

**COURT OF APPEAL
OF
NEW BRUNSWICK**

**COUR D'APPEL
DU
NOUVEAU-BRUNSWICK**



***List of Cases for the
February 2015 sitting***

***Le rôle pour la session du mois
de février 2015***

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

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

TUESDAY, FEBRUARY 10 / LE MARDI 10 FÉVRIER
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

59-14-CA

1. *Dustin Tower*) **George A. McAllister, Q.C.,**
- and -) *for the Appellant*
Justin Foulkes and Stacy L.) **Ryan P. Burgoyne,**
Foulkes) *for the Respondents*

102-14-CA

2. *Paul Mercer*) **George A. McAllister, Q.C.,**
- and -) *for the Appellant*
Peter J. Cronin) **Jade A. Spalding,**
) *for the Respondent*
(on appeal from 2014 NBQB 207 / en appel de 2014 NBBR 207)

COURTROOM / SALLE #8

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

71-14-CA

3. *Bobbie Craft*) **David H. Dunsmuir,**
- and -) *for the Appellant*
Murray Stevens) **Richard A. Northrup,**
) *for the Respondent*

2:00 p.m. / 14h

COURTROOM / SALLE #8

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

58-13-CA

4. *Loomis Peter Sappier*) **Kenneth W. Martin,**
- and -) *for the appellant*
Susan Mary Francis) **Susan Mary Francis,**
) *per se*
(on appeal from 2013 NBQB 168 / en appel de 2013 NBBR 168)

WEDNESDAY, FEBRUARY 11 / LE MERCREDI 11 FÉVRIER
10:00 a.m. / 10h

COURTROOM / SALLE #8

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

- 13-14-CA**
5. Boyd Reginald Atkinson) **Martin A. Goguen,**
- and -) *for the Appellant*
Her Majesty The Queen) **Stephen J. Holt,**
) *for the Respondent*

**No. 6 Notice of Abandonment filed January 14, 2015/
Un avis d'abandon a été émis le 14 janvier 2015**

- 52-14-CA**
6. Evan Joseph Paul) **Evan Joseph Paul,**
- and -) *per se*
Her Majesty The Queen) **Kathryn A. Gregory,**
) *for the Respondent*

COURTROOM / SALLE #6

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

- 43-14-CA**
7. Jacqueline Reid) **Jacqueline Reid,**
- and -) *per se*
Paul Gillingham) **Kenneth W. Martin,**
) *for the Respondent*
(on appeal from 2014 NBQB 079 / en appel de 2014 NBBR 079)

- 42-14-CA**
8. Daniel Ray Downey) **Daniel Ray Downey,**
- and -) *per se*
Her Majesty The Queen) **Kathryn A. Gregory,**
) *for the Respondent*
(on appeal from 2013 NBPC 25 / en appel de 2013 NBPC 25)

THURSDAY, FEBRUARY 12 / LE JEUDI 12 FÉVRIER
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

- 64-13-CA**
9. George W. Martin) **Daniel R. Jardine,**
- and -) **for the Appellant**
Her Majesty The Queen) **Kathryn A. Gregory,**
) **for the Respondent**

2:00 p.m. / 14h

COURTROOM / SALLE #6

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

- 83-14-CA**
10. Luc Robert Corno) **Mikaël H.H. Bernard,**
- and -) **for the Appellant**
Her Majesty The Queen) **Monica G. McQueen,**
) **for the Respondent**
(on appeal from 2014 NBQB 103 / en appel de 2014 NBBR 103)

COURTROOM / SALLE #8

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

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

TUESDAY, FEBRUARY 17 / LE MARDI 17 FÉVRIER
2:00 p.m. / 14h

COURTROOM / SALLE #8

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

**No. 12 Adjourned and set over to February 18, 2015, pursuant to directions of The Court /
La date de l'audience est remise au 18 février 2015, en vertu de la directive de la cour.**

106-14-CA

12. The City of Saint John) **Scott A. Brittain,**
- and -) for the Appellant
Canadian Union of Public) **Glen S. Gallant,**
Employees, Local 18 and M.B.) for the Respondents
(on appeal from 2014 NBQB 201 / en appel de 2014 NBBR 201)

WEDNESDAY, FEBRUARY 18 / LE MERCREDI 18 FÉVRIER
10:00 a.m. / 10h

COURTROOM / SALLE #8

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

89-14-CA

13. 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)

COURTROOM / SALLE #6

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

73-14-CA

14. Timothy Dunphy) **Timothy Dunphy,**
- and -) *per se*
Her Majesty The Queen) **Kathryn A. Gregory,**
) *for the Respondent*

No. 15 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.

