

COURT OF APPEAL

COUR D'APPEL

OF

DU

NEW BRUNSWICK

NOUVEAU-BRUNSWICK



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

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

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

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

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 RICHARD, JJ.A.)

No. 1 Removed pursuant to directions of The Court / La date de l'audience est remise en vertu d'une directive de la cour.

- 154-12-CA**
- | | | | |
|----|-----------------------|---|--------------------------------|
| 1. | Joseph Neldé Cormier |) | James J. Matheson, |
| | - and - |) | for the Appellant |
| | Her Majesty The Queen |) | Robert A. Murray, Q.C., |
| | |) | for the Respondent |

No. 2 Removed pursuant to directions of The Honourable Chief Justice Drapeau / La date de l'audience est remise en vertu d'une directive de l'Honorable juge en chef

- 158-12-CA**
- | | | | |
|----|-----------------------|---|--------------------------|
| 2. | D.M.S. |) | Alison J. Ménard, |
| | - and - |) | for the Appellant |
| | Her Majesty The Queen |) | Marc P. Savoie, |
| | |) | for the Respondent |

COURTROOM / SALLE #8

(*ROBERTSON, QUIGG AND/ET GREEN, JJ.A.)

- 134-12-CA**
- | | | | |
|----|---------------------------|---|---------------------------------|
| 3. | Paul Campbell |) | Scott N. Larson, |
| | - and - |) | for the Appellant |
| | New Brunswick Power |) | Howard A. Spalding, Q.C. |
| | Distribution and Customer |) | and Rebecca M. Atkinson, |
| | Service Corporation and |) | for the Respondents, |
| | 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 2012 NBBR 316)

WEDNESDAY, OCTOBER 9 / LE MERCREDI 9 OCTOBRE
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

135-12-CA

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

2:00 p.m. / 14h

COURTROOM / SALLE #6

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

37-13-CA

5. Irene Green) **Irene Green,**
- and -) **per se**
Aviva Canada Inc.) **Donald V. Keenan,**
) **for the Respondent**

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

COURTROOM / SALLE #6

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

44-12-CA

6. Martin Jean-Guy Robichaud) **Martin A. Goguen,**
- and -) **for the Appellant**
Her Majesty The Queen) **Rémi J. Allard,**
) **for the Respondent**

COURTROOM / SALLE #8

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

17-13-CA

7. David Hopper) **Andrew J. Valeri,**
- and -) for the Appellant
Stephen Hopper, Tanya Hopper,) **G. Robert Basque,** Q.C.,
Michael Tingley and Melissa) for the Respondent
Patten) Stephen Hopper, Tanya Hopper
) and Michael Tingley
) **Melissa Patten,**
) per se
)
(on appeal from 2013 NBQB 013/ en appel de 2013 NBBR 013)

TUESDAY, OCTOBER 15 / LE MARDI 15 OCTOBRE
10:00 a.m. / 10h

COURTROOM / SALLE #8

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

153-12-CA

8. Yvon LeBlanc, as represented) **Lee McKeigan-Dempsey,**
by his Litigation Guardian,) for the Appellant
Donald West) **Monica L. Barley,**
- and -) for the Respondents
Fundy Drywall Ltd.,)
- and -)
Mario Allain)

COURTROOM / SALLE #6

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

139-12-CA

9. Her Majesty The Queen) **Nicole Angers,**
- and -) for the Appellant
Trevor Howie Dow) **Martin A. Goguen,**
) for the Respondent

- 141-12-CA**
- | | | | |
|-----|-----------------------|---|--------------------------|
| 10. | Trevor Howie Dow |) | Martin A. Goguen, |
| | - and - |) | for the Appellant |
| | Her Majesty The Queen |) | Nicole Angers, |
| | |) | for the Respondent |

**No. 11 Adjourned and set over to October 16, 2013, pursuant to directions of The Court/
La date de l'audience est remise au 16 octobre 2013, en vertu de la directive de la cour.**

- 49-13-CA**
- | | | | |
|-----|-------------------------|---|--------------------------------|
| 11. | Justin Mansour Christie |) | Peter A. Corey, |
| | - and - |) | for the Appellant |
| | Her Majesty The Queen |) | Christopher R. Lavigne, |
| | |) | for the Respondent |

WEDNESDAY, OCTOBER 16 / LE MERCREDI 16 OCTOBRE
9:30 a.m. / 9h30

COURTROOM / SALLE #6

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

- 49-13-CA**
- | | | | |
|-----|-------------------------|---|--------------------------------|
| 11. | Justin Mansour Christie |) | Peter A. Corey, |
| | - and - |) | for the Appellant |
| | Her Majesty The Queen |) | Christopher R. Lavigne, |
| | |) | for the Respondent |

10:00 a.m. / 10h

COURTROOM / SALLE #8

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

**No. 12 Removed 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 de la directive
de l'Honorable juge en chef.**

- 103-12-CA**
- | | | | |
|-----|----------------------------------|---|---------------------------|
| 12. | 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, OCTOBER 17 / LE JEUDI 17 OCTOBRE
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

39-13-CA

27.	Her Majesty The Queen)	Cameron H. Gunn,
	- and -)	for the Appellant
	Melanie Dawn MacPhee)	Jeremy D. Erickson,
)	for the Respondent

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

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

No. 13 Adjourned and set over to October 29, 2013, pursuant to directions of The Court / La date de l'audience est remise au 29 octobre 2013, en vertu de la directive de la cour.

