

**COURT OF APPEAL
OF
NEW BRUNSWICK**

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



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

***Le rôle pour la session du mois
de février 2011***

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

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

TUESDAY, FEBRUARY 8 / LE MARDI 8 FÉVRIER
10:00 a.m. / 10h

COURTROOM / SALLE #8

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

- 138-10-CA**
1. Lorraine L. Woodford) **David D. Young,**
- and -) **for the Appellant**
York Energy Inc. and) **Debora M. Lamont,**
Malcolm G. Fox) **for the Respondents**

COURTROOM / SALLE #6

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

- 166-10-CA**
20. David Black) **David Black,**
- and -) **per se**
Her Majesty The Queen) **Monica G. McQueen,**
) **for the Respondent**

No. 2 Adjourned and set over to April 19, 2011, pursuant to directions of The Honourable Chief Justice Drapeau/La date de l'audience est remise au 19 avril 2011, en vertu de la directive de l'Honorable juge en chef.

- 74-10-CA**
2. 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, FEBRUARY 9 / LE MERCREDI 9 FÉVRIER
10:00 a.m. / 10h

COURTROOM / SALLE #8

VIDEO CONFERENCE / VIDÉO CONFÉRENCE

**Bathurst Courthouse, 254 St Patrick Street, 2nd Floor, Courtroom "A" /
Palais de Justice – Bathurst, 254 rue St. Patrick, 2^{ième} étage, Salle « A »**

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

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

2:00 p.m. / 14h

COURTROOM / SALLE #6

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

- 67-10-CA**
4. *Her Majesty The Queen*) **M.-C. Nicole Angers,**
- and -) *for the Appellant*
C.L.W.) **James J. Matheson,**
) *for the Respondent*
(on appeal from 2010 NBQB 154 / en appel de 2010 NBBR 154)

THURSDAY, FEBRUARY 10 / LE JEUDI 10 FÉVRIER
9:30 a.m. / 9h30

COURTROOM / SALLE #6

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

- 168-10-CA**
5. *Enbridge Gas New Brunswick Limited Partnership, as represented by its general partner Enbridge Gas New Brunswick Inc.*) **Richard J. Scott, Q.C. and David Duncan Young**
- and -) *for the Applicant*
New Brunswick Energy and Utilities Board) **Ellen C. Desmond,**
- and -) *for the Respondent*
Attorney General of the Province of New Brunswick) **René J. Basque,**
) *for the Intervenor*

2:00 p.m. / 14h

COURTROOM / SALLE #8

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

No. 6 Adjourned and set over to February 17, 2011 at 10:00a.m., pursuant to directions of The Court/ La date de l'audience est remise au 17 février 2011 à 10h, en vertu de la directive de la cour.

- 95-10-CA**
6. *Georgina M.E. Yorke*) **Peter J.C. White,**
- and -) *for the Appellant*
Raymond Edward Yorke) **Kimberly A. McCurdy,**
) *for the Respondent*
(on appeal from 2010 NBQB 230 / en appel de 2010 NBBR 230)

FRIDAY, FEBRUARY 11 / LE VENDREDI 11 FÉVRIER
9:00 a.m. / 9h

COURTROOM / SALLE #6

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

91-10-CA

7. Shunjing Trading Inc.) **Q. Ryan Hanna,**
- and -) for the Appellant
E.B. Engineered Panels and) **Martin S. Stoyanov,**
Controls Inc. and Edward Barnes) for the Respondents
(on appeal from 2010 NBQB 207 / en appel de 2010 NBBR 207)

MONDAY, FEBRUARY 14 / LE LUNDI 14 FÉVRIER
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

153-10-CA

8. Her Majesty The Queen) **Lindsay J. Schriver,**
- and -) for the Appellant
E.A.M.T.) **E.A.M.T.,**
) per se

TUESDAY, FEBRUARY 15 / LE MARDI 15 FÉVRIER
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

157-10-CA

9. Her Majesty The Queen) **Jonathan K. Matters,**
- and -) for the Appellant
Joseph Todd Baisley) **Joseph Todd Baisley,**
) per se

- 146-10-CA**
- | | | | |
|-----|-----------------------|---|---------------------------|
| 10. | Jared Grant Sacobie |) | Sylvain Pelletier, |
| | - and - |) | for the Appellant |
| | Her Majesty The Queen |) | Cameron H. Gunn, |
| | |) | for the Respondent |

