

COURT OF APPEAL

COUR D'APPEL

OF

DU

NEW BRUNSWICK

NOUVEAU-BRUNSWICK



***List of Cases for the
May 2009 sitting***

***Le rôle pour la session du mois
de mai 2009***

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

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

TUESDAY, MAY 12 / LE MARDI 12 MAI
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

- 46-08-CA**
1. Stéphane Gallant,) **Leslie F. Matchim,**
Ralph Michael LeBlanc and) for the Appellant,
Jason Russell Steeves) Stéphane Gallant
- and -) **Eric Aucoin,**
Her Majesty The Queen) for the Appellants,
) Ralph Michael LeBlanc
) and Jason Russell Steeves
) **Monica G. McQueen,**
) for the Respondent
(on appeal from 2008 NBQB 120 / en appel de 2008 NBBR 120)

WEDNESDAY, MAY 13 / LE MERCREDI 13 MAI
10:00 a.m. / 10h

COURTROOM / SALLE #8

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

2. **Adjourned to a date to be set, pursuant to the directions of the Court/
Remise à une date ultérieure, en vertu de la directive de la cour.**

THURSDAY, MAY 14 / LE JEUDI 14 MAI
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

- 136-08-CA**
3. Sabian Ltd., Sabian Inc.,) **Charles D. Whelly, Q.C.,**
Percussion Limited, Zed Co. Ltd.,) for the Appellants,
Robert Zildjian, Margaret) Robert Zildjian,
Williamina Zildjian, Sally Anne) Margaret Williamina Zildjian,
Teague and Armand Alexander) Sally Anne Teague and Armand
Zildjian) Alexander Zildjian,
- and -) **Peter E. Crocco, Q.C.,**
Wilson McTavish Zildjian) for the Appellants,
) Sabian Ltd. and Sabian Inc.
) **David D. Young,**
) for the Respondent
- (on appeal from 2008 NBQB 407 / en appel de 2008 NBBR 407)

COURTROOM / SALLE #8

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

- 79-08-CA**
4. T.M.S.) **T.M.S.,**
- et -) per se
Ministre des services familiaux) **Joanne Durette,**
et communautaires et J.C.) avocate de l'intimé,
) Ministre des services familiaux
) et communautaires
) **J.C.,**
) per se
) **Bernice Duguay,**
) avocate des enfants

- | | | | |
|-----------------|---------------------------------|---|---------------------------------|
| 80-08-CA | | | |
| 5. | J.C. |) | J.C., |
| | - et - |) | per se |
| | Ministre des services familiaux |) | Joanne Durette, |
| | et communautaires et T.M.S. |) | avocate de l'intimé, |
| | |) | Ministre des services familiaux |
| | |) | et communautaires |
| | |) | T.M.S., |
| | |) | per se |
| | |) | Bernice Duguay, |
| | |) | avocate des enfants |

2:00 p.m. / 14h

COURTROOM / SALLE #6

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

- | | | | |
|-----------------|---------------------------|---|-----------------------------------|
| 4-09-CA | | | |
| 6. | Her Majesty The Queen |) | Marc P. Savoie, |
| | - and - |) | for the Appellant |
| | Kevin Paul Melanson |) | Kevin Paul Melanson, |
| | |) | per se |
| 33-09-CA | | | |
| 7. | Stephen Frederick Defazio |) | Stephen Frederick Defazio, |
| | - and - |) | per se |
| | Her Majesty The Queen |) | Kelly Ann Winchester, |
| | |) | for the Respondent |

TUESDAY, MAY 19 / LE MARDI 19 MAI

9:00 a.m. / 9h

COURTROOM / SALLE #6

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

- | | | | |
|-----------------|--------------------------|---|-----------------------------|
| 13-09-CA | | | |
| 8. | Dr. Michel Blanchard and |) | Nathalie L. Godbout, |
| | Dr. Claude Bélisle |) | for the Appellants |
| | - and - |) | John C. Friel, Q.C., |
| | Mélissa Robichaud |) | for the Respondent |

- 7-09-CA**
- | | | | |
|----|-----------------------------|---|-----------------------------|
| 9. | Régie Régionale de la Santé |) | Tracey K. DeWare, |
| | 6, une corporation |) | for the Appellant |
| | - and - |) | John C. Friel, Q.C., |
| | Mélissa Robichaud |) | for the Respondent |

2:00 p.m. / 14h

COURTROOM / SALLE #8

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

- 111-08-CA**
- | | | | |
|-----|------------------------------|---|----------------------------|
| 10. | Robert Harrity and Northeast |) | Bruce D. Grant, |
| | Yachts 1998 Ltd. |) | for the Appellants |
| | - and - |) | Timothy M. Collins, |
| | Margaret Kennedy |) | for the Respondent |
- (on appeal from 2008 NBQB 294 / en appel de 2008 NBBR 294)

WEDNESDAY, MAY 20 / LE MERCREDI 20 MAI
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

**11. Adjourned to a date to be set, pursuant to the directions of the Court/
 Remise à une date ultérieure, en vertu de la directive de la cour.**

- 76-08-CA**
- | | | | |
|-----|-----------------------|---|----------------------------|
| 11. | Fred Lee Metallic |) | Fred Lee Metallic, |
| | - and - |) | per se |
| | Her Majesty The Queen |) | François T. Doucet, |
| | |) | for the Respondent |

2:00 p.m. / 14h

COURTROOM / SALLE #8

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

- 17-09-CA**
12. Nancy Creighton) **Lindsay E. Brown,**
- and -) *for the Appellant*
Workplace Health, Safety and) **Charles A. LeBlond, Q.C.,**
Compensation Commission) *for the Respondent*

THURSDAY, MAY 21 / LE JEUDI 21 MAI
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

- 92-08-CA**
13. Nadeau Poultry Farm Limited) **Gilles C. Thibodeau, Q.C.,**
and Maple Lodge Farms Ltd.) *and Amanda J. Frenette,*
- and -) *for the Appellants*
The Province of New Brunswick) **William E. Gould,**
) *for the Respondent*
(on appeal from 2008 NBQB 257 / en appel de 2008 NBBR 257)

FRIDAY, MAY 22 / LE VENDREDI 22 MAI
9:00 a.m. / 9h

COURTROOM / SALLE #6

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

- 90-08-CA**
14. Craig Allen Copeland) **Ronald E. Morris, Q.C.,**
- and -) *for the Appellant*
Her Majesty The Queen) **Paul L. Hawkins,**
) *for the Respondent*
(on appeal from 2008 NBPC 23 / en appel de 2008 NBPC 23)

TUESDAY, MAY 26 / LE MARDI 26 MAI
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

- 117-08-CA**
15. *New Brunswick Legal Aid*) **Margaret Gallagher,**
Services Commission) *for the Appellant*
- and -) **Lorraine Rose Emma Comeau,**
Lorraine Rose Emma Comeau) *per se*
and Earl John Comeau) **Earl John Comeau,**
) *per se*