

**COURT OF APPEAL
OF
NEW BRUNSWICK**

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



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

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

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

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

TUESDAY, JANUARY 11 / LE MARDI 11 JANVIER
9:00 a.m. / 9h

COURTROOM / SALLE #8

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

No. 1 to be continued on January 17, 2011 / à poursuivre 17 janvier 2011

17-10-CA

- | | | |
|----|------------------------------------|-----------------------------------|
| 1. | Attorney General of New Brunswick) | William A. Anderson, Q.C., |
| | - and -) | for the Appellant |
| | Pembridge Insurance Company) | Robert G. Grant, Q.C. and |
| | - and -) | Sacha D. Morisset and |
| | The New Brunswick Insurance) | Tanya L. Butler, |
| | Board) | for the Respondent |
| |) | David N. Rogers, Q.C., |
| |) | for the Intervenor |

10:00 a.m. / 10h

COURTROOM / SALLE #6

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

**No. 28 Removed pursuant to the decision dated December 16, 2010 /
Radié suite à la décision au date du 16 décembre 2010.**

31-10-CA

- | | | |
|-----|-------------------------|------------------------------|
| 28. | Fabian Troy Kelly) | George E. Kalinowski, |
| | - and -) | for the Appellant |
| | Her Majesty The Queen) | Jill C. Hartlen, |
| |) | for the Respondent |

130-10-CA

- | | | |
|----|-------------------------|--------------------------------|
| 2. | Jason Charles Biggar) | Jason Charles Biggar, |
| | - and -) | per se |
| | Her Majesty The Queen) | Christopher R. Lavigne, |
| |) | for the Respondent |

119-10-CA

- | | | |
|----|-------------------------|-------------------------|
| 3. | Steven Scott) | Steven Scott, |
| | - and -) | per se |
| | Her Majesty The Queen) | Cameron H. Gunn, |
| |) | for the Respondent |

2:00 p.m. / 14h

COURTROOM / SALLE #6

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

- 83-10-CA**
4. Her Majesty The Queen) **Lindsay J. Schriver,**
- and -) for the Appellant
Tanya Marie Lint) **Sylvain Pelletier,**
) for the Respondent

WEDNESDAY, JANUARY 12 / LE MERCREDI 12 JANVIER
10:00 a.m. / 10h

COURTROOM / SALLE #8

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

No. 5 Notice of Abandonment filed December 22, 2010 /
Un avis d'abandon a été émis le 22 décembre 2010.

- 68-10-CA**
5. Deidra Erin Louise Paul-Brooks) **Jayne L.J. O'Donnell,**
- and -) for the Appellant
Her Majesty The Queen) **Cameron H. Gunn,**
) for the Respondent

THURSDAY, JANUARY 13 / LE JEUDI 13 JANVIER
10:00 a.m. / 10h

COURTROOM / SALLE #8

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

- 28-09-CA et 68-09-CA**
6. Trifidus Inc.) **Martin Aubin,**
- et -) avocat de l'appelante
Samgo Innovations Inc.) **Samuel Gaudet,**
- et -) per se
Samuel Gaudet) **Claude Gauthier,**
- et -) per se
Claude Gauthier)

MONDAY, JANUARY 17/ LE LUNDI 17 JANVIER
2:00 p.m. / 14h

COURTROOM / SALLE #8

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

17-10-CA

1(a). Attorney General of New Brunswick)	)	William A. Anderson, Q.C.,
- and -	)	for the Appellant
Pembridge Insurance Company	)	Robert G. Grant, Q.C. and
- and -	)	Sacha D. Morisset and
The New Brunswick Insurance	)	Tanya L. Butler,
Board	)	for the Respondent
	)	David N. Rogers, Q.C.,
	)	for the Intervenor

TUESDAY, JANUARY 18 / LE MARDI 18 JANVIER
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

38-10-CA

7. L.C.M.	)	Margaret Gallagher,
- and -	)	for the Appellant
Her Majesty The Queen	)	Lucie N. Mathurin,
	)	for the Respondent

(on appeal from 2010 NBQB 54 / en appel de 2010 NBBR 54)

WEDNESDAY, JANUARY 19 / LE MERCREDI 19 JANVIER
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

No. 8 Adjourned and set over to February 16, 2011, pursuant to directions of The Honourable Chief Justice Drapeau/La date de l'audience est remise au 16 février 2011, en vertu de la directive de l'Honorable juge en chef.

