

**COURT OF APPEAL
OF
NEW BRUNSWICK**

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



***List of Cases for the
April 2013 sitting***

***Le rôle pour la session du mois
d'avril 2013***

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

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

TUESDAY, APRIL 9 / LE MARDI 9 AVRIL
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

- 154-12-CA**
1. Joseph Neldé Cormier) **James J. Matheson,**
- and -) for the Appellant
Her Majesty The Queen) **Cameron H. Gunn,**
) for the Respondent
- 158-12-CA**
2. D.M.S.) **Alison J. Ménard,**
- and -) for the Appellant
Her Majesty The Queen) **Cameron H. Gunn,**
) for the Respondent
- 22-13-CA**
3. S.H.) **Patricia Gallagher Jette,**
- and -) for the Appellant
The Department of Social) **Corry A. Toole,**
Development) for the Respondent
) **William H. Watts,**
) for the children

WEDNESDAY, APRIL 10 / LE MERCREDI 10 AVRIL
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

- 76-12-CA**
4. Peter Monteith) **Peter Monteith,**
- and -) per se
Her Majesty The Queen) **Eric Lalonde,**
) for the Respondent

TUESDAY, APRIL 16 / LE MARDI 16 AVRIL
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

67-12-CA

5. Jon Boone Doak) **John D. Hughes,**
- and -) for the Appellant
Nurses Association of New) **Frederick C. McElman, Q.C.,**
Brunswick) for the Respondent
(on appeal from 2012 NBQB 153 / en appel de 2013 NBBR 153)

TUESDAY, APRIL 23 / LE MARDI 23 AVRIL
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

163-12-CA

6. Her Majesty The Queen in right) **Keith Mullin,**
of the Province of New Brunswick) for the Appellant
as represented by Board of) **Glen S. Gallant,**
Management) for the Respondents
- and -)
Canadian Union of Public)
Employees, Local 2745)
(Administrative Support Category-))
Stenographic, Typing, Clerical,)
Regulatory & Office Equipment)
Operation Occupational Group),)
Part II, First Schedule of the Act)
(on appeal from 2012 NBQB 381 / en appel de 2012 NBBR 381)

WEDNESDAY, APRIL 24 / LE MERCREDI 24 AVRIL
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

8-13-CA

7. Jones Masonry Ltd.) **Clarence L. Bennett,**
- and -) *for the Appellant*
Labourers' International Union) **Joël Michaud and**
of North America, Local 900) **Brenda L. Comeau,**
) *for the Respondent*
(on appeal from 2012 NBQB 410 / en appel de 2012 NBBR 410)

THURSDAY, APRIL 25 / LE JEUDI 25 AVRIL
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

71-12-CA

8. Derek Lloyd Adam Carson) **Derek Lloyd Adam Carson,**
- and -) *per se*
Her Majesty The Queen) **Cameron H. Gunn,**
) *for the Respondent*
(on appeal from 2011 NBQB 370 / en appel de 2011 NBBR 370)

TUESDAY, APRIL 30 / LE MARDI 30 AVRIL
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

108-12-CA

9. Bennett E. Hunter) **Bennett E. Hunter,**
- and -) *per se*
Her Majesty The Queen) **Cameron H. Gunn,**
) *for the Respondent*

- 133-12-CA**
- | | | | |
|-----|-----------------------|---|------------------------------|
| 10. | Joel Maurice LeBlanc |) | Joel Maurice LeBlanc, |
| | - and - |) | per se |
| | Her Majesty The Queen |) | Cameron H. Gunn, |
| | |) | for the Respondent, |

TUESDAY, MAY 14 / LE MARDI 14 MAI
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

- 119-12-CA**
- | | | | |
|-----|---------------------------|---|-----------------------------|
| 11. | Christopher Robert Messer |) | Michael W. Lacy and |
| | - and - |) | Brian D. Munro, |
| | Her Majesty The Queen |) | for the Appellant |
| | |) | William B. Richards, |
| | |) | for the Respondent |
- (on appeal from 2012 NBQB 287 / en appel de 2012 NBBR 287)

WEDNESDAY, MAY 15 / LE MERCREDI 15 MAI
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

