from 2007 NBQB 271 / en appel de 2007 NBBR 271)*

**9-08-CA**

8. *Pierre Laforest* ) **Jean-Marc Gauvin,**  
*- et -* ) *avocat de l'appelant*  
*Banque Nationale du Canada* ) **Ronald J. LeBlanc, c.r.,**  
 ) *avocat de l'intimée*  
*(on appeal from 2007 NBQB 411 / en appel de 2007 NBBR 411)*

**TUESDAY, OCTOBER 21 / LE MARDI 21 OCTOBRE**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

**No. 9 and/et 10 Adjourned and set over to February 17, 2009 at 10:00 a.m., pursuant to directions of The Court/**

**La date de l'audience est remise au 17 février 2009 à 10h00, en vertu de la directive de la cour.**

**16-08-CA**  
9. Theodore Hachey ) **Theodore Hachey,**  
- and - ) *per se*  
Her Majesty The Queen ) **Monica G. McQueen,**  
 ) *for the Respondent*

**17-08-CA**  
10. Selena Wiley ) **Selena Wiley,**  
- and - ) *per se*  
Her Majesty The Queen ) **Monica G. McQueen,**  
 ) *for the Respondent*

**COURTROOM / SALLE #8**

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

**32-08-CA**  
11. Diane McCormick ) **Terrence P. Lenihan,**  
- and - ) *for the Appellant*  
The Estate of Gilles Doiron and ) **Isabelle Paulin,**  
Hilda Power ) *for the Respondent,*  
 ) *Hilda Power*  
 ) **Jonathan Roch Noel,**  
 ) *for the Respondent,*  
 ) *Estate of Gilles Doiron*

**WEDNESDAY, OCTOBER 22 / LE MERCREDI 22 OCTOBRE**  
**9:00 a.m. / 9h**

**COURTROOM / SALLE #8**

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

**No. 12 Removed and set over to the remanet list, pursuant to directions of The Honourable Chief Justice Drapeau/ La date de l'audience est remise sans date fixée au remanet, en vertu de la directive de l'Honorable juge en chef.**

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

**COURTROOM / SALLE #6**

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

<b>52-08-CA</b>		
13. Tim Seely	)	<b>Terrence L.S. Teed, Q.C.,</b>
- and -	)	<i>for the Appellant</i>
J. Daniel Carrier	)	<b>George A. McAllister,</b>
	)	<i>for the Respondent</i>

**THURSDAY, OCTOBER 23 / LE JEUDI 23 OCTOBRE**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

- 44-08-CA**
14.    *The City of Saint John, a body*    )    **Scott A. Brittain,**  
      *corporate by Royal Charter*    )    *for the Appellant*  
      - and -    )    **Matthew R. Letson,**  
      *The Workplace Health, Safety*    )    *for the Respondent, The*  
      *and Compensation Commission*    )    *The Workplace Health, Safety*  
      *of New Brunswick and Keith*    )    *and Compensation Commission*  
      *Rowe*    )    *of New Brunswick*  
                  )    **Keith Rowe,**  
                  )    *per se*  
                  )

**TUESDAY, OCTOBER 28 / LE MARDI 28 OCTOBRE**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #8**

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

- 31-08-CA**
15.    *Line Blanchard*    )    **Kevin J. Haché,**  
      - et -    )    *avocat de l'appelante*  
      *Hermel Légère*    )    **Craig J. Carleton,**  
                  )    *avocat de l'intimé*  
                  )

**WEDNESDAY, OCTOBER 29 / LE MERCREDI 29 OCTOBRE**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

**63-08-CA**

- |     |                           |   |                          |
|-----|---------------------------|---|--------------------------|
| 16. | Optimum Insurance Company | ) | <b>Donna L. MacEwen,</b> |
|     | Inc.                      | ) | for the Appellant        |
|     | - and -                   | ) | <b>Rodney J. Gillis,</b> |
|     | Brandon Joseph Donovan    | ) | for the Respondent       |

**THURSDAY, OCTOBER 30 / LE JEUDI 30 OCTOBRE**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #8**

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

**No. 17 Adjourned and set over to February 18, 2009 at 10:00 a.m., pursuant to directions of The Court/**

**La date de l'audience est remise au 18 février 2009 à 10h00, en vertu de la directive de la cour.**

**21-08-CA**

- |     |                     |   |                              |
|-----|---------------------|---|------------------------------|
| 17. | Guilman Gauvin      | ) | <b>Guilman Gauvin,</b>       |
|     | - et -              | ) | per se                       |
|     | Sa Majesté la Reine | ) | <b>Paul J. Veniot, c.r.,</b> |
|     |                     | ) | avocat de l'intimée          |
- (on appeal from 2008 NBQB 62 / en appel de 2008 NBBR 62)*