

**COURT OF APPEAL**

**OF**

**NEW BRUNSWICK**

**COUR D'APPEL**

**DU**

**NOUVEAU-BRUNSWICK**



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

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

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

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

**TUESDAY, NOVEMBER 13 / LE MARDI 13 NOVEMBRE**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

**BAR ADMISSION / ADMISSION AU BARREAU**

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

**COURTROOM / SALLE #6**

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

- 39-12-CA**
- |    |                               |   |                            |
|----|-------------------------------|---|----------------------------|
| 1. | <i>Her Majesty The Queen</i>  | ) | <b>Cameron H. Gunn,</b>    |
|    | <i>- and -</i>                | ) | <i>for the Appellant</i>   |
|    | <i>Kevin Ambrose Robinson</i> | ) | <b>Margaret Gallagher,</b> |
|    |                               | ) | <i>for the Respondent</i>  |

**WEDNESDAY, NOVEMBER 14 / LE MERCREDI 14 NOVEMBRE**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

- 38-12-CA**
- |    |                              |   |                               |
|----|------------------------------|---|-------------------------------|
| 2. | <i>Robert Phillips</i>       | ) | <b>Mikaël H. Bernard</b>      |
|    | <i>- and -</i>               | ) | <b>and Leslie F. Matchim,</b> |
|    | <i>Her Majesty The Queen</i> | ) | <i>for the Appellant</i>      |
|    |                              | ) | <b>Cameron H. Gunn,</b>       |
|    |                              | ) | <i>for the Respondent</i>     |

**THURSDAY, NOVEMBER 15 / LE JEUDI 15 NOVEMBRE**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

- 100-12-CA**
3. Charles Joseph LeBlanc ) **Charles Joseph LeBlanc,**  
- and - ) *per se*  
Her Majesty The Queen ) **Christopher R. Lavigne,**  
 ) *for the Respondent*

**TUESDAY, NOVEMBER 20 / LE MARDI 20 NOVEMBRE**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

- 46-12-CA**
4. Her Majesty The Queen ) **Cameron H. Gunn,**  
- and - ) *for the Appellant*  
Bruce Charles Preston ) **Craig P. Silliker,**  
 ) *for the Respondent*

**WEDNESDAY, NOVEMBER 21 / LE MERCREDI 21 NOVEMBRE**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

- 56-12-CA**
5. Yue Ming Chen ) **Yue Ming Chen,**  
- and - ) *per se*  
Her Majesty The Queen ) **Cameron H. Gunn,**  
 ) *for the Respondent*

**TUESDAY, NOVEMBER 27 / LE MARDI 27 NOVEMBRE**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

- 94-12-CA**
6. Brinna Shaye Sacobie ) **Brinna Shaye Sacobie,**  
- and - ) *per se*  
Her Majesty The Queen ) **Cameron H. Gunn,**  
 ) *for the Respondent*

**WEDNESDAY, NOVEMBER 28 / LE MERCREDI 28 NOVEMBRE**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

**No. 7 Adjourned and set over to January 30, 2013 at 10:00am, pursuant to directions of The Court /  
La date de l'audience est remise au 30 janvier 2013 à 10h00 en vertu de la directive de la cour.**

- 35-12-CA**
7. Sperry & Partners Limited ) **Michael D. Brenton and**  
- and - ) **Nadia M. MacPhee,**  
Arthur Roy, Della Anne Roy, Roy ) *for the Appellant*  
Group Inc., Davdon Development ) **J. Charles Foster, Q.C. and**  
Corporation Ltd., Bathurst ) **Isabel Lavoie-Daigle,**  
Builders Ltd., A.E. Roy Realty ) *for the Respondents,*  
Ltd., The A.R. Service Group ) *Arthur Roy & Della Anne Roy*  
Inc., and City of Bathurst ) **Murray J. Ritch, Q.C.,**  
- and - ) *for the Respondents,*  
Jean Paul Hachey, Camilla ) *A.E. Roy Realty Ltd. and*  
Hachey, Pierre Tremblay, ) *The A.R. Service Group Inc.*  
Suzanne Tremblay, Charles ) **Michael E. Bowlin and**  
Weka Lungunga, Marie-Louise ) **Ryan P. Burgoyne,**  
Shimanye Emungu, Philippe ) *for the Respondent,*  
Daigle, Linda Aube, Diane Grant, ) *The City of Bathurst*  
Clifford Kennah, Elvera Kennah, ) **Danys R.X. Delaquis,**  
Roland Morrison, Priscella ) *for the Respondents,*  
Morrison, Ian Stothart, Myrna ) *Jean Paul Hachey et al*  
Stothart, Gregory Ireland, ) **Randy G. Bishop,**