- 143-12-CA**
- | | | | |
|-----|----------------------------------|---|----------------------------|
| 12. | Enbridge Gas New Brunswick |) | David Duncan Young, |
| | Limited Partnership, as |) | for the Applicant, |
| | represented by its general |) | Ellen C. Desmond, |
| | partner Enbridge Gas New |) | for the Respondent, |
| | Brunswick Inc., |) | Catherine A. Lahey, |
| | - and - |) | for the Intervener |
| | New Brunswick Energy and |) | |
| | Utilities Board |) | |
| | - and - |) | |
| | Attorney General of the Province |) | |
| | of New Brunswick |) | |

THURSDAY, MAY 16 / LE JEUDI 16 MAI
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

- 116-12-CA**
13. Ville de Dieppe) **G. Robert Basque, c.r.,**
- et -) **avocat de l'appelante**
Syndicat canadien de la) **Glen S. Gallant,**
fonction publique Section Locale) **avocat des intimés**
4679 et Jean-Eudes Morin)

THURSDAY, MAY 23 / LE JEUDI 23 MAI
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

- 18-12-CA**
14. 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)

**TUESDAY, WEDNESDAY and THURSDAY, JUNE 11, 12 and 13 /
LE MARDI, MERCREDI et JEUDI 11, 12 et 13 JUIN
10:00 a.m. / 10h**

COURTROOM / SALLE #6

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

- 27-12-CA**
15. 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)

**MONDAY, JUNE 17 / LE LUNDI 17 JUIN
10:00 a.m. / 10h**

COURTROOM / SALLE #6

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

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

**TUESDAY, JUNE 18 / LE MARDI 18 JUIN
9:00 a.m. / 9h**

BAR ADMISSION / ADMISSION AU BARREAU

WEDNESDAY, JUNE 19 / LE MERCREDI 19 JUIN
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

146-12-CA

16. Acadie-Presse Ltée) **Jean-Marc Gauvin,**
- et -) *avocat de l'appelante*
Darlene Blanchard) **Euclide LeBouthillier, c.r.,**
) *avocat de l'intimée*
(*en appel de 2012 NBBR 323 / on appeal from 2013 NBQB 323*)

2:00 p.m. / 14h

COURTROOM / SALLE #6

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

134-12-CA

17. Paul Campbell) **Rodney J. Gillis, Q.C.,**
- and -) *for the Appellant*
New Brunswick Power) **Howard A. Spalding, Q.C.**
Distribution and Customer) *and Rebecca M. Atkinson,*
Service Corporation and) *for the Respondent,*
Lakeside Enterprises Ltd.) *New Brunswick Power*
) *Distribution and Customer*
) *Service Corporation*
) **Henry J. Murphy, Q.C.,**
) *for the Respondent,*
) *Lakeside Enterprises Ltd.*
(*on appeal from 2012 NBQB 316 / en appel de 2013 NBBR 316*)

REMANETS

COURTROOM / SALLE #6

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

103-12-CA

- | | | |
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| 18. | <i>Jules Bossé, Anne Doiron Bossé</i>) | Jules Bossé and |
| | <i>Les Entreprises Environtek Ltée.</i>) | Anne Doiron Bossé, |
| | <i>- and -</i>) | <i>per se</i> |
| | <i>Financement Agricole Canada</i>) | Blair C. Fraser, |
| |) | <i>for the Respondent</i> |

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

177-11-CA

- | | | |
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| 19. | <i>Her Majesty The Queen</i>) | C. Gabriel Bourgeois, Q.C. and |
| | <i>- and -</i>) | Kathryn Gregory, |
| | <i>Rodney Tingley, Roger Tingley,</i>) | <i>for the Appellant</i> |
| | <i>and Christopher Tingley</i>) | Graham J. Sleeth, Q.C., |
| |) | <i>for the Respondent,</i> |
| |) | <i>Rodney Tingley</i> |
| |) | Alison J. Menard, |
| |) | <i>for the Respondent,</i> |
| |) | <i>Roger Tingley</i> |
| |) | Brian D. Munro, |
| |) | <i>for the Respondent,</i> |
| |) | <i>Christopher Tingley</i> |