

**COURT OF APPEAL  
OF  
NEW BRUNSWICK**

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



***List of Cases for the  
January 2012 sitting***

***Le rôle pour la session du mois  
de janvier 2012***

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

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

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

**COURTROOM / SALLE #8**

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

30. **92-11-CA**

Richard Bartlett	)	<b>Richard Bartlett,</b>
- and -	)	per se
Michelle Murphy	)	<b>Peter J.C. White,</b>
	)	for the Respondent

**COURTROOM / SALLE #6**

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

**65-11-CA**

1. Jerry Nathaniel Veno	)	<b>Ben Reentovich,</b>
- and -	)	for the Appellant
Her Majesty The Queen	)	<b>Cameron H. Gunn,</b>
	)	for the Respondent

**No. 2 Notice of Abandonment filed January 6, 2012/  
Un avis d'abandon a été émis le 6 janvier 2012**

**94-11-CA**

2. Nathaniel Hachey	)	<b>Nathaniel Hachey,</b>
- and -	)	per se
Her Majesty The Queen	)	<b>Cameron H. Gunn,</b>
	)	for the Respondent

**COURTROOM / SALLE #6**

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

**3. 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.**

**40-11-CA**

3. Her Majesty The Queen	)	<b>Marc Philippe Savoie,</b>
- and -	)	for the Appellant
Jeremy Eadle, Tyler Gilcash	)	<b>James J. Matheson,</b>
and Joshua Trites	)	for the Respondents

**TUESDAY, JANUARY 10 / LE MARDI 10 JANVIER**  
**3:00 p.m. / 15h**

**COURTROOM / SALLE #6**

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

**28-09-CA and/et 68-09-CA**  
31. Trifidus Inc. ) **Sylvie I. Michaud,**  
- et - ) *avocat de l'appelant*  
Samgo Innovation Inc. ) **Samuel Gaudet,**  
- et - ) *per se*  
Samuel Gaudet ) **Claude Gauthier,**  
- et - ) *per se*  
Claude Gauthier )

**WEDNESDAY, JANUARY 11 / LE MERCREDI 11 JANVIER**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

**3-10-CA**  
4. B.H.M. Construction Ltée et ) **Norman Brideau,**  
Norman Brideau ) *per se*  
- et - ) **Ivan Robichaud, c.r.,**  
La Caisse populaire de ) *avocat de l'intimée*  
Shippagan Limitée )  
(en appel de 2009 NBBR 323 / on appeal from 2009 NBQB 323)

**THURSDAY, JANUARY 12 / LE JEUDI 12 JANVIER**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

- 53-11-CA**  
5. Derryk Ellis ) **Derryk Ellis,**  
- and - ) per se  
Bridget Ellis ) **David A. Estey,**  
 ) for the Respondent  
(on appeal from 2011 NBQB 070 / en appel de 2011 NBBR 070)

**2:00 p.m. / 14h**

**COURTROOM / SALLE #6**

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

- 100-11-CA**  
6. Christian Calvy ) **Monique Veillette,**  
- et - ) avocate de l'appelant  
Danielle Calvy ) **Marie-Claude Bélanger-Richard, c.r.,**  
 ) avocate de l'intimée

**TUESDAY, JANUARY 17 / LE MARDI 17 JANVIER**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

- 96-11-CA**  
7. Robert Matthew Alexander ) **Robert Matthew Alexander,**  
- and - ) per se  
Her Majesty The Queen ) **John Henheffer,**  
 ) for the Respondent  
(on appeal from 2011 NBQB 156 / en appel de 2011 NBBR 156)

- 43-11-CA**  
8. Carmen Drake Augustine ) **Richard L. Cove,**  
- and - ) for the Appellant  
Her Majesty The Queen ) **Cameron H. Gunn,**  
 ) for the Respondent

**WEDNESDAY, JANUARY 18 / LE MERCREDI 18 JANVIER**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

- 95-11-CA**
9. *Dany Deschênes* ) **Dany Deschênes,**  
- et - ) *per se*  
*Sa Majesté la Reine* ) **Pierre F. Roussel, c.r.,**  
 ) *avocat de l'intimée*