Deborah Ireland, Conrad Sirois,	)	for the Respondents,
Madelaine Sirois, Roger	)	Guy LeBlanc Architecte
McIntyre, Mariette McIntyre and	)	Ltee. And Le Groupe Roy
Martha Aube	)	Consutants Ltée/Roy Consultants
- and -	)	Group Ltd.
Guy LeBlanc Architecte Ltée,	)	<b>Timothy M. Hopkins,</b>
M.F. Schurman Company,	)	for the Respondents,
Limited (also known as La	)	M.F. Schurman Company, Limited
Compangnie M.F. Schurman	)	<b>Michel Green</b> and
Limitée), Maxim 2000 Inc., Ferro-	)	<b>Marie-Hélène Bélanger,</b>
Chemi-Crete Engineering Limited)	)	for the Respondent,
Avondale Construction Limited,	)	Maxim 2000 Inc.
Rice Contracting Ltd., Foulem	)	<b>Thomas G. O'Neil, Q.C.,</b>
Construction Limited, Rice	)	for the Respondent,
Contracting Ltd., Foulem	)	Ferro-Chemi-Crete
Construction Ltée, Mainville	)	Engineering Limited
Trucking Ltd., Bradley Jenks	)	<b>David Elman</b> and
Excavation Ltd., Ken Jenks	)	<b>Robert Traves,</b>
Excavating Ltd., Kenny's	)	for the Respondent,
Trucking Limited, Doucet's	)	Avondale Construction Limited
Landscaping Ltd. and Le Groupe	)	<b>Henry J. Murphy, Q.C.,</b>
Roy Consultant's Ltée/Roy	)	for the Respondent,
Consultants Group Ltd.	)	Rice Contracting Ltd.
)	)	<b>R. Gary Faloon, Q.C.,</b>
)	)	for the Respondent,
)	)	Foulem Construction Ltee,
)	)	<b>Trevor McCann,</b>
)	)	for the Respondent,
)	)	Mainville Trucking Ltd.
)	)	<b>M. Lynn Murray, Q.C. and</b>
)	)	<b>Ryan MacDonald,</b>
)	)	for the Respondent,
)	)	Kenny's Trucking Limited
)	)	<b>Kevin Quigley,</b>
)	)	for the Respondent,
)	)	Kenny's Trucking Limited

(on appeal from 2012 NBQB 076 / en appel de 2012 NBBR 076)

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

**COURTROOM / SALLE #6**

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

**18-12-CA**

8. Evelyn Rebecca Greene ) **Evelyn Rebecca Greene,**  
- and - ) *per se*  
Marie-Claude Blais, Attorney ) **William E. Gould,**  
General of New Brunswick ) *for the Respondent*  
(on appeal from 2012 NBQB 015 / en appel de 2012 NBBR 015)

**WEDNESDAY, JANUARY 16 / LE MERCREDI 16 JANVIER**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

**27-12-CA**

9. Albert John Gay, Kimberley Ann ) **Chesley F. Crosbie, Q.C. and**  
Doyle and James Bliss Wilson ) **Raymond F. Wagner,**  
- and - ) *for the Appellants*  
Regional Health Authority 7, a ) **David T. Hashey, Q.C. and**  
corporation incorporated under ) **Catherine M. Bowlen,**  
the laws of the Province of New ) *for the Respondent,*  
Brunswick ) *Regional Health Authority 7*  
- and - ) **Rodney J. Gillis, Q.C.,**  
Dr. Rajgopal S. Menon ) *for the Respondent,*  
) *Dr. Rajgopal S. Menon*  
(on appeal from 2012 NBQB 088 / en appel de 2012 NBBR 088)

**THURSDAY, JANUARY 17 / LE JEUDI 17 JANVIER**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #8**

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

**103-12-CA**

- |     |                                    |                         |
|-----|------------------------------------|-------------------------|
| 10. | Jules Bossé, Anne Doiron Bossé )   | <b>Jules Bossé,</b>     |
|     | Les Entreprises Environtek Ltée. ) | per se                  |
|     | - and - )                          | <b>Blair C. Fraser,</b> |
|     | Financement Agricole Canada )      | for the Respondent      |

**THURSDAY, JANUARY 31 / LE JEUDI 31 JANVIER**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

**22-12-CA**

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

**REMANET**

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

- 177-11-CA**
11. Her Majesty The Queen ) **C. Gabriel Bourgeois, Q.C. and**  
- and - ) **Kathryn Gregory,**  
Rodney Tingley, Roger Tingley, ) **for the Appellant**  
Michael Tingley and ) **Graham J. Sleeth, Q.C.,**  
Christopher Tingley ) **for the Respondent,**  
) **Rodney Tingley**  
) **Alison J. Menard,**  
) **for the Respondent,**  
) **Roger Tingley**  
) **David M. LeBlanc,**  
) **for the Respondent,**  
) **Michael Tingley**  
) **Brian D. Munro,**  
) **for the Respondent,**  
) **Christopher Tingley**

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

- 31-12-CA**
12. Daniel Ginnish ) **Daniel Ginnish,**  
- and - ) **per se**  
Her Majesty The Queen ) **Cameron H. Gunn,**  
) **for the Respondent**