

**COURT OF APPEAL**

**OF**

**NEW BRUNSWICK**

**COUR D'APPEL**

**DU**

**NOUVEAU-BRUNSWICK**



***List of Cases for the  
November 2014 sitting***

***Le rôle pour la session du mois  
de novembre 2014***

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

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

**WEDNESDAY, NOVEMBER 12 / LE MERCREDI 12 NOVEMBRE**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

**No. 1 Notice of Discontinuance filed October 7, 2014/Un avis de désistement a été émis le 7 octobre 2014**

**35-14-CA**

- |    |  |   |                                    |
|----|--|---|------------------------------------|
| 1. | Irving Pulp & Paper, Limited                               | ) | <b>William B. Goss, Q.C., and</b>  |
|    | - and -  | ) | <b>Melissa M. Everett-Withers,</b> |
|    | Communications, Energy and                                 | ) | for the Appellant                  |
|    | Paperworkers Union of Canada,                              | ) | <b>David G. Gauthier,</b>          |
|    | Local 30   | ) | for the Respondent                 |
|    | (on appeal from 2014 NBQB 058 / en appel de 2014 NBBR 058) |   |                                    |

**THURSDAY, NOVEMBER 13 / LE JEUDI 13 NOVEMBRE**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #8**

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

**No. 2 Adjourned 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.**

**119-13-CA**

- |    |                             |   |                                |
|----|-----------------------------|---|--------------------------------|
| 2. | The Law Society of New      | ) | <b>John D. Townsend, Q.C.,</b> |
|    | Brunswick, a body corporate | ) | for the Appellant              |
|    | - and -                     | ) | <b>Philip C. Mix,</b>          |
|    | Philip C. Mix               | ) | per se                         |

**MONDAY, NOVEMBER 17 / LE LUNDI 17 NOVEMBRE**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

**(DESCHÊNES, \*RICHARD AND/ET QUIGG, JJA.)**

- 80-14-CA**
3.     Robert Chiasson                                     )  
       - et -   )  
       Duguay Holdings Inc.                             )  
       (un corporation) et Onile                     )  
       Duguay   )
- J. Denis Boudreau,**  
          *l'avocat de l'appelant*
- Rémy Boudreau,**  
          *l'avocat des intimés*

**2:00 p.m. / 14h**

**COURTROOM / SALLE #8**

**VIDEO CONFERENCE / VIDÉO CONFÉRENCE**

**Bathurst Courthouse, 254 St Patrick Street, 2<sup>nd</sup> Floor, Courtroom "A" /  
Palais de Justice – Bathurst, 254 rue St. Patrick, 2<sup>ième</sup> étage, Salle « A »**

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

- 86-14-CA**
4.     Alexandre Lanteigne                             )  
       - et -   )  
       Sa Majesté la Reine                             )  
   )
- Charles R. LeBlanc, c.r.,**  
          *l'avocat de l'appelant*
- Marc A Bourgeois,**  
          *l'avocat de l'intimée*

**TUESDAY, NOVEMBER 18 / LE MARDI 18 NOVEMBRE**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

**(\*RICHARD, BELL AND/ET GREEN, JJA.)**

**No. 5 Adjourned and set over to December 15 and 16, 2014, pursuant to directions of The Court/La date de l'audience est remise au 15 et 16 décembre 2014, en vertu de la directive de la cour.**

- 135-13-CA**
5. Her Majesty The Queen in right ) **Krista L. Colford and**  
Of the Province of New ) **Michael L. Hynes,**  
Brunswick ) for the Appellant  
- and - ) **C. Gabriel Bourgeois, Q.C.,**  
Brad Gould Trucking & ) for the Respondent,  
Excavating Ltd. ) Brad Gould Trucking &  
- and - ) Excavating Ltd.  
Bird Construction Company ) **Thomas G. O'Neil, Q.C.,**  
) for the Respondent,  
) Bird Construction Company  
(on appeal from 2014 NBQB 374 / en appel de 2014 NBBR 374)

**THURSDAY, NOVEMBER 20 / LE JEUDI 20 NOVEMBRE**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

**No. 6 Adjourned and set over to February 18, 2015, pursuant to directions of The Honourable Chief Justice Drapeau/La date de l'audience est remise au 18 février 2015, en vertu de la directive de l'Honorable juge en chef.**

- 89-14-CA**
6. Robichaud Apartments Inc., ) **Daniel J. Surette et**  
- et - ) **Sophie Caissie Cormier,**  
TG 112 & 114 Murphy Ltd., ) avocats de l'appelant  
Transglobe Investment ) **Lucie Laboissonnière,**  
Management Ltd., Transglobe ) avocates des intimés,  
Apartment Master LP, Daniel ) TG 112 & 114 Murphy Ltd.,  
Drimmer, J.-R. Daigle ) Transglobe Investment  
Engineering Ltd – Ingénierie J.-R. ) Management Ltd., Transglobe  
Daigle Ltée et A. Terrance Edgett ) Apartment Master LP et  
et Jean-Robert Daigle ) Daniel Drimmer  
) **Blair C. Fraser,**

