

**COURT OF APPEAL
OF
NEW BRUNSWICK**

**COUR D'APPEL
DU
NOUVEAU-BRUNSWICK**



***List of Cases for the
April 2011 sitting***

***Le rôle pour la session du mois
d'avril 2011***

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

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

TUESDAY, APRIL 12 / LE MARDI 12 AVRIL
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

REGISTRAR'S MOTIONS / MOTIONS DU REGISTRAIRE

35/04/CA

18. Dipl. Ing. Karol Michal Siroky,)
Professional Engineer, (aka)
Karol Siroky), Sandra Jeanine)
Fox Bishop (Sandra Bishop) and)
© EPC_R&D_Cooperation®TM)
- and -)
The City of Saint John, Arthur)
Edgett, Anna Edgett, Miss)
Sewell and certain unnamed)
Parties)

98/04/CA

19. Karol Siroky)
- and -)
Arthur Edgett, Landlord, the)
Office of the Rentalsman)
)
)
)
)
)

Peter J.C. White,
for the Respondent,
Arthur Edgett
Stephen L. Brittain,
for the Respondent,
the Office of the Rentalsman

15/01/CA

20. Dr. James T. Johnston)
- and -)
Saint John Regional Hospital or)
Region 2 Hospital Corporation)
doing business under the name)
and style The Atlantic Health)
Sciences Corporation and Dr.)
Mohan O. Iype and David Young)
and Grant Kerr and Brunswick)
News Inc. under the name and)
style of the Evening Times)
)
)
)

Gregory S. Sinclair,
for the Respondent,
Saint John Regional Hospital
or Region 2 Hospital
Corporation doing business
under the name and style The
Atlantic Health Sciences
Corporation and Dr. Mohan O.
Iype
Charles D. Whelly, Q.C.,
for the Respondents,

)
) *David Young and Grant Kerr*
) *and Brunswick News Inc. under*
) *name and style of the Evening Times*
) **Ellen C. Desmond,**
) *for the Respondent*

147/01/CA
21. *Dr. James T. Johnston*)
 - and -)
 Saint John Regional Hospital or) **Gregory S. Sinclair,**
 Region 2 Hospital Corporation) *for the Respondent*
 doing business under the name)
 and style The Corporation and)
 Dr. Mohan O. Iype)

104/02/CA
22. *Dr. James T. Johnston*)
 - and -)
 Her Majesty The Queen or) **William A. Anderson, Q.C.,**
 Province of New Brunswick) *for the Respondent*

106/02/CA
23. *Dr. James T. Johnston*)
 - and -)
 Her Majesty The Queen or)
 Province of New Brunswick)

130/03/CA
24. *Dr. James T. Johnston*)
 - and -)
 College of Physicians and) **John P. Barry, Q.C.,**
 Surgeons of New Brunswick) *for the Respondent*

4/03/CA
25. *Luc Thériault*)
 - et -)
 Linda Silas)

2-11-CA
1. *Markus Alexander Scott*) **David M. Hitchcock, Q.C.,**
 - and -) *for the Appellant*
 Her Majesty The Queen) **Michael A. Hall,**
) *for the Respondent*

167-10-CA
2. Blake Brice) **Blake Brice,**
- and -) per se
Her Majesty The Queen) **Cameron H. Gunn,**
) for the Respondent

WEDNESDAY, APRIL 13 / LE MERCREDI 13 AVRIL
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

**No. 3 Notice of Abandonment filed March 8, 2011/
Un avis d'abandon a été émis le 8 mars 2011**

175-10-CA
3. Ashley Bernard) **Ashley Bernard,**
- and -) per se
Her Majesty The Queen) **Cameron H. Gunn,**
) for the Respondent

THURSDAY, APRIL 14 / LE JEUDI 14 AVRIL
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

117-10-CA
4. Paul McKinnon) **Carley J. Parish,**
- and -) for the Appellant
Helen Diane McKinnon) **Mary Ann G. Holland,**
) for the Respondent

TUESDAY, APRIL 19 / LE MARDI 19 AVRIL
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

- 74-10-CA**
5. Valmont Michaud) **Jean A. Cormier,**
- et -) **avocat de l'appelant**
Sa Majesté la Reine) **Pierre F. Roussel, c.r.,**
) **avocat de l'intimée**
(en appel de 2010 NBBR 200 / on appeal from 2010 NBQB 200)

WEDNESDAY, APRIL 20 / LE MERCREDI 20 AVRIL
10:00 a.m. / 10h

COURTROOM / SALLE #6

(DESCHÊNES, *RICHARD AND/ET QUIGG, 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.**

- 122-10-CA**
6. George P.L. Filliter and) **David T. Hashey, Q.C., and**
Eugene J. Mockler) **Christopher R. Delong,**
- and -) **for the Appellants**
Ivale Baniuk and) **Edwin G. Ehrhardt, Q.C.,**
Ronald J. Baniuk) **for the Respondents**
(on appeal from 2010 NBQB 272 / en appel de 2010 NBBR 272)

THURSDAY, APRIL 21 / LE JEUDI 21 AVRIL
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

No. 7 Adjourned and set over to June 15, 2011, pursuant to directions of The Court/La date de l'audience est remise au 15 juin 2011, en vertu de la directive de la cour.

102-10-CA

7.	S.L.	)	James J. Matheson,
	- and -	)	<i>for the Appellant</i>
	Her Majesty The Queen	)	Cameron H. Gunn,
		)	<i>for the Respondent</i>

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

161-10-CA

8.	Ersoll B. Hunter	)	Ersoll B. Hunter,
	- and -	)	<i>per se</i>
	Her Majesty The Queen	)	Cameron H. Gunn,
		)	<i>for the Respondent</i>

TUESDAY, APRIL 26 / LE MARDI 26 AVRIL
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

144-10-CA

9.	Sally Williamson and	)	Eugene J. Mockler, Q.C.,
	Hammond River Aggregates Ltd.	)	<i>for the Appellants</i>
	- and -	)	Edwin G. Ehrhardt, Q.C.,
	Rodney J. Gillis, Q.C., and	)	<i>for the Respondents</i>
	Gilbert, McGloan, Gillis)	
	<i>(on appeal from 2010 NBQB 362 / en appel de 2010 NBBR 362)</i>		

WEDNESDAY, APRIL 27 / LE MERCREDI 27 AVRIL
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

- 43-10-CA**
10. Yvon Roy) **Ronald J. LeBlanc, Q.C.,**
- and -) **for the Appellant**
Acadia Drywall Supplies Ltd.) **Robert M. Dysart,**
) **for the Respondent**
(on appeal from 2010 NBQB 062 / en appel de 2010 NBBR 062)

THURSDAY, APRIL 28 / LE JEUDI 28 AVRIL
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

- 126-10-CA**
11. Rodney Stuart Miller) **Rodney Stuart Miller,**
- and -) **per se**
Her Majesty The Queen) **Cameron H. Gunn,**
) **for the Respondent**
(on appeal from 2009 NBQB 278 / en appel de 2009 NBBR 278)