2:00 p.m. / 14h

COURTROOM / SALLE #8

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

- 116-10-CA**
- | | | | |
|-----|----------------------|---|------------------------------|
| 11. | 613586 N.B. Ltd. |) | Robert M. Dysart, |
| | - and - |) | for the Appellant |
| | Village d'Atholville |) | Dale T. Briggs and |
| | |) | Philippe M. Frenette, |
| | |) | for the Respondent |

WEDNESDAY, FEBRUARY 16 / LE MERCREDI 16 FÉVRIER
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

- 44-10-CA**
- | | | | |
|-----|-----------------------|---|----------------------------|
| 12. | Michael Shane Ward |) | Jacqueline Gallant, |
| | - and - |) | for the Appellant |
| | Her Majesty The Queen |) | B. Bannon Morrissy, |
| | |) | for the Respondent |
- (on appeal from 2010 NBQB 101 / en appel de 2010 NBBR 101)

2:00 p.m. / 14h

COURTROOM / SALLE #6

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

- 71-10-CA**
- | | | | |
|-----|--------------------------|---|--------------------------------|
| 13. | Katherine Adavilla Smith |) | Sheila J. Cameron, |
| | - and - |) | for the Appellant |
| | George John Smith |) | Allison Whitehead, Q.C. |
| | |) | for the Respondent |

THURSDAY, FEBRUARY 17 / LE JEUDI 17 FÉVRIER
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

No. 14 Adjourned and set over to May 17, 2011, pursuant to directions of The Honourable Chief Justice Drapeau/La date de l'audience est remise au 17 mai 2011, en vertu de la directive de l'Honorable juge en chef.?

133-10-CA

14. *Communications, Energy and*) **David G.D. Gauthier,**
Paperworkers Union of Canada,) *for the Appellant*
Local 30) **William B. Goss, Q.C.,**
- and -) *for the Respondent*
Irving Pulp & Paper Limited)
(on appeal from 2010 NBQB 294 / en appel de 2010 NBBR 294)

COURTROOM / SALLE #8

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

95-10-CA

6. *Georgina M.E. Yorke*) **Peter J.C. White,**
- and -) *for the Appellant*
Raymond Edward Yorke) **Kimberly A. McCurdy,**
) *for the Respondent*
(on appeal from 2010 NBQB 230 / en appel de 2010 NBBR 230)

2:00 p.m. / 14h

COURTROOM / SALLE #6

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

- 69-10-CA & 70-10-CA**
15. *Rodrigue Levesque and*) **Lucie LaBoissonnière,**
Suzanne Levesque and) *for the Appellants*
B.M.G. Farming Ltd.) **Pierre R. Ouellette,**
- and -) *for the Respondents*
The Province of New Brunswick)
and The New Brunswick Crop)
Insurance Commission)
(on appeal from 2010 NBQB 150 / en appel de 2010 NBBR 150)

TUESDAY, FEBRUARY 22 / LE MARDI 22 FÉVRIER
10:00 a.m. / 10h

COURTROOM / SALLE #8

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

- 90-10-CA**
16. *Duane Douglas MacDonald*) **Duane Douglas MacDonald,**
- and -) *per se*
Kimberley Dawn MacDonald) **Kimberley Dawn MacDonald,**
) *per se*
(on appeal from 2010 NBQB 215 / en appel de 2010 NBBR 215)

WEDNESDAY, FEBRUARY 23 / LE MERCREDI 23 FÉVRIER
10:00 a.m. / 10h

COURTROOM / SALLE #8

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

No. 17 Adjourned and set over to March 15, 2011, pursuant to directions of The Honourable Chief Justice Drapeau/La date de l'audience est remise au 15 mars 2011, en vertu de la directive de l'Honorable juge en chef.

137-10-CA

17. Patrick Keleher) **Patrick W. Keleher,**
- and -) *per se*
Her Majesty The Queen) **E. Rose Campbell,**
) *for the Respondent*
(on appeal from 2010 NBQB 301 / en appel de 2010 NBBR 301)

118-10-CA

18. Karen Bennett) **George A. McAllister,**
- and -) *for the Appellant*
State Farm Fire and Casualty) **Leanne M. Murray and**
Company) **Richard B. Costello, Q.C.,**
) *for the Respondent*