

COURT OF APPEAL

COUR D'APPEL

OF

DU

NEW BRUNSWICK

NOUVEAU-BRUNSWICK



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

***Le rôle pour la session du mois
de juin 2013***

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

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

**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

- | | | |
|----|--|-------------------------------------|
| 1. | 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 -) | Catherine A. Fawcett, |
| | Dr. Rajgopal S. Menon) | for the Respondent, |
| |) | Dr. Rajgopal S. Menon |
| | (on appeal from 2012 NBQB 088 / en appel de 2012 NBBR 088) | |

TUESDAY, JUNE 11 / LE MARDI 11 JUIN
10:00 a.m. / 10h

COURTROOM / SALLE #8

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

154-12-CA

- | | | |
|----|-------------------------|---------------------------|
| 2. | Joseph Neldé Cormier) | James J. Matheson, |
| | - and -) | for the Appellant |
| | Her Majesty The Queen) | Cameron H. Gunn, |
| |) | for the Respondent |

WEDNESDAY, JUNE 12 / LE MERCREDI 12 JUIN
10:00 a.m. / 10h

COURTROOM / SALLE #8

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

- 13-13-CA**
3. Dr. D. Anthony Wade) **Matthew R. Letson,**
- and -) for the Appellant
Her Majesty the Queen in right of) **Richard A. Williams,**
the Province of New Brunswick,) for the Respondent
as represented by the Minister of)
Health)
(on appeal from 2013 NBQB 011 / en appel de 2013 NBBR 011)

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, JJ.A.)

No. 4 Adjourned and set over to September 10, 2013, pursuant to directions of The Honourable Chief Justice Drapeau/La date de l'audience est remise au 10 septembre 2013, en vertu de la directive de l'Honorable juge en chef.

- 31-12-CA**
4. Daniel Ginnish) **James J. Matheson,**
- and -) for the Appellant
Her Majesty The Queen) **Cameron H. Gunn,**
) for the Respondent

2:00 p.m. / 14h

COURTROOM / SALLE #6

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

- 44-12-CA**
5. Martin Jean-Guy Robichaud) **Martin A. Goguen,**
- and -) for the Appellant
Her Majesty The Queen) **Rémi J. Allard,**
) 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

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

- 36-13-CA**
6. Keith Munn) **Keith Leroy Munn,**
- and -) **per se**
The Province of New Brunswick) **Keith Mullin,**
and Kristian Moore and Lucille) **for the Respondents,**
Collette)
(on appeal from 2013 NBQB 051 / en appel de 2013 NBBR 051)

2:00 p.m. / 14h

COURTROOM / SALLE #6

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

- 146-12-CA**
7. 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)

THURSDAY, JUNE 20 / LE JEUDI 20 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.)

29-13-CA

- | | | | |
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| 8. | <i>Fédération des producteurs</i> |) | Sacha D. Morisset, |
| | <i>acéricoles du Québec</i> |) | <i>avocat de l'appelante</i> |
| | <i>- et -</i> |) | Marc Roy, |
| | <i>Caisse Populaire de Restigouche</i> |) | <i>avocat de l'intimé,</i> |
| | <i>Ltée, Banque Nationale du</i> |) | <i>Caisse populaire de</i> |
| | <i>Canada, Procureure générale du</i> |) | <i>Restigouche Ltée</i> |
| | <i>Nouveau-Brunswick, Procureur</i> |) | Ronald J. LeBlanc, c.r., |
| | <i>Général du Canada, S.K. Export</i> |) | <i>avocat de l'intimé,</i> |
| | <i>Inc., Étienne St-Pierre et</i> |) | <i>Banque Nationale du Canada</i> |
| | <i>Germain Gauthier</i> |) | Gaétan Migneault, |
| | |) | <i>avocat de l'intimé,</i> |
| | |) | <i>Procureure générale de</i> |
| | |) | <i>du Nouveau-Brunswick</i> |
| | |) | Ginette Mazerolle, |
| | |) | <i>avocate de l'intimé,</i> |
| | |) | <i>Procureur général du Canada</i> |
| | |) | J. Yvon Arseneau, |
| | |) | <i>avocat des l'Intimés,</i> |
| | |) | <i>S.K. Export Inc. et Étienne</i> |
| | |) | <i>St-Pierre</i> |
| | |) | Germain Gauthier, |
| | |) | <i>per se</i> |

(en appel de 2013 NBBR 042 / on appeal from 2013 NBQB 042)