) avocat des intimés,  
) J.-R. Daigle Engineering Ltd-  
) Ingénierie J.-R. Daigle Ltée et A.  
) Terrance Edgett et Jean-Robert Daigle  
(en appel de 2014 NBBR 165 / on appeal from 2014 NBQB 165)

**MONDAY, NOVEMBER 24 / LE LUNDI 24 NOVEMBRE**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

**No. 7 Adjourned 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.**

**69-14-CA**  
7. Her Majesty The Queen ) **David W. Schermbrucker,**  
- and - ) for the Appellant  
Donald Joseph Herritt ) **Robert L. Rideout,**  
) for the Respondent  
(on appeal from 2014 NBQB 126 / en appel de 2014 NBBR 126)

**2:00 p.m. / 14 h**

**COURTROOM / SALLE #6**

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

**No. 8 Adjourned 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.**

**93-14-CA**  
8. Alan Lawrence Mockler ) **Alan D. Gold,**  
- and - ) for the Appellant  
Her Majesty The Queen ) **Kathryn A. Gregory,**  
) for the Respondent

**TUESDAY, NOVEMBER 25 / LE MARDI 25 NOVEMBRE**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

**(\*LARLEE, BELL AND/ET QUIGG, JJA.)**

**No. 9 Adjourned 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.**

**4-14-CA**

9. Mary Ellen Rose ) **Mary Ellen Rose,**  
- and - ) *per se*  
Her Majesty the Queen in right of ) **Keith P. Mullin,**  
the Province of New Brunswick, ) *for the Respondents,*  
(The Province of New Brunswick ) *Her Majesty the Queen in right of*  
including the Departments of ) *the Province of New Brunswick*  
Justice, Office of the Attorney ) *(The Province of New Brunswick*  
General and Finance) Premier ) *including the Departments of Justice,*  
David Alward, Attorney General ) *Office of the Attorney General and*  
Marie-Claude Blais, The ) *Finance) Premier David Alward,*  
Honorable Blaine Higgs, Doug ) *Attorney General Marie-Claude Blais,*  
Holt, Martha Bowes, ) *The Honorable Blaine Higgs, Doug*  
- and - ) *Holt, Martha Bowes, Danny Soucy,*  
Danny Soucy, Minister of Post ) *Minister of Post Secondary Education,*  
Secondary Education, Training ) *Training and Labour and Kim Daley,*  
and Labour ) *current Deputy Minister of the*  
- and - ) *Department of Human Resources*  
Kim Daley, current Deputy ) **Trisha E.M. Gallant-LeBlanc,**  
Minister of the Department of ) *for the Respondent,*  
Human Resources ) *The New Brunswick Human Rights*  
- and - ) *Commission*  
The New Brunswick Human ) **R. Gary Faloon, Q.C.,**  
Rights Commission ) *for the Respondents,*  
- and - ) *The Honourable Patrick A.A. Ryan, Q.C.*  
The Honourable Patrick A.A. ) *and the Conflict of Interest*  
Ryan, Q.C. ) *Commissioner, The*  
- and - ) *Honorable Landry or*  
The Conflict of Interest ) *such other person who has been*  
Commissioner, the Honorable ) *recently appointed*  
Landry or such other person who )  
has been recently appointed )

**WEDNESDAY, NOVEMBER 26 / LE MERCREDI 26 NOVEMBRE**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

- 118-13-CA**
10. Donald Lavern Snook ) **James J. Matheson,**  
- and - ) for the Appellant  
Her Majesty The Queen ) **Cameron H. Gunn, Q.C.,**  
 ) for the Respondent
- 133-13-CA**
11. Darren Bouchard and Peaches\* ) **Darren Bouchard,**  
- and - ) per se  
Nach Daniels and Ass. Nach ) **David T. Hashey, Q.C.,**  
Daniels\*, Peter Stirling\*, Nurse ) for the Respondent  
Doe, Anesthetic Nurse Doe )

**THURSDAY, NOVEMBER 27 / LE JEUDI 27 NOVEMBRE**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

**No. 12 Adjourned 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.**

- 9-14-CA**
12. Susan Percy ) **Susan Percy,**  
- and - ) per se  
Lawrence Percy ) **Lawrence Percy,**  
 ) per se

**MONDAY AND TUESDAY, DECEMBER 15 AND 16 / LE LUNDI ET  
MARDI 15 ET 16 DÉCEMBRE**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

**(\*RICHARD, BELL AND/ET GREEN, JJA.)**

**135-13-CA**

5. *Her Majesty The Queen in right* ) **Krista L. Colford and**  
*Of the Province of New* ) **Michael L. Hynes,**  
*Brunswick* ) *for the Appellant*  
*- and -* ) **C. Gabriel Bourgeois, Q.C.,**  
*Brad Gould Trucking &* ) *for the Respondent,*  
*Excavating Ltd.* ) *Brad Gould Trucking &*  
*- and -* ) *Excavating Ltd.*  
*Bird Construction Company* ) **Thomas G. O'Neil, Q.C.,**  
 ) *for the Respondent,*  
 ) *Bird Construction Company*  
*(on appeal from 2014 NBQB 374 / en appel de 2014 NBBR 374)*