

**COURT OF APPEAL**

**COUR D'APPEL**

**OF**

**DU**

**NEW BRUNSWICK**

**NOUVEAU-BRUNSWICK**



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

***Le rôle pour la session du mois  
de septembre 2010***

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

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

**TUESDAY, SEPTEMBER 7 / LE MARDI 7 SEPTEMBRE**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

**75-09-CA**

40.	Her Majesty The Queen	)	<b>Robert A. Murray, Q.C.,</b>
	- and -	)	for the Appellant
	Shawn Robert Burke	)	<b>Ronald E. Morris, Q.C.,</b>
		)	for the Respondent

**TUESDAY, SEPTEMBER 14 / LE MARDI 14 SEPTEMBRE**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

**38-10-CA**

1.	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)

**18-10-CA**

2.	Attorney General of New Brunswick	)	<b>William A. Anderson, Q.C.,</b>
	- and -	)	for the Appellant
	The Dominion of Canada General Insurance Company	)	<b>Richard J. Scott, Q.C.,</b>
	- and -	)	for the Respondent
	New Brunswick Insurance Board	)	<b>David N. Rogers,</b>
		)	for the Intervenor

**COURTROOM / SALLE #8**

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

- 28-09-CA et 68-09-CA**
- |    |                               |   |                              |
|----|-------------------------------|---|------------------------------|
| 3. | <i>Trifidus Inc.</i>          | ) | <b>Martin Aubin,</b>         |
|    | - et -                        | ) | <i>avocat de l'appelante</i> |
|    | <i>Samgo Innovations Inc.</i> | ) | <b>Samuel Gaudet,</b>        |
|    | - et -                        | ) | <i>per se</i>                |
|    | <i>Samuel Gaudet</i>          | ) | <b>Claude Gaudet,</b>        |
|    | - et -                        | ) | <i>per se</i>                |
|    | <i>Claude Gauthier</i>        | ) |                              |

**WEDNESDAY, SEPTEMBER 15 / LE MERCREDI 15 SEPTEMBRE**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

**No. 4 Removed and set over to November 23, 2010, pursuant to directions of The Court/La date de l'audience est remise au 23 novembre 2010, en vertu de la directive de la cour.**

- 75-09-CA**
- |    |                              |   |                                |
|----|------------------------------|---|--------------------------------|
| 4. | <i>Her Majesty The Queen</i> | ) | <b>Robert A. Murray, Q.C.,</b> |
|    | - and -                      | ) | <i>for the Appellant</i>       |
|    | <i>Shawn Robert Burke</i>    | ) | <b>Ronald E. Morris, Q.C.,</b> |
|    |                              | ) | <i>for the Respondent</i>      |

**THURSDAY, SEPTEMBER 16 / LE JEUDI 16 SEPTEMBRE**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

**(DESCHÊNES, \*ROBERTSON AND/ET GREEN, JJ.A.)**

**No. 5 Removed and set over to September 23, 2010, pursuant to directions of The Honourable Chief Justice Drapeau/La date de l'audience est remise au 23 septembre 2010, en vertu de la directive de l'Honorable juge en chef.**

**31-10-CA**

5.	Fabian Troy Kelly	)	<b>George E. Kalinowski,</b>
	- and -	)	for the Appellant
	Her Majesty The Queen	)	<b>Jill C. Hartlen,</b>
		)	for the Respondent

**102-09-CA**

6.	Yves Doucet and	)	<b>George W. MacDonald, Q.C.</b>
	Peter Dauphinee	)	and <b>Richard J. Scott, Q.C.,</b>
	- and -	)	for the Appellants
	Spielo Manufacturing	)	<b>J. Gordon Petrie, Q.C.,</b>
	Incorporated and Jon Manship	)	<b>Catherine A. Lahey and</b>
		)	<b>Clarence L. Bennett,</b>
		)	for the Respondents

