

COURT OF APPEAL

COUR D'APPEL

OF

DU

NEW BRUNSWICK

NOUVEAU-BRUNSWICK



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

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

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

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

TUESDAY, NOVEMBER 10 / LE MARDI 10 NOVEMBRE
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

No.1 Removed pursuant to Notice of Abandonment dated October 20, 2009 / Un avis d'abandon en date du 20 octobre, 2009.

100-09-CA

1.	David Walter Parkins	)	David Walter Parkins,
	- and -	)	per se
	Her Majesty The Queen	)	William J. Corby, Q.C.,
		)	for the Respondent

No. 2 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.

55-09-CA

2.	Kenneth Larry Sheehan	)	Kenneth Larry Sheehan,
	- and -	)	per se
	Her Majesty The Queen	)	Lucie N. Mathurin-Ring,
		)	for the Respondent

(on appeal from 2008 NBQB 268 / en appel de 2008 NBBR 268)

COURTROOM / SALLE #8

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

39-09-CA

3.	New Brunswick Human Rights	)	Seamus I. Cox
	Commission	)	and Matthew R. Letson,
	- and -	)	for the Appellant
	Province of New Brunswick as	)	Krista L. Colford,
	represented by The Department	)	for the Respondent
	of Social Development)	

(on appeal from 2009 NBQB 47 / en appel de 2009 NBBR 47)

THURSDAY, NOVEMBER 12 / LE JEUDI 12 NOVEMBRE
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

53-09-CA

4. *Darie Arseneault, Kurt Bird,*) **Edwin G. Ehrhardt, Q.C.**
Patricia LeBlanc, and 051536) **and Kelsey D. Bingham,**
N.B. Ltd.) **for the Appellants**
- and -) **Shawn R. Dempsey,**
Cindy Lizotte) **for the Respondent**
(on appeal from 2009 NBQB 069 / en appel de 2009 NBBR 069)

FRIDAY, NOVEMBER 13 / LE VENDREDI 13 NOVEMBRE
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

No.5 Adjourned and set over to January 20, 2010, pursuant to directions of The Court /La date de l'audience est remise au 20 janvier 2010, en vertu de la directive de la cour.

42-09-CA

5. *J.D. Irving, Limited*) **Catherine A. Lahey,**
- and -) **for the Appellant**
Dylan Hughes) **A. Gordon Shepard,**
- and -) **for the Respondent,**
Reuben Astle) **Dylan Hughes**
(on appeal from 2009 NBQB 79 / en appel de 2009 NBBR 79)

MONDAY, NOVEMBER 16 / LE LUNDI 16 NOVEMBRE
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

84-09-CA

19.	Les Produits de la Mer Ouellette)	Stéphane F. Viola,
	Ltée.)	avocat de l'appelante
	- et -)	Sacha D. Morisset,
	Cap-Pelé Herring Export Inc. /)	avocat de l'intimée
	Les Exportations de Hareng)	
	Cap-Pelé Inc.)	

83-09-CA

20.	Ocean Shore Fish Export Ltd.)	Stéphane F. Viola,
	- et -)	avocat de l'appelante
	Cap-Pelé Herring Export Inc. /)	Sacha D. Morisset,
	Les Exportations de Hareng Cap-))	avocat de l'intimée
	Cap-Pelé Inc.)	

TUESDAY, NOVEMBER 17 / LE MARDI 17 NOVEMBRE
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

103-09-CA

6.	Irving Tissue Company)	William B. Goss, Q.C.,
	- and -)	for the Appellant
	Communications, Energy and)	David G. Gauthier,
	Paperworkers Union of Canada,)	for the Respondent
	Local 786)	
	(on appeal from 2009 NBQB 201 / en appel de 2009 NBBR 201)	

2:00 p.m. / 14h

COURTROOM / SALLE #8

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

- 123-08-CA**
7. J.F.) **Kenneth W. Martin,**
- and -) **for the Appellant**
T.E. and G.E.) **Tracy Peters,**
) **for the Respondents**
(on appeal from 2008 NBQB 324 / en appel de 2008 NBBR 324)

WEDNESDAY, NOVEMBER 18 / LE MERCREDI 18 NOVEMBRE
10:00 a.m. / 10h

COURTROOM / SALLE #8

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

- 101-09-CA**
8. SAR Petroleum Inc., Paul Blades) **Robert G. Vincent, Q.C.,**
John Salsbury and Lisa Lowry) **for the Appellants**
- and -) **Steven R. Barnett,**
Peace Hills Trust Company and) **for the Respondent,**
Thomas McBrearty) **Peace Hills Trust Company**
(on appeal from 2009 NBQB 197 / en appel de 2009 NBBR 197)

COURTROOM / SALLE #6

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

- 112-08-CA**
9. Eric Martins) **Sacha D. Morisset,**
- et -) **avocat de l'appelant**
601360 N.B Inc. faisant affaire) **Brian E. Maude,**
sous l'appellation commerciale) **avocat de l'intimé**
Café Croissant Soleil)
(en appel de 2008 NBBR 298 / on appeal from 2008 NBQB 298)

THURSDAY, NOVEMBER 19 / LE JEUDI 19 NOVEMBRE
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

- 109-09-CA**
10. Joseph Farquhar) **Joseph Farquhar,**
- and -) **per se**
Worksafe NB (formerly Workplace) **Charles A. LeBlond, Q.C.,**
Health, Safety and Compensation) **for the Respondent**
Commission))

MONDAY, NOVEMBER 30 / LE LUNDI 30 NOVEMBRE
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

- 92-09-CA**
21. Jones' Masonry Ltd., a body) **J. William Cabel,**
corporate) **for the Appellant**
- and -) **Angela J. Green,**
Defence Construction (1951)) **for the Respondent**
Limited, a body corporate)
(on appeal from 2009 NBQB 178 / en appel de 2009 NBBR 178)