COURTROOM / SALLE #8

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

98-12-CA

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| 9. | <i>Norman Gerard Belong</i> |) | Clarence L. Bennett, |
| | <i>- and -</i> |) | <i>for the Appellant</i> |
| | <i>Her Majesty The Queen in</i> |) | Lori Rasmussen and |
| | <i>right of the Attorney General of</i> |) | Patricia MacPhee, |
| | <i>Canada and Timothy Quigley</i> |) | <i>for the Respondents,</i> |
- (on appeal from 2012 NBQB 218 / en appel de 2011 NBBR 218)*

TUESDAY, JUNE 25 / LE MARDI 25 JUIN
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

- 145-12-CA**
10. Stacy Lynn Blois) **Tracy Peters and**
- and -) **Stéphanie M. Cormier,**
Peter John Oliver) for the Appellant
) **David M. Lutz, Q.C.,**
) for the Respondent

2:00 p.m. / 14h

COURTROOM / SALLE #8

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

- 35-13-CA**
11. Eric Cormier, Rachelle Rae Goral) **Basile Chiasson, Q.C.,**
and Lori Ann Kierstead) for the Appellants,
- and -) Rachelle Rae Goral and
Scarlett Cormier) Lori Ann Kierstead
) **Eric Cormier,**
) per se
) **Martin J. Siscoe,**
) for the Respondent

WEDNESDAY, JUNE 26 / LE MERCREDI 26 JUIN
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

- 79-12-CA**
12. Jean-Guy Ouellette) **James J. Matheson,**
- and -) for the Appellant
Her Majesty The Queen) **Cameron H. Gunn,**
) for the Respondent

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

COURTROOM / SALLE #6

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

135-12-CA

13. J. Shawn O'Toole) **Frederick C. McElman, Q.C.,**
- and -) for the Appellant
The Law Society of New Brunswick) **John D. Townsend, Q.C.,**
(on appeal from 2012 NBQB 336 / en appel de 2012 NBBR 336)) for the Respondent

2:00 p.m. / 14h

COURTROOM / SALLE #6

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

31-12-CA

4. Daniel Ginnish) **James J. Matheson,**
- and -) for the Appellant
Her Majesty The Queen) **Cameron H. Gunn,**
) for the Respondent

WEDNESDAY, SEPTEMBER 11 / LE MERCREDI 11 SEPTEMBRE
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

103-12-CA

14. Jules Bossé, Anne Doiron Bossé) **Jules Bossé and**
Les Entreprises Environtek Ltée.) **Anne Doiron Bossé,**
- and -) per se
Financement Agricole Canada) **Blair C. Fraser,**
) for the Respondent

THURSDAY, SEPTEMBER 12 / LE JEUDI 12 SEPTEMBRE
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

34-12-CA

15. Lise Natalie LeMay) **Eugene J. Mockler, Q.C.**
- and -) **and Kevin C. Toner,**
Dr. Thomas H. Peters) **for the Appellant**
) **John C. Gillis,**
) **for the Respondent**
(On appeal from 2012 NBQB 068/ en appel de 2012 NBBR 068)

TUESDAY, SEPTEMBER 17 / LE MARDI 17 SEPTEMBRE
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

133-12-CA

16. Joel Maurice LeBlanc) **Joel Maurice LeBlanc,**
- and -) **per se**
Her Majesty The Queen) **Cameron H. Gunn,**
) **for the Respondent,**

TUESDAY, OCTOBER 8 / LE MARDI 8 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.)

134-12-CA

17. Paul Campbell) **John C. Gillis,**
- 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

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

177-11-CA

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

COURTROOM / SALLE #6

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

143-12-CA

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| 19. | <i>Enbridge Gas New Brunswick</i> |) | David Duncan Young, |
| | <i>Limited Partnership, as</i> |) | <i>for the Applicant,</i> |
| | <i>represented by its general</i> |) | Ellen C. Desmond, |
| | <i>partner Enbridge Gas New</i> |) | <i>for the Respondent,</i> |
| | <i>Brunswick Inc.,</i> |) | Kenneth B. McCullogh, Q.C. |
| | <i>- and -</i> |) | <i>and Catherine A. Lahey,</i> |
| | <i>New Brunswick Energy and</i> |) | <i>for the Intervener</i> |
| | <i>Utilities Board</i> |) | |
| | <i>- and -</i> |) | |
| | <i>Attorney General of the Province</i> |) | |
| | <i>of New Brunswick</i> |) | |