(on appeal from 2009 NBQB 196 / en appel de 2009 NBBR 196)  
(on appeal from 2010 NBQB 039 / en appel de 2010 NBBR 039)

**FRIDAY, SEPTEMBER 17/ LE VENDREDI 17 SEPTEMBRE**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

**No. 7 Removed and set over to October 28, 2010, pursuant to directions of The Honourable Chief Justice Drapeau/La date de l'audience est remise au 28 octobre 2010, en vertu de la directive de l'Honorable juge en chef.**

**16-10-CA**

7.	Michael Bowlin	)	<b>Martin D. Fineberg,</b>
	- and -	)	for the Appellant
	Her Majesty The Queen	)	<b>Leonard J. MacKay,</b>
		)	for the Respondent

(on appeal from 2010 NBQB 59 / en appel de 2010 NBBR 59)

**COURTROOM / SALLE #8**

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

- 148-09-CA**
8. *Bryan George Parker* ) **Bryan George Parker,**  
- and - ) *per se*  
*Minister of Social Development* ) **Joanne Durette,**  
- and - ) *for the Respondent,*  
*Whydam (Whyndam) Charles* ) *Minister of Social Development*  
*Coffin and Marie-Antoinette* ) **Geneviève Jean,**  
*Coffin by their Litigation Guardian)* *for the Respondents,*  
*Neil Smith* ) *Whydam (Whyndam) Charles*  
) *Coffin and Marie-Antoinette*  
) *Coffin by their Litigation Guardian*  
) *Neil Smith*

**MONDAY, SEPTEMBER 20 / LE LUNDI 20 SEPTEMBRE**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #8**

**(LARLEE, \*BELL AND/ET GREEN, JJ.A.)**

- 135-09-CA**
9. *Lindy Townsend Grant* ) **Maria G. Henheffer, Q.C.,**  
- and - ) *for the Appellant*  
*Cameron James Grant* ) **Sheila J. Cameron and**  
) **Adele Savoie,**  
) *for the Respondent*  
(on appeal from 2009 NBQB 175 / en appel de 2009 NBBR 175)

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

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

- 143-09-CA**
10. *Barbara Ann Jabora Scott* ) **Carole Sirois-Paquette,**  
- et - ) *avocate de l'appelante*  
*Lyle Blake Scott* ) **Lyle Blake Scott,**  
) *per se*  
(on appeal from 2009 NBQB 260 / en appel de 2009 NBBR 260)

**TUESDAY, SEPTEMBER 21 / LE MARDI 21 SEPTEMBRE**  
**9:45 a.m. / 9h45**

**COURTROOM / SALLE #6**

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

**BAR ADMISSION / ADMISSION AU BARREAU**

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

**COURTROOM / SALLE #6**

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

**32-10-CA**

11.	<i>Her Majesty The Queen</i>	)	<b>C. Gabriel Bourgeois, Q.C.,</b>
	- and -	)	<i>for the Appellant</i>
	<i>Steve Lanteigne</i>	)	<b>Wendell J. Maxwell, Q.C.,</b>
		)	<i>for the Respondent</i>

**83-10-CA**

12.	<i>Her Majesty The Queen</i>	)	<b>Lindsay J. Schriver,</b>
	- and -	)	<i>for the Appellant</i>
	<i>Tanya Marie Lint</i>	)	<b>Tanya Marie Lint,</b>
		)	<i>per se</i>

**WEDNESDAY, SEPTEMBER 22 / LE MERCREDI 22 SEPTEMBRE**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #8**

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

- 15-10-CA**
13. Minister of Justice and Consumer Affairs ) **Richard A. Williams,**  
- and - ) **for the Appellant**  
J.R. and C.R. ) **J.R. and C.R.,**  
- and - ) **per se**  
Minister of Social Development, ) **David R. Colwell,**  
S.M.R. and R.M. ) **for the Respondent,**  
- and - ) **Minister of Social Development**  
Minister of Social Development ) **S.M.R.,**  
- and - ) **per se**  
S.M.R. and R.M. ) **R.M.,**  
per se