**MONDAY, JANUARY 23 / LE LUNDI 23 JANVIER**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

**No. 32 Adjourned and set over to February 17, 2012, pursuant to directions of The Court/  
La date de l'audience est remise au 17 février 2012, en vertu de la directive de la cour.**

- 32. 177-11-CA**
- Her Majesty The Queen* ) **C. Gabriel Bourgeois, Q.C. and**  
- and - ) **Kathryn Gregory,**  
*Rodney Tingley, Roger Tingley,* ) *for the Appellant*  
*Michael Tingley and* ) **Rodney Tingley,**  
*Christopher Tingley* ) *per se*  
 ) **Roger Tingley,**  
 ) *per se*  
 ) **Michael Tingley,**  
 ) *per se*  
 ) **Christopher Tingley,**  
 ) *per se*

**TUESDAY, JANUARY 24 / LE MARDI 24 JANVIER**  
**9:30 a.m. / 9h30**

**COURTROOM / SALLE #6**

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

**BAR ADMISSION / ADMISSION AU BARREAU**

**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

**90-11-CA**

- |     |                              |   |                           |
|-----|------------------------------|---|---------------------------|
| 10. | Jan Van Putten               | ) | <b>James C. Crocco,</b>   |
|     | - and -                      | ) | for the Appellant         |
|     | Workplace, Health Safety and | ) | <b>Matthew R. Letson,</b> |
|     | Compensation Commission      | ) | for the Respondent        |

**1:30 p.m. / 13h30**

**COURTROOM / SALLE #6**

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

**136-11-CA**

- |     |                             |   |                           |
|-----|-----------------------------|---|---------------------------|
| 11. | Tammey Clarke               | ) | <b>Tammey Clarke,</b>     |
|     | - and -                     | ) | per se                    |
|     | Workplace Health, Safety    | ) | <b>Matthew R. Letson,</b> |
|     | and Compensation Commission | ) | for the Respondent        |

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

**132-11-CA**

- |     |                             |   |                           |
|-----|-----------------------------|---|---------------------------|
| 12. | John Reid                   | ) | <b>John Reid,</b>         |
|     | - and -                     | ) | per se                    |
|     | Workplace Health, Safety    | ) | <b>Matthew R. Letson,</b> |
|     | and Compensation Commission | ) | for the Respondent        |

**WEDNESDAY, JANUARY 25 / LE MERCREDI 25 JANVIER**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

**86-11-CA**

13. *Weldon Furlotte* ) **Weldon Furlotte,**  
- and - ) *per se*  
*Dr. John J. Milczarek* ) **John C. Gillis,**  
 ) *for the Respondent*  
(on appeal from 2011 NBQB 105 / en appel de 2011 NBBR 105)

**COURTROOM / SALLE #6**

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

**No. 14 Adjourned and set over to March 20, 2012, pursuant to directions of The Honourable Chief Justice Drapeau/La date de l'audience est remise au 20 mars 2012, en vertu de la directive de l'Honorable juge en chef.**

**88-11-CA**

14. *Her Majesty The Queen* ) **Michael A. Hall,**  
- and - ) *for the Appellant*  
*Bradley Nicholas Peterson* ) **David M. Hitchcock, Q.C.,**  
 ) *for the Respondent*

**THURSDAY, JANUARY 26 / LE JEUDI 26 JANVIER**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

- 99-11-CA**
15. John Smith ) **Kelly T. VanBuskirk and**  
- and - ) **David M. Brown,**  
Province of New Brunswick ) **for the Appellant**  
(Department of Public Safety) ) **Andrea M. Folster,**  
- and - ) **for the Respondent,**  
New Brunswick Human Rights ) **Province of New Brunswick**  
Commission ) **Chantal Gauthier,**  
) **for the Respondent,**  
) **New Brunswick Human**  
) **Rights Commission**  
(on appeal from 2011 NBQB 162 / en appel de 2011 NBBR 162)

**TUESDAY, JANUARY 31 / LE LUNDI 31 JANVIER**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

- 134-11-CA**
16. Lucyanna LeBreton ) **Lucyanna LeBreton,**  
- and - ) **per se**  
Workplace Health, Safety ) **Matthew R. Letson,**  
and Compensation ) **for the Respondent**  
Commission