71-10-CA

8.	Katherine Adavilla Smith	)	Sheila J. Cameron,
	- and -	)	for the Appellant
	George John Smith	)	Allison Whitehead, Q.C.
		)	for the Respondent

76-10-CA

9.	Dale Young	)	Dale Young,
	- and -	)	per se
	Karen Young	)	Norah J. Davidson-Wright,
		)	for the Respondent

(on appeal from 2010 NBQB 173 / en appel de 2010 NBBR 173)

THURSDAY, JANUARY 20 / LE JEUDI 20 JANVIER
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

63-10-CA

10.	Jason Peter Mollins	)	Jason Peter Mollins,
	- and -	)	per se
	Her Majesty The Queen	)	Cameron H. Gunn,
		)	for the Respondent

COURTROOM / SALLE #8

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

92-10-CA

11. 2063010 Ontario Inc. c.o.b.) **Richard J. Scott, Q.C.,**
Agent's Equity) for the Appellant
- and -) **Matthew R. Letson,**
Derrick Barr, David Curren,) for the Respondents,
Sheila Henry, Heather LeBlanc,) Derrick Barr, David Curren
Amanda McConnachie, Paul) Sheila Henry, Heather LeBlanc,
McCracken, Judy Mitchell, Bob) Amanda McConnachie,
Mowery, Susan Mowery, Jake) Paul McCracken,
Palmer, Marcus Power and) Judy Mitchell, Bob Mowery,
Maria Young) Susan Mowery, Jake Palmer,
) Marcus Power and Maria Young
)
(on appeal from 2010 NBQB 243 / en appel de 2010 NBBR 243)

MONDAY, JANUARY 24 / LE LUNDI 24 JANVIER

10:00 a.m. / 10h

COURTROOM / SALLE #6

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

**No. 12 Notice of Abandonment filed December 29, 2010 /
Un avis d'abandon a été émis le 29 décembre 2010.**

101-10-CA

12. Alain Marcel Lemay) **Alain Marcel Lemay,**
- et -) per se
Sa Majesté la Reine) **Rémi J. Allard,**
) avocat de l'intimée
(en appel de 2010 NBBR 205 / on appeal from 2010 NBQB 205)

86-10-CA

13. Her Majesty The Queen) **David W. Schermbrucker,**
- and -) for the Appellant
Stephane Gallant) **Leslie F. Matchim,**
) for the Respondent
(on appeal from 2010 NBQB 187 / en appel de 2010 NBBR 187)

2:00 p.m. / 14h

COURTROOM / SALLE #6

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

- 100-10-CA**
14. Her Majesty The Queen) **M.-C. Nicole Angers,**
- and -) **for the Appellant**
Marc Daniel LeBlanc) **Marc Daniel LeBlanc,**
) **per se**

TUESDAY, JANUARY 25 / LE MARDI 25 JANVIER
9:30 a.m. / 9h30

COURTROOM / SALLE #6

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

BAR ADMISSION / ADMISSION AU BARREAU

10:00 a.m. / 10h

COURTROOM / SALLE #8

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

- 105-10-CA**
15. L'Évêque Catholique Romain) **André G. Richard, Q.C.,**
d'Edmundston) **for the Appellant**
- and -) **Bernard Valcourt, Q.C.,**
Solange Moreau) **for the Respondent**
(on appeal from 2010 NBQB 239 / en appel de 2010 NBBR 239)

WEDNESDAY, JANUARY 26 / LE MERCREDI 26 JANVIER
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

**16. 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.**

102-10-CA		
16. S.L.	)	S.L.,
- and -	)	<i>per se</i>
Her Majesty The Queen	)	Annie St-Jacques,
	)	<i>for the Respondent</i>

2:00 p.m. / 14h

COURTROOM / SALLE #6

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

64-09-CA		
IN THE MATTER OF:		
17. Donald Hovey	)	Richard J. Scott, Q.C.,
- and -	)	<i>for the Appellant</i>
Doreen Pond	)	David T. Hashey, Q.C. and
AND IN THE MATTER OF a	)	Aaron M. Savage,
<i>motion for directions brought by</i>	)	<i>for the moving party</i>
<i>643589 N.B. Ltd., an incorporated</i>)	
<i>body under and by virtue of the</i>)	
<i>laws of the Province of New</i>)	
<i>Brunswick</i>)	

THURSDAY, JANUARY 27 / LE JEUDI 27 JANVIER
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

- 66-10-CA**
18. *Blake Mann*) **Claude A. Haché,**
 - and -) *for the Appellant*
 Stephanie Glidden) **Guy Dumas,**
) *for the Respondent*

COURTROOM / SALLE #6

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

- 54-10-CA**
19. *M.W.M.*) **M.W.M.,**
 - and -) *per se*
 H.L.M) **H.L.M.,**
) *per se*
(on appeal from 2009 NBQB 263 / en appel de 2009 NBBR 263)