**THURSDAY, SEPTEMBER 23 / LE JEUDI 23 SEPTEMBRE**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #8**

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

- 13-10-CA**
14. J.K.S. ) **Patrick E. Hurley, Q.C. and**  
- and - ) **Jayne Roberts,**  
Her Majesty The Queen ) **for the Appellant**  
) **Adam J. van der Linde,**  
) **for the Respondent**  
(on appeal from 2010 NBQB 38 / en appel de 2010 NBBR 38)

**No. 15 Notice of Abandonment filed July 15 2010/  
Un avis d'abandon a été émis le 15 juillet 2010**

- 27-10-CA**
15. Crystal MacInnis ) **Crystal MacInnis,**  
- and - ) **per se**  
Her Majesty The Queen ) **Marc Philippe Savoie,**  
) **for the Respondent**

- 31-10-CA**
- |     |                              |   |                              |
|-----|------------------------------|---|------------------------------|
| 16. | <i>Fabian Troy Kelly</i>     | ) | <b>George E. Kalinowski,</b> |
|     | - and -                      | ) | <i>for the Appellant</i>     |
|     | <i>Her Majesty The Queen</i> | ) | <b>Jill C. Hartlen,</b>      |
|     |                              | ) | <i>for the Respondent</i>    |

**COURTROOM / SALLE #6**

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

- 48-10-CA**
- |     |                              |   |                           |
|-----|------------------------------|---|---------------------------|
| 17. | <i>Her Majesty The Queen</i> | ) | <b>Cameron H. Gunn,</b>   |
|     | - and -                      | ) | <i>for the Appellant</i>  |
|     | <i>Burtis Joseph Dunn</i>    | ) | <b>M. Aloysius Hayes,</b> |
|     |                              | ) | <i>for the Respondent</i> |
- 2-10-CA**
- |     |                              |   |                           |
|-----|------------------------------|---|---------------------------|
| 18. | <i>Gary Brewer</i>           | ) | <b>A. Gordon Shepard,</b> |
|     | - and -                      | ) | <i>for the Appellant</i>  |
|     | <i>Her Majesty The Queen</i> | ) | <b>Cameron H. Gunn,</b>   |
|     |                              | ) | <i>for the Respondent</i> |
- 167-09-CA**
- |     |                                     |   |                                |
|-----|-------------------------------------|---|--------------------------------|
| 19. | <i>Lawrence Austin Thorneycroft</i> | ) | <b>David A. Estey,</b>         |
|     | - and -                             | ) | <i>for the Appellant</i>       |
|     | <i>Her Majesty The Queen</i>        | ) | <b>William J. Corby, Q.C.,</b> |
|     |                                     | ) | <i>for the Respondent</i>      |

**FRIDAY, SEPTEMBER 24 / LE VENDREDI 24 SEPTEMBRE**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

- 9-10-CA**
- |     |                              |   |                           |
|-----|------------------------------|---|---------------------------|
| 20. | <i>Peter Monteith</i>        | ) | <b>Peter Monteith,</b>    |
|     | - and -                      | ) | <i>per se</i>             |
|     | <i>Her Majesty The Queen</i> | ) | <b>Eric A. Lalonde,</b>   |
|     |                              | ) | <i>for the Respondent</i> |



**THURSDAY, SEPTEMBER 30 / LE JEUDI 30 SEPTEMBRE**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #8**

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

- 47-09-CA**
21. Henry J. Bear ) **Henry J. Bear,**  
- and - ) *per se*  
Law Society of New Brunswick ) **Frederick C. McElman, Q.C.,**  
 ) *for the Respondent*
- 23-10-CA**
22. Robin Wade Blizzard ) **Robin Wade Blizzard,**  
- and - ) *per se*  
Her Majesty The Queen ) **Robert A. Murray, Q.C.,**  
 ) *for the Respondent*