

COURT OF APPEAL

COUR D'APPEL

OF

DU

NEW BRUNSWICK

NOUVEAU-BRUNSWICK



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

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

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

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

TUESDAY, SEPTEMBER 13 / LE MARDI 13 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.)

107-11-CA

27.	Sa Majesté la Reine	)	C. Gabriel Bourgeois, c.r.,
	- et -	)	avocat de l'appelant
	Serge Alain Losier	)	Marco R. Cloutier,
		)	avocat de l'intimé

No. 27 (Full Court Motion)- Removed and set over to October 11, 2011, pursuant to directions of The Honourable Chief Justice Drapeau/(Motion entendue par la Cour siégeant au complète)- La date de l'audience est remise au 11 octobre 2011, en vertu de la directive de l'Honorable juge en chef.

2-11-CA

1.	Markus Alexander Scott	)	David M. Hitchcock, Q.C.,
	- and -	)	for the Appellant
	Her Majesty The Queen	)	Michael A. Hall,
	[BAIL / MISE EN LIBERTÉ]	)	for the Respondent

69-11-CA

2.	T.W.D.	)	T.W.D.,
	- and -	)	per se
	Her Majesty The Queen	)	Cameron H. Gunn,
		)	for the Respondent

No. 3 Removed and set over to the remanet list, pursuant to directions of The Honourable Chief Justice Drapeau / La date de l'audience est remise sans date fixée au remanet de la directive de l'Honorable juge en chef.

29-11-CA

3.	Theodore (Teddy) Hachey	)	Hazen L. Brien,
	- and -	)	for the Appellant
	Her Majesty The Queen	)	Cameron H. Gunn,
		)	for the Respondent

64-11-CA

4.	Preston Mallaley	)	Preston Mallaley,
	- and -	)	per se
	Her Majesty The Queen	)	Cameron H. Gunn,
		)	for the Respondent

- 42-11-CA**
- | | | | |
|----|-----------------------|---|----------------------------|
| 5. | Daniel Jason Long |) | Daniel Jason Long, |
| | - and - |) | per se |
| | Her Majesty The Queen |) | François T. Doucet, |
| | |) | for the Respondent |

COURTROOM / SALLE #8

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

- 21-11-CA**
- | | | | |
|----|---------------------------|---|-----------------------------|
| 6. | Eddy Joseph Glaspy |) | David M. Lutz, Q.C., |
| | - and - |) | and Carley Parish, |
| | Lynn Helen (Janes) Glaspy |) | for the Appellant |
| | |) | W.S. Reid Chedore, |
| | |) | for the Respondent |

No. 7 Removed and set over to November 16, 2011, pursuant to directions of The Court/La date de l'audience est remise au 16 novembre 2011, en vertu de la directive de la cour.

- 164-10-CA**
- | | | | |
|----|--------------------------------|---|-------------------------------|
| 7. | Nicholas Joseph Petitpas |) | Claude R. Losier, |
| | - and - |) | for the Appellant |
| | Minister of Social Development |) | Sonia Doiron and |
| | |) | Lisa B. DiBonaventura, |
| | |) | for the Respondent |

- 58-11-CA**
- | | | | |
|----|-----------------------|---|---------------------------|
| 8. | Amanda Francine Gould |) | David A. Estey, |
| | - and - |) | for the Appellant |
| | Derek Allen Bowman |) | Randall A. Wilson, |
| | |) | for the Respondent |

WEDNESDAY, SEPTEMBER 14 / LE MERCREDI 14 SEPTEMBRE
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

- 45-11-CA**
9. Westmorland County) **Michel C. Poirier,**
Condominium Corporation No.) *for the Appellant*
29, a body corporate) **M. Morley Rinzler,**
- and -) *for the Respondent*
Larry Estabrooks)
(on appeal from 2011 NBQB 059 / en appel de 2011 NBBR 059)

COURTROOM / SALLE #8

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

- 49-11-CA**
10. Michael Simon) **Rodney J. Gillis, Q.C.,**
- and -) *for the Appellant*
Dawn Marie Adey) **Brenda G. Noble, Q.C.,**
) *for the Respondent*
(on appeal from 2011 NBQB 079 / en appel de 2011 NBBR 079)

- 54-11-CA**
11. Paul Murray Brown) **Paul Murray Brown,**
- and -) *per se*
Megan Louise Brown) **Brian D. Delaney,**
) *for the Respondent*
(on appeal from 2011 NBQB 092 / en appel de 2011 NBBR 092)

THURSDAY, SEPTEMBER 15 / LE JEUDI 15 SEPTEMBRE
9:00 a.m. / 9h

COURTROOM / SALLE #6

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

- 145-10-CA**
12. Hervé Louis Martin) **James J. Matheson,**
- and -) *for the Appellant*
Her Majesty The Queen) **Stephen J. Holt,**
) *for the Respondent*

10:00 a.m. / 10h

112-10-CA

13.	<i>Fernand Robichaud</i>	)	Michel DesNeiges,
	- et -	)	<i>avocat de l'appelant</i>
	<i>Sa Majesté la Reine</i>	)	Jean-Guy Savoie,
		)	<i>avocat de l'intimée</i>

No. 14 Adjourned and set over to October 26, 2011, pursuant to directions of The Honourable Chief Justice Drapeau / La date de l'audience est remise au 26 octobre 2011, en vertu de la directive de l'Honorable juge en chef.