66-12-CA

13.	Jerome Blake, Gaylie Blake,)	Alan D. Schelew,
	Laura A. Snelling, Susan M.)	for the Appellants
	Blake and Sherryl L. Stanley)	Jacques J. Gauthier,
	- and -)	for the Respondents
	Joseph Laurie Richard, Camille)	
	Richard and Marie Jeannita)	
	Richard)	
	(on appeal from 2012 NBQB 143 / en appel de 2012 NBBR 143)		

FRIDAY, OCTOBER 18, / LE VENDREDI 18 OCTOBRE
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

51-13-CA

14. UBS Holding Canada Ltd.) **David R. Byers,**
- and -) **Daniel S. Murdoch,**
David Harrison, Alex Araujo,) **Ingrid A. Minott and**
Matthieu Debost, Fadi Chamoun,) **Kenneth B. McCulloch, Q.C.,**
Dann Cushing, William Verner,) **for the Appellant**
Kamaldeep Grewal aka Ken) **Jonathan Lisus,**
Grewal, Michael Overvelde,) **Daniel Naymark and**
Richard Lavoie, Scott Lindow,) **Charles D. Whelly, Q.C.,**
Robert Jeffery Elliott, Frank) **for the Respondents**
Peters, Jonathan Block, Kevin)
Kingsley, Carolyn Freeborough,)
James Estey, Helen Hayes, Mark)
Ernst, Memet Kont, Brian Huen)
and Andrew Whipp)
(on appeal from 2013 NBQB 125 / en appel de 2013 NBBR 125)

TUESDAY, OCTOBER 29 / LE MARDI 29 OCTOBRE
10:00 a.m. / 10h

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

COURTROOM / SALLE #1

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

66-12-CA

13. Jerome Blake, Gaylie Blake,) **Alan D. Schelew,**
Laura A. Snelling, Susan M.) **for the Appellants**
Blake and Sherryl L. Stanley) **Jacques J. Gauthier,**
- and -) **for the Respondents**
Joseph Laurie Richard, Camille)
Richard and Marie Jeannita)
Richard)
(on appeal from 2012 NBQB 143 / en appel de 2012 NBBR 143)

WEDNESDAY, OCTOBER 30 / LE MERCREDI 30 OCTOBRE
2:00 p.m. / 14h

COURTROOM / SALLE #6

(*ROBERTSON, QUIGG AND/ET GREEN, JJ.A.)

- 55-13-CA**
15. Harold Grew) **Ronald J. Ashfield, Q.C.,**
- and -) for the Appellant
Milemore Holdings Ltd.,) **Randy G. Bishop,**
- and -) for the Respondent,
Larry C. Fullerton, and Richard) Milemore Holdings Ltd.,
Carver and Douglas Stewart) **Gregory E. Murphy, Q.C.,**
) for the Respondents,
) Richard Carver and
) Douglas Stewart
) **Larry C. Fullerton,**
) per se
- (on appeal from 2013 NBQB 158 / en appel de 2013 NBBR 158)

THURSDAY, OCTOBER 31 / LE JEUDI 31 OCTOBRE
10:00 a.m. / 10h

COURTROOM / SALLE #8

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

No. 12 Removed 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 de la directive de l'Honorable juge en chef.

- 71-13-CA**
16. 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)

FRIDAY, NOVEMBER 1 / LE VENDREDI 1 NOVEMBRE
9:00 a.m. / 9h

COURTROOM / SALLE #6

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

No. 17 Removed 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.

147-12-CA
17. Ronald Gautreau and) **Ronald Gautreau and**
Gloria Gautreau) **Gloria Gautreau,**
- and -) **per se**
Richard Saulnier and) **André-Guy Savoie,**
June Saulnier) **for the Respondents**

10:00 a.m. / 10h

COURTROOM / SALLE #8

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

113-12-CA
18. Trent Tait) **Julian C. Williams,**
- and -) **for the Appellant**
Her Majesty The Queen in the) **Keith Mullin,**
right of the Province of New) **for the Respondent**
Brunswick, as represented by)
Board of Management on behalf)
of Ambulance NB)
(on appeal from 2012 NBQB 240 / en appel de 2012 NBBR 240)