

COURT OF APPEAL

OF

NEW BRUNSWICK

COUR D'APPEL

DU

NOUVEAU-BRUNSWICK



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

***Le rôle pour la session du mois
d'octobre 2014***

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

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

TUESDAY, OCTOBER 14 / LE MARDI 14 OCTOBRE
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

No. 1 Removed and set to January 13, 2015, pursuant to directions of The Honourable Chief Justice Drapeau / La date de l'audience est remise au 13 janvier 2015 en vertu de la de la directive de l'Honorable juge en chef.

64-13-CA

- | | | | |
|----|-----------------------|---|----------------------------|
| 1. | George W. Martin |) | Daniel R. Jardine, |
| | - and - |) | for the Appellant |
| | Her Majesty The Queen |) | Kathryn A. Gregory, |
| | |) | for the Respondent |

125-13-CA

- | | | | |
|----|-----------------------|---|----------------------------------|
| 2. | Benjamin Darren Nason |) | Margaret Gallagher, Q.C., |
| | - and - |) | for the Appellant |
| | Her Majesty The Queen |) | Kathryn A. Gregory, |
| | |) | For the Respondent |

3:00 p.m. / 15h

COURTROOM / SALLE #6

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

No. 3 Adjourned and set over to October 15, 2014, pursuant to directions of The Honourable Chief Justice Drapeau/La date de l'audience est remise au 15 octobre 2014, en vertu de la directive de l'Honorable juge en chef.

78-14-CA

- | | | | |
|----|-----------------------|---|----------------------------|
| 3. | Renée Nichole Lemire |) | Lisanne Maurice, |
| | - and - |) | for the Appellant |
| | Her Majesty The Queen |) | Kathryn A. Gregory, |
| | |) | for the Respondent |

WEDNESDAY, OCTOBER 15 / LE MERCREDI 15 OCTOBRE
9:00 a.m. and 9:30 a.m. / 9h et 9h30

BAR ADMISSION / ADMISSION AU BARREAU

COURTROOM / SALLE #6

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

10:00 a.m. / 10h

COURTROOM / SALLE #6

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

78-14-CA

- | | | | |
|----|-----------------------|---|----------------------------|
| 3. | Renée Nichole Lemire |) | Lisanne Maurice, |
| | - and - |) | for the Appellant |
| | Her Majesty The Queen |) | Kathryn A. Gregory, |
| | |) | for the Respondent |

40-14-CA

- | | | | |
|----|-----------------------|---|---------------------------------|
| 4. | Johnnie Lachance |) | Johnnie Lachance, |
| | - and - |) | per se |
| | Her Majesty The Queen |) | Pierre F. Roussel, Q.C., |
| | |) | for the Respondent |

COURTROOM / SALLE #8

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

No. 5 Removed pursuant to directions of The Court / La date de l'audience est remise en vertu d'une la directive de la cour.

74-14-CA

- | | | | |
|----|---------------------------------|---|--------------------------------|
| 5. | Gregory J. Forestell, Chief |) | Kelly T. VanBuskirk and |
| | Coroner for the Province of New |) | Catherine Fawcett, |
| | Brunswick, and John Evans, |) | for the Appellants |
| | Presiding Coroner |) | Robert M. Dysart and |
| | - and - |) | Sarah M. Dever Letson, |
| | Dr. Pamela Forsythe and |) | for the Respondents |
| | Dr. Mohammed Hossain |) | |

THURSDAY, OCTOBER 16 / LE JEUDI 16 OCTOBRE
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

**No. 6 Adjourned and set over to the remanet list, pursuant to the directions of The Court/
La date de l'audience est remise sans date fixée au remanet, en vertu de la directive de la cour.**

50-14-CA

6. Yvon Vienneau and) **Daniel R. Theriault, Q.C.,**
Michel Vienneau) for the Appellants
- and -) **B. Bannon Morrissy,**
Her Majesty The Queen) for the Respondent
(on appeal from 2014 NBQB 092 / en appel de 2014 NBBR 092)

