

COURT OF APPEAL

OF

NEW BRUNSWICK

COUR D'APPEL

DU

NOUVEAU-BRUNSWICK



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

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

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

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

TUESDAY, NOVEMBER 12 / LE MARDI 12 NOVEMBRE
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

No. 1 Adjourned and set over to January 14, 2014, pursuant to directions of The Honourable Chief Justice Drapeau/La date de l'audience est remise au 14 janvier 2014, en vertu de la directive de l'Honorable juge en chef.

- 70-13-CA**
- | | | | |
|----|------------------------|---|----------------------------------|
| 1. | Rodney J. Gillis, Q.C. |) | Maria G. Henheffer, Q.C., |
| | - and - |) | for the Appellant |
| | Her Majesty The Queen |) | Peter Craig, |
| | |) | for the Respondent |

WEDNESDAY, NOVEMBER 13 / LE MERCREDI 13 NOVEMBRE
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

- 68-13-CA**
- | | | | |
|----|-----------------------|---|----------------------------------|
| 2. | Kirk Douglas Holland |) | Margaret Gallagher, Q.C., |
| | - and - |) | for the Appellant |
| | Her Majesty The Queen |) | Cameron H. Gunn, Q.C., |
| | |) | for the Respondent |

TUESDAY, NOVEMBER 19 / LE MARDI 19 NOVEMBRE
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

3. 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.

10-13-CA
3. Dana Patrick Ward) **Dana Patrick Ward,**
- and -) **per se**
Her Majesty The Queen) **T. William Morrissy, Q.C.,**
) **for the Respondent**

COURTROOM / SALLE #8

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

No. 4 Removed pursuant to the consent order / Radié suite à l'ordonnance par consentement.

143-12-CA
4. 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.,) **Kenneth B. McCulloch, Q.C.**
- and -) **and Catherine A. Lahey, Q.C.,**
New Brunswick Energy and) **for the Intervener**
Utilities Board)
- and -)
Attorney General of the Province)
of New Brunswick)

WEDNESDAY, NOVEMBER 20 / LE MERCREDI 20 NOVEMBRE
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

- 6-12-CA**
5. *Livain Duguay*) ***Livain Duguay,***
 - et -) ***per se***
La Commission de la santé, de la) ***Charles A. LeBlond, c.r.,***
sécurité et de l'indemnisation des) ***avocate de l'intimée***
accidents au travail)

THURSDAY, NOVEMBER 21 / LE JEUDI 21 NOVEMBRE
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

- 30-13-CA**
6. *Darcy Munn*) ***Brian F.P. Murphy,***
 - and -) ***for the Appellant***
Workplace Health, Safety and) ***Charles A. LeBlond, Q.C.,***
Compensation Commission of) ***for the Respondent***
New Brunswick)
- 31-13-CA**
7. *Yolande Mongeon*) ***Brian F.P. Murphy,***
 - and -) ***for the Appellant***
Workplace Health, Safety and) ***Charles A. LeBlond, Q.C.,***
Compensation Commission of) ***for the Respondent***
New Brunswick)

TUESDAY, NOVEMBER 26 / LE MARDI 26 NOVEMBRE
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

No. 8 and/et 9 Adjourned and set over to November 27, 2013, pursuant to directions of The Court / La date de l'audience est remise au 27 novembre 2013, en vertu de la directive de la cour.

- 103-12-CA**
8. 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
- 54-13-CA**
9. 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
(on appeal from 2013 NBQB 131/ en appel de 2013 NBBR 131)

WEDNESDAY, NOVEMBER 27/ LE MERCREDI 27 NOVEMBRE
2:00 p.m. / 14h

COURTROOM / SALLE #6

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

- 103-12-CA**
8. 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

54-13-CA

9. 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
(on appeal from 2013 NBQB 131/ en appel de 2013 NBBR 131)

THURSDAY, NOVEMBER 28 / LE JEUDI 28 NOVEMBRE
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

34-12-CA

10. Lise Natalie LeMay) **Eugene J. Mockler, Q.C.**
- and -) **and Kevin C. Toner,**
Dr. Thomas H. Peters) **for the Appellant**
) **Robert M. Dysart,**
) **for the Respondent**
(on appeal from 2012 NBQB 068/ en appel de 2012 NBBR 068)

**TUESDAY, WEDNESDAY AND THURSDAY, APRIL 29, 30 & MAY 1 /
LE MARDI, MERCREDI et JEUDI 29 et 30 AVRIL et 1 MAI
10:00 a.m. / 10h**

COURTROOM / SALLE #6

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

160-12-CA

11. *Curtis Bonnell*) **Peter A. Corey,**
- and -) *for the Appellant*
Her Majesty The Queen) **Cameron H. Gunn, Q.C.,**
) *for the Respondent*
(on appeal from 2011 NBQB 246 / en appel de 2011 NBBR 246)
(on appeal from 2012 NBQB 024 / en appel de 2012 NBBR 024)
(on appeal from 2012 NBQB 034 / en appel de 2012 NBBR 034)
(on appeal from 2012 NBQB 289 / en appel de 2012 NBBR 289)

REMANETS

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

177-11-CA

- | | | | |
|-----|--------------------------------|---|--------------------------------|
| 12. | Her Majesty The Queen |) | Kathryn Gregory, |
| | - and - |) | for the Appellant |
| | Rodney Tingley, Roger Tingley, |) | Graham J. Sleeth, Q.C., |
| | and Christopher Tingley |) | for the Respondent, |
| | |) | Rodney Tingley |
| | |) | Alison J. Ménard, |
| | |) | for the Respondent, |
| | |) | Roger Tingley |
| | |) | Brian D. Munro, |
| | |) | for the Respondent, |
| | |) | Christopher Tingley |

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

139-09-CA

- | | | | |
|-----|-----------------------|---|--------------------------------|
| 13. | Ruedi Leslie Schori |) | Ruedi Leslie Schori, |
| | - and - |) | per se |
| | Her Majesty The Queen |) | Christopher R. Lavigne, |
| | |) | for the Respondent |

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

147-12-CA

- | | | | |
|-----|----------------------|---|----------------------------|
| 14. | Ronald Gautreau and |) | Ronald Gautreau and |
| | Gloria Gautreau |) | Gloria Gautreau, |
| | - and - |) | per se |
| | Richard Saulnier and |) | André-Guy Savoie, |
| | June Saulnier |) | for the Respondents |

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

71-13-CA

- | | | | |
|-----|--|---|-------------------------|
| 15. | New Brunswick Community |) | Keith Mullin, |
| | College, Annette Albert, Sandra |) | for the Appellants |
| | Maber, Diane Burt and Lorna |) | Thomas Vihvelin, |
| | Munro |) | per se |
| | - and - |) | |
| | Thomas Vihvelin |) | |
| | (on appeal from 2013 NBQB 227 / en appel de 2013 NBBR 227) | | |