51-11-CA

14.	<i>Mark Stephen Pitre</i>	)	Mark Stephen Pitre,
	- and -	)	<i>per se</i>
	<i>Her Majesty The Queen</i>	)	Cameron H. Gunn,
		)	<i>for the Respondent</i>

No. 15 Removed and set over to the remanet list, pursuant to directions of The Honourable Chief Justice Drapeau / La date de l'audience est remise sans date fixée au remanet de la directive de l'Honorable juge en chef.

165-10-CA

15.	<i>Her Majesty The Queen</i>	)	Jill M. Knee,
	- and -	)	<i>for the Appellant</i>
	<i>Crystal Dawn MacKenzie</i>	)	Margaret Gallagher,
		)	<i>for the Respondent</i>

TUESDAY, SEPTEMBER 20 / LE MARDI 20 SEPTEMBRE
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

BAR ADMISSION / ADMISSION AU BARREAU

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

- 65-11-CA**
16. Jerry Nathaniel Veno) **Ben Reentovich,**
- and -) for the Appellant
Her Majesty The Queen) **Cameron H. Gunn,**
) for the Respondent
- 52-11-CA**
17. Edward Faulkner) **Edward Faulkner,**
- and -) per se
Her Majesty The Queen) **Cameron H. Gunn,**
) for the Respondent

2:00 p.m. / 14h

COURTROOM / SALLE #6

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

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

**19. 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.**

- 4-11-CA**
19. Christopher Robert Frigault) **Christopher Robert Frigault,**
- and -) per se
Her Majesty The Queen) **Patrick R. Wilbur,**
) for the Respondent

WEDNESDAY, SEPTEMBER 21 / LE MERCREDI 21 SEPTEMBRE
2:00 p.m. / 14h

COURTROOM / SALLE #6

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

73-11-CA
20. Robin Wade Blizzard) **Robin Wade Blizzard,**
- and -) **per se**
Her Majesty The Queen) **Cameron H. Gunn,**
) **for the Respondent**

THURSDAY, SEPTEMBER 22 / LE JEUDI 22 SEPTEMBRE
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

41-11-CA
21. Anthony Whalen) **Anthony Whalen,**
- and -) **per se**
Her Majesty The Queen) **Cameron H. Gunn,**
) **for the Respondent**

44-11-CA
22. Trevor Streach) **Ben Reentovich,**
- and -) **for the Appellant**
Her Majesty The Queen) **Cameron H. Gunn,**
) **for the Respondent**

FRIDAY, SEPTEMBER 23 / LE VENDREDI 23 SEPTEMBRE
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

17-11-CA

23. Charles W. Pleasance) **Hazen L. Brien,**
- and -) **for the Appellant**
Her Majesty The Queen) **Monica G. McQueen,**
) **for the Respondent**
(on appeal from 2010 NBQB 283 / en appel de 2010 NBBR 283)
(on appeal from 2010 NBQB 352 / en appel de 2010 NBBR 352)
(on appeal from 2010 NBQB 420 / en appel de 2010 NBBR 420)

TUESDAY, SEPTEMBER 27 / LE MARDI 27 SEPTEMBRE
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

90-11-CA

24. Jan Van Putten) **James C. Crocco,**
- and -) **for the Appellant**
Workplace, Health Safety and) **Matthew R. Letson,**
Compensation Commission) **for the Respondent**

WEDNESDAY, SEPTEMBER 28 / LE MERCREDI 28 SEPTEMBRE
9:30 a.m. / 9h30

COURTROOM / SALLE #8
VIDEO CONFERENCE / VIDÉO CONFÉRENCE

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

43-10-CA

28. 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)

10:00 a.m. / 10h

COURTROOM / SALLE #8

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

25. **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.**

108-10-CA

25. A.I. Enterprises Ltd. and) **Richard J. Scott, Q.C.,**
Alan Schelew) **and Jennifer D. Snow,**
- and -) **for the Appellants**
Bram Enterprises Ltd. and) **Charles A. LeBlond, Q.C.,**
Jamb Enterprises Ltd.) **for the Respondents**
(on appeal from 2010 NBQB 245 / en appel de 2010 NBBR 245)

THURSDAY, SEPTEMBER 29 / LE JEUDI 29 SEPTEMBRE
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

10-11-CA

26. Michael David Somerville) **Michael David Somerville,**
- and -) **per se**
Her Majesty The Queen) **David W. Schermbrucker,**
) **for the Respondent**
(on appeal from 2010 NBQB 379 / en appel de 2010 NBBR 379)