

**COURT OF APPEAL**

**COUR D'APPEL**

**OF**

**DU**

**NEW BRUNSWICK**

**NOUVEAU-BRUNSWICK**



***List of Cases for the  
October 2010 sitting***

***Le rôle pour la session du mois  
d'octobre 2010***

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

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

**TUESDAY, OCTOBER 12 / LE MARDI 12 OCTOBRE**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #8**

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

**No. 1 Notice of Discontinuance filed September 15, 2010/  
Un avis de désistement a été émis le 15 septembre 2010**

**22-10-CA**

1.	Yvon LeBlanc	)	<b>Lee McKeigan-Dempsey,</b>
	- and -	)	for the Appellant
	The Bank of Nova Scotia	)	<b>R. Gary Faloon, Q.C.,</b>
		)	for the Respondent

(on appeal from 2010 NBQB 042 / en appel de 2010 NBBR 042)

**COURTROOM / SALLE #6**

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

**35-10-CA**

2.	David Hopper	)	<b>Jillian E. Jordan,</b>
	- and -	)	for the Appellant
	Stephen Ronald Hopper,	)	<b>G. Robert Basque, Q.C.</b>
	Tanya Colleen Hopper,	)	and <b>Caroline Héту,</b>
	Michael Roger Tingley and	)	for the Respondents,
	Melissa Dawn (Patten) Tingley	)	Stephen and Tanya Hopper
		)	<b>Michael Roger Tingley,</b>
		)	per se
		)	<b>Melissa Patten Tingley,</b>
		)	per se

(on appeal from 2010 NBQB 053 / en appel de 2010 NBBR 053)

**WEDNESDAY, OCTOBER 13 / LE MERCREDI 13 OCTOBRE**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

**No. 3 and/et 4 Adjourned and set over to December 15, 2010, pursuant to directions of The Court/La date de l'audience est remise au 15 décembre 2010, en vertu de la directive de la cour.**

**69-10-CA**

3. Rodrigue Levesque and ) **Lucie LaBoissonnière,**  
Suzanne Levesque ) for the Appellants  
- and - ) **Pierre R. Ouellette,**  
The Province of New Brunswick ) for the Respondents  
and The New Brunswick Crop )  
Insurance Commission )  
(on appeal from 2010 NBQB 150 / en appel de 2010 NBBR 150)

**70-10-CA**

4. B.M.G. Farming Ltd. ) **Lucie LaBoissonnière,**  
- and - ) for the Appellant  
The Province of New Brunswick ) **Pierre R. Ouellette,**  
and The New Brunswick Crop ) for the Respondents  
Insurance Commission )  
(on appeal from 2010 NBQB 151 / en appel de 2010 NBBR 151)

**9:00 a.m. / 9h**

**COURTROOM / SALLE #8**

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

**31-10-CA**

24. Fabian Troy Kelly ) **George E. Kalinowski,**  
- and - ) for the Appellant  
Her Majesty The Queen ) **Jill C. Hartlen,**  
 ) for the Respondent

10:00 a.m. / 10h

**COURTROOM / SALLE #8**

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

- 62-10-CA**
5. New Brunswick Power ) **John G. Furey,**  
Generation Corporation ) for the Appellant  
- and - ) **Matthew R. Letson,**  
Workplace Health, Safety ) for the Respondent  
Compensation Commission ) **Norman J. Bossé, Q.C.,**  
and Richard Dashwood ) for the Respondent,  
Richard Dashwood )

**THURSDAY, OCTOBER 14 / LE JEUDI 14 OCTOBRE**

10:00 a.m. / 10h

**COURTROOM / SALLE #6**

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

6. **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.**

- 61-10-CA**
6. Eric Bujold ) **Larry Landry,**  
- et - ) avocat de l'appelant  
Sa Majesté la Reine ) **C. Gabriel Bourgeois, c.r.,**  
avocat de l'intimée )

**COURTROOM / SALLE #8**

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

- 72-10-CA**
7. Roger Parent ) **Roger Parent,**  
- and - ) per se  
Workplace Health, Safety and ) **Charles A. LeBlond, Q.C.,**  
Compensation Commission ) for the Respondent

**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

**33-10-CA**

8. Pelletier Plumbing & Heating Ltd. ) **Louis-Martin Boudreault,**  
Carmel Pelletier, Olivia Cyr et ) *avocat des appelants*  
Marcel Cyr ) **Marylène Pilote,**  
- et - ) *avocate de l'intimée*  
Linda Cyr )  
(en appel de 2010 NBBR 111 / on appeal from 2010 NBQB 111)

**FRIDAY, OCTOBER 15 / LE VENDREDI 15 OCTOBRE**

**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

**39-10-CA**

9. Dr. P.E. Neil ) **Rodney J. Gillis, Q.C.,**  
- and - ) *for the Appellant*  
Pamela Lodge ) **John P. Barry, Q.C. and**  
) **Maria Henheffer, Q.C. and**  
) **Nadia M. MacPhee,**  
) *for the Respondent*  
(on appeal from 2010 NBQB 063 / en appel de 2010 NBBR 063)

**TUESDAY, OCTOBER 19 / LE MARDI 19 OCTOBRE**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

**10. 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.**

**38-10-CA**

10.	L.C.M.	)	<b>Margaret Gallagher,</b>
	- and -	)	for the Appellant
	Her Majesty The Queen	)	<b>Lucie N. Mathurin,</b>
		)	for the Respondent
	(on appeal from 2010 NBQB 54 / en appel de 2010 NBBR 54)		

**COURTROOM / SALLE #8**

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

**52-10-CA**

11.	Louis Raymond Debly	)	<b>Rodney J. Gillis, Q.C.,</b>
	- and -	)	for the Appellant
	Rothesay, a town pursuant to	)	<b>Mel K. Norton,</b>
	Regulation 85-6 of the	)	for the Respondent
	Municipalities Act, R.S.N.B. 1973,	)	
	c. M-22	)	
	(on appeal from 2010 NBQB 102 / en appel de 2010 NBBR 102)		

**FRIDAY, OCTOBER 22 / LE VENDREDI, 22 OCTOBRE**  
**11:00 a.m. / 11h**

**COURTROOM / SALLE #6**

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

**Queen's Counsel Ceremony /  
Cérémonie d'attribution du titre de conseil de la Reine**

**TUESDAY, OCTOBER 26 / LE MARDI 26 OCTOBRE**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

**37-10-CA**  
12. Sa Majesté la Reine ) **François T. Doucet,**  
- et - ) **avocat de l'appelante**  
Charles Picot ) **Charles Picot,**  
 ) **per se**

**WEDNESDAY, OCTOBER 27 / LE MERCREDI 27 OCTOBRE**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

**No. 13 Removed and set over to November 30, 2010, pursuant to directions of The Honourable Chief Justice Drapeau/La date de l'audience est remise au 30 novembre, en vertu de la directive de l'Honorable juge en chef.**

**50-10-CA**  
13. Trevor Damelon Lambert ) **Trevor Damelon Lambert,**  
- and - ) **per se**  
Her Majesty The Queen ) **B. Bannon Morrissy,**  
 ) **for the Respondent**

**THURSDAY, OCTOBER 28 / LE JEUDI 28 OCTOBRE**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

**16-10-CA**  
23. Michael Bowlin ) **Martin D. Fineberg,**  
- and - ) **for the Appellant**  
Her Majesty The Queen ) **Leonard J. MacKay,**  
 ) **for the Respondent**  
(on appeal from 2010 NBQB 59 / en appel de 2010 NBBR 59)