TUESDAY, OCTOBER 21 / LE MARDI 21 OCTOBRE
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

**No. 7 Notice of Abandonment filed October 17, 2014/
Un avis d'abandon a été émis le 17 octobre 2014**

24-14-CA

7. Her Majesty The Queen) **Kathryn A. Gregory,**
- and -) for the Appellant
Jonathan Michael Dickie) **James J. Matheson,**
) for the Respondent

2:00 p.m. / 14h

COURTROOM / SALLE #6

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

10-14-CA

8. Angela Rumble) **George A. McAllister, Q.C.,**
- and -) for the Appellant
Sobeys Incorporated) **Renée M. Fontaine,**
) for the Respondent

WEDNESDAY, OCTOBER 22 / LE MERCREDI 22 OCTOBRE
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

9. 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.

6-14-CA
9. Marc Leger) **George A. McAllister, Q.C.,**
- and -) for the Appellant
G & G Carnival Amusements Inc.) **Sheila N. Lanctôt,**
) for the Respondent

10. 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.

7-14-CA
10. Marc Leger) **George A. McAllister, Q.C.,**
- and -) for the Appellant
Fredericton Exhibition Limited) **Shivani Chopra,**
and Maritime Midways Inc.) for the Respondent,
) Fredericton Exhibition Limited
) **Steven R. Barnett,**
) for the Respondent,
) Maritime Midways Inc.

THURSDAY, OCTOBER 23 / LE JEUDI 23 OCTOBRE
10:00 a.m. / 10h

COURTROOM / SALLE #6

(*LARLEE, RICHARD AND/ET GREEN, JJA.)

- 108-13-CA**
11. *Bruce Shanks*) **George A. McAllister, Q.C.,**
- and -) *for the Appellant*
Peter Shay, Kelly Leydon, Brad) **Philip Chapman,**
Dash, Debbie White, TD Home) *for the Respondents,*
and Auto Insurance Company) *Peter Shay, Kelly Leydon, Brad Dash,*
Robert L. Gaudet, Plant Hope) *Debbie White, TD Home and*
Adjusters Ltd. and CAA) *Auto Insurance Company*
Insurance Company (Ontario)) **Dennis P. Gonzalez,**
) *for the Respondent ,*
) *Robert L. Gaudet and*
) *Plant Hope Adjusters Ltd,*
) **Lucie M. LaBoissonnière,**
) *for the Respondent,*
) *CAA Insurance Company*
) *(Ontario),*

TUESDAY, OCTOBER 28 / LE MARDI 28 OCTOBRE
10:00 a.m. / 10h

COURTROOM / SALLE #6

(DESCHÊNES, *BELL AND/ET QUIGG , JJA.)

- 41-14-CA**
12. *Dr. Gary Fecteau*) **John P. Barry, Q.C.,**
- and -) *for the Appellant*
The College of Psychologists) **Enrico Scichilone,**
of New Brunswick) *for the Respondent*

WEDNESDAY, OCTOBER 29 / LE MERCREDI 29 OCTOBRE
9:00 a.m. / 9h

COURTROOM / SALLE #6

(DESCHÊNES, *BELL AND/ET QUIGG, JJA.)

- 21-14-CA**
13. Harry McKenna) **Margaret Gallagher, Q.C.,**
- and -) *for the Appellant*
Her Majesty The Queen) **Kathryn A. Gregory,**
) *for the Respondent*

THURSDAY, OCTOBER 30 / LE JEUDI 30 OCTOBRE
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

- 14-14-CA**
14. Karen Johnson) **George A. McAllister, Q.C.,**
- and -) *for the Appellant*
State Farm Fire and Casualty) **Peter M. Rogers, Q.C.,**
Company) *for the Respondent*
- 15-14-CA**
15. Karen Johnson) **George A. McAllister, Q.C.,**
- and -) *for the Appellant*
State Farm Fire and Casualty) **Peter M. Rogers, Q.C.,**
Company) *for the Respondent*