

COURT OF APPEAL

COUR D'APPEL

OF

DU

NEW BRUNSWICK

NOUVEAU-BRUNSWICK



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

***Le rôle pour la session du mois
d'octobre 2012***

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

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

TUESDAY, OCTOBER 9 / LE MARDI 9 OCTOBRE
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

No. 1 Adjourned 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, en vertu de la directive de l'Honorable juge en chef.

31-12-CA

- | | | | |
|----|-----------------------|---|-------------------------|
| 1. | Daniel Ginnish |) | Daniel Ginnish, |
| | - and - |) | per se |
| | Her Majesty The Queen |) | Cameron H. Gunn, |
| | |) | for the Respondent |

32-12-CA

- | | | | |
|----|------------------------|---|--------------------------------|
| 2. | Theodore Vincent Simon |) | Theodore Vincent Simon, |
| | - and - |) | per se |
| | Her Majesty The Queen |) | Cameron H. Gunn, |
| | |) | for the Respondent |

**No. 3 Notice of Abandonment filed October 2, 2012/
Un avis d'abandon a été émis le 2 octobre 2012**

33-12-CA

- | | | | |
|----|------------------------|---|-------------------------|
| 3. | John Phillip Trecartin |) | Wesley McIntosh, |
| | - and - |) | for the Appellant |
| | Her Majesty The Queen |) | Cameron H. Gunn, |
| | |) | for the Respondent |

WEDNESDAY, OCTOBER 10 / LE MERCREDI 10 OCTOBRE
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

109-12-CA

- | | | |
|----|--|--------------------------------|
| 4. | Province of New Brunswick) | Richard A. Williams and |
| | as represented by the Minister) | Maya Hamou, |
| | of Transportation and Infrastructure) | for the Appellant |
| | and the Minister of Education) | Alison Ménard, |
| | and Early Childhood Development) | for the Respondents |
| | - and -) | |
| | Mark LeBlanc, Debora Jeffery,) | |
| | Roy MacMullin and Scott Agnew) | |

MONDAY, OCTOBER 15/ LE LUNDI 15 OCTOBRE
11:00 a.m. / 11h

COURTROOM / SALLE #6

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

20-12-CA

- | | | |
|-----|-------------------------|-------------------------------|
| 22. | Clayton Jeffrey Smith) | Clayton Jeffrey Smith, |
| | - and -) | per se |
| | Her Majesty The Queen) | David Schermbrucker, |
| |) | for the Respondent |

TUESDAY, OCTOBER 16 / LE MARDI 16 OCTOBRE
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

64-12-CA

- | | | |
|----|-----------------------|---------------------------|
| 5. | Asurion Canada Inc.) | Sacha D. Morisset, |
| | - and -) | for the Appellant |
| | Gabriel Cormier) | Monica L. Johnson, |
| |) | for the Respondent |

- 65-12-CA**
6. *Asurion Canada Inc.*) **Sacha D. Morisset,**
- and -) *for the Appellant*
Barry Brown) **Monica L. Johnson,**
) *for the Respondent*

2:00 p.m. / 14h

COURTROOM / SALLE #6

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

- 181-11-CA**
7. *Wayne Francis McMullin*) **Margaret Gallagher,**
- and -) *for the Appellant*
Her Majesty The Queen) **Cameron H. Gunn,**
) *for the Respondent*

WEDNESDAY, OCTOBER 17 / LE MERCREDI 17 OCTOBRE
10:00 a.m. / 10h

FEDERAL COURT BUILDING / COUR FÉDÉRALE
82, RUE WESTMORLAND STREET
FREDERICTON, NB

COURTROOM / SALLE #1

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

- 89-12-CA**
8. *Gisèle Ouellette*) **Clarence L. Bennett,**
- and -) *for the Appellant*
Saint-André, an incorporated) **Christian E. Michaud,**
Municipality) *for the Respondent*

THURSDAY, OCTOBER 18 / LE JEUDI 18 OCTOBRE
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

161-11-CA

9. David M. Potter) **E. Thomas Christie, Q.C.,**
- and -) **for the Appellant**
New Brunswick Legal Aid) **J. Gordon Petrie, Q.C. and**
Services Commission, a) **Clarence L. Bennett,**
statutory body corporate) **for the Respondent**
pursuant to special act of the)
Province of New Brunswick)

COURTROOM / SALLE #8

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

36-12-CA

10. Anna Marie Kinsella and) **David R. Oley,**
John Kinsella) **for the Appellants**
- and -) **Richard G. Petrie and**
New Brunswick Power) **Nicholas N. Russon,**
Distribution and Customer) **for the Respondents**
Service Corporation and Bell)
Aliant Regional Communications)
Limited Partnership)
(on appeal from 2012 NBQB 076 / en appel de 2012 NBBR 076)

WEDNESDAY, OCTOBER 24 / LE MERCREDI 24 OCTOBRE
10:00 a.m. / 10h

COURTROOM / SALLE #8

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

47-12-CA

11. Ulric LeBlanc) **Shaaron A. Gionet,**
- et -) **avocate de l'appelant**
Muriel LeBlanc) **Renée L. Blanchard,**
) **avocate de l'intimée**
(en appel de 2012 NBBR 113 / on appeal from 2012 NBQB 113)

COURTROOM / SALLE #6

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

12. Adjourned to a date to be set, pursuant to the directions of The Honourable Chief Justice Drapeau/Remise à une date ultérieure, en vertu de la directive de l'Honorable juge en chef.

22-12-CA

12. Robert B.P. Campbell) **Robert B.P. Campbell,**
- and -) *per se*
Workplace Health, Safety and) **Charles A. LeBlond, Q.C.,**
Compensation Commission) *for the Respondent*

43-12-CA

13. Bruce Epton) **Bruce Epton,**
- and -) *per se*
Workplace Health, Safety and) **Matthew R. Letson,**
Compensation Commission) *for the Respondent*

THURSDAY, OCTOBER 25 / LE JEUDI 25 OCTOBRE
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

53-12-CA

14. Attorney General of Canada) **Susan R. Taylor,**
- and -) *for the Appellant*
Paulette Robichaud) **Paulette Robichaud,**
- and -) *per se*
Workplace Health, Safety and) **Charles A. LeBlond, Q.C.,**
Compensation Commission) *for the Respondent,*
) *W.H.S.C.C.*

55-12-CA

15. Attorney General of Canada) **Sarah Drodge,**
- and -) *for the Appellant*
Shawn Anderson) **Jack Haller,**
- and -) *for the Respondent,*
Workplace Health, Safety and) *Shawn Anderson*
Compensation Commission) **Charles A. LeBlond, Q.C.,**
) *for the Respondent,*
) *W.H.S.C.C.*

- 52-12-CA**
16. *Attorney General of Canada on)
 behalf of the Correctional Service)
 of Canada)
 - and -)
 Paulette Robichaud)
 AND BETWEEN:)
 Attorney General of Canada on)
 behalf of the Correctional Service)
 of Canada)
 - and -)
 Natasha MacKinnon)
 (on appeal from 2012 NBQB 152 / en appel de 2012 NBBR 152)*
- Angela J. Green and
 Susan R. Taylor,
 for the Appellant
 J. Gordon Petrie, Q.C.,
 for the Respondents**

COURTROOM / SALLE #8

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

- 59-12-CA**
17. *Kevin Charles Thibodeau)
 - et -)
 Sa Majesté la Reine)
)
)*
- Kevin J. Haché,
 avocat de l'appelant
 Paul J. Veniot et/and
 Cameron H. Gunn,
 avocats de l'intimée**