

COURT OF APPEAL

COUR D'APPEL

OF

DU

NEW BRUNSWICK

NOUVEAU-BRUNSWICK



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

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

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

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

TUESDAY, MAY 10 / LE MARDI 10 MAI
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

No. 1 Withdrawn/retiré

23-11-CA

1.	<i>In the matter of the Companies</i>	)	Charles H. Bird,
	<i>Creditors arrangement Act,</i>	)	<i>for the Appellant</i>
	<i>R.S.C., 1985, as amended</i>	)	Hugh J. Cameron,
	<i>- and -</i>	)	<i>for the Respondent</i>
	<i>And in the matter of the</i>)	
	<i>Application of Precision Nuclear</i>)	
	<i>Inc. (PNI), a body corporate</i>)	
	<i>- and -</i>)	
	<i>In the matter of the Bankruptcy of</i>)	
	<i>Precision Metal Works Ltd.</i>)	
	<i>(PMW)</i>)	

**No. 2 Notice of Abandonment filed April 11, 2011/
Un avis d'abandon a été émis le 11 avril 2011**

174-10-CA

2.	<i>Trevor Gay</i>	)	Trevor Gay,
	<i>- and -</i>	)	<i>per se</i>
	<i>Her Majesty The Queen</i>	)	Jonathan K. Matters,
		)	<i>for the Respondent</i>

WEDNESDAY, MAY 11 / LE MERCREDI 11 MAI
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

3-11-CA

3. Her Majesty The Queen) **Lucie N. Mathurin,**
- and -) for the Appellant
Kenneth William Steeves) **Kenneth William Steeves,**
) for the Respondent
(on appeal from 2011 NBQB 10 / en appel de 2011 NBBR 10)

TUESDAY, MAY 17 / LE MARDI 17 MAI
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

133-10-CA

4. 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)

WEDNESDAY, MAY 18 / LE MERCREDI 18 MAI
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

- 13-11-CA**
5. VSL Canada Ltd.) **James F. LeMesurier,**
- and -) for the Appellant
Workplace Health, Safety and) **Matthew R. Letson,**
Compensation Commission,) for the Respondent
Dennis Duguay, Florent McGraw,) **Dennis Duguay,**
Paul Emile Robichaud, Alderio) per se
Rousselle, Billy Joe Rousselle,) **Florent McGraw,**
Jacques Roussel and) per se
Marc Rousselle) **Paul Emile Robichaud,**
) per se
) **Alderio Rousselle,**
) per se
) **Billy Joe Rousselle,**
) per se
) **Jacques Roussel,**
) per se
) **Marc Rousselle,**
) per se

THURSDAY, MAY 19 / LE JEUDI 19 MAI
9:30 a.m. / 9h30

COURTROOM / SALLE #8

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

No. 6 Removed pursuant to the consent order /
Radié suite à l'ordonnance par consentement.

- 147-10-CA**
6. Leanne Robichaud) **Terrence P. Lenihan,**
- and -) for the Appellant
James Robichaud) **Martin J. Siscoe,**
) for the Respondent

10:00 a.m. / 10h

COURTROOM / SALLE #8

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

154-10-CA

7. Charline Allain) **Monique Veillette,**
- et -) *avocate de l'appelante*
Aurèle Allain) **Linda Boudreau,**
) *avocate de l'intimé*
(*en appel de 2010 NBBR 353 / on appeal from 2010 NBQB 353*)

2:00 p.m. / 14h

COURTROOM / SALLE #6

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

No. 8 Adjourned and set over to September 15, 2011, pursuant to directions of The Court/La date de l'audience est remise au 15 septembre 2011, en vertu de la directive de la cour.

112-10-CA

8. Fernand Robichaud) **Annie Maltais,**
- et -) *avocate de l'appelant*
Sa Majesté la Reine) **Jean-Guy Savoie,**
) *avocat de l'intimée*

TUESDAY, MAY 24 / LE MARDI 24 MAI

9:00 a.m. / 9h

COURTROOM / SALLE #8

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

135-09-CA

20. 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*)

10:00 a.m. / 10h

COURTROOM / SALLE #8

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

161-09-CA

9. David Purdue) **Joseph W.J. FitzPatrick,**
- and -) *for the Appellant*
Mary Jane Purdue) **Charles H. Bird,**
) *for the Respondent*
(on appeal from 2009 NBQB 303 / en appel de 2009 NBBR 303)

COURTROOM / SALLE #6

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

140-10-CA

10. Thomas Burns, Henry Grant,) **J. Gordon Petrie, Q.C.,**
Lawrence Graham, Victor Greer,) *for the Appellants*
Mike Hawkes, Glen Mills,) **David A. Mombourquette,**
Byron Murphy and the Estate) *for the Respondents*
of Arnold Pike as represented)
by Sheila Gray, Executrix and)
Personal Representative of the)
Estate of Arnold Pike)
- and -)
National Automobile Aerospace,)
Transportation and General)
Workers Union of Canada)
(CAW-CANADA), Local 219 and)
National Automobile, Aerospace,)
Transportation and General)
Workers Union of Canada)
(CAW-CANADA))
(on appeal from 2010 NBQB 308 / en appel de 2010 NBBR 308)

WEDNESDAY, MAY 25 / LE MERCREDI 25 MAI
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

9-11-CA

- | | | | |
|-----|-------------------------|---|---------------------------------|
| 11. | Florence George Youssef |) | Florence George Youssef, |
| | - and - |) | <i>per se</i> |
| | Her Majesty The Queen |) | Cameron H. Gunn, |
| | |) | <i>for the Respondent</i> |

THURSDAY, MAY 26 / LE JEUDI 26 MAI
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

53-10-CA

- | | | | |
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| 12. | Alan Robert Weldon |) | Alan Robert Weldon, |
| | - and - |) | <i>per se</i> |
| | Her Majesty The Queen |) | Cameron H. Gunn, |
| | |) | <i>for the Respondent</i> |

TUESDAY, MAY 31 / LE MARDI 31 MAI
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

4-10-CA

- | | | | |
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| 13. | Carson Construction (1999) Ltd. |) | Brian F.P. Murphy, |
| | - and - |) | <i>for the Appellant</i> |
| | City of Moncton |) | Basile Chiasson, Q.C., |
| | |) | <i>for the Respondent</i> |
- (on appeal from 2009 NBQB 328 / en appel de 2009 NBBR 328)

MONDAY, JUNE 13 / LE LUNDI 13 JUIN
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

122-10-CA

19.	George P.L. Filliter and	)	David T. Hashey, Q.C., and
	Eugene J. Mockler	)	Christopher R. Delong,
	- and -	)	for the Appellants
	Ivare 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)		