109-14-CA

15. Jenn Wambolt) **Jenn Wambolt,**
- and -) *per se*
Her Majesty The Queen) **Kathryn A. Gregory,**
) *for the Respondent*
(on appeal from 2014 NBQB 206 / en appel de 2014 NBBR 206)

2:00 p.m. / 14h

COURTROOM / SALLE #6

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

106-14-CA

12. The City of Saint John) **Scott A. Brittain,**
- and -) *for the Appellant*
Canadian Union of Public) **Glen S. Gallant,**
Employees, Local 18 and M.B.) *for the Respondents*
(on appeal from 2014 NBQB 201 / en appel de 2014 NBBR 201)

THURSDAY, FEBRUARY 19 / LE JEUDI 19 FÉVRIER
10:00 a.m. / 10h

COURTROOM / SALLE #8

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

- 6-14-CA**
16. Marc Leger) **George A. McAllister, Q.C.,**
- and -) for the Appellant
G & G Carnival Amusements Inc.) **Sheila N. Lanctôt,**
) for the Respondent
- 7-14-CA**
17. 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.

TUESDAY, FEBRUARY 24 / LE MARDI 24 FÉVRIER
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

- 66-14-CA**
18. Donald Hovey) **Joseph W.J. Fitzpatrick,**
- and -) for the Appellant
Registrar General of Land Titles,) **David D. Eidt,**
643589 NB Ltd., K.W. Pond) for the Respondent,
Limited, and Doreen Pond) Registrar General of Land Titles
) **David T. Hashey, Q.C.,**
) and **Aaron McKinley Savage,**
) for the Respondent,
) 643589 NB Ltd,
) **K.W. Pond Limited,**
) per se
) **Doreen Pond,**
) per se
- (on appeal from 2014 NBQB 118 / en appel de 2014 NBBR 118)

WEDNESDAY, FEBRUARY 25 / LE MERCREDI 25 FÉVRIER
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

69-14-CA

19. 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. / 14h

COURTROOM / SALLE #6

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

No. 20 Adjourned and set over to May 26, 2015, pursuant to directions of The Honourable Chief Justice Drapeau / La date de l'audience est remise au 26 mai 2015 en vertu de la de la directive de l'Honorable juge en chef.

75-14-CA

20. Ronald Bruce Wasser) **James J. Matheson,**
- and -) for the Appellant
Her Majesty The Queen) **Kathryn A. Gregory,**
) for the Respondent

THURSDAY, FEBRUARY 26 / LE JEUDI 26 FÉVRIER
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

No. 21 Adjourned and set over to May 21, 2015, pursuant to directions of The Honourable Chief Justice Drapeau / La date de l'audience est remise au 21 mai 2015 en vertu de la de la directive de l'Honorable juge en chef.

119-13-CA

- | | | | |
|-----|----------------------------------------------------|---|--------------------------------|
| 21. | The Law Society of New Brunswick, a body corporate |) | John D. Townsend, Q.C., |
| | - and - |) | for the Appellant |
| | Philip C. Mix |) | Philip C. Mix, |
| | |) | per se |

2:00 p.m. / 14h

COURTROOM / SALLE #6

(*QUIGG, GREEN AND/ET BAIRD, JJA.)

5-14-CA

- | | | | |
|-----|------------------------------------------------------------------|---|--------------------------|
| 22. | 7613784 Canada Inc. doing business as Westmount Moving |) | Sheri Anne Doyle, |
| | - and - |) | per se |
| | 512476 New Brunswick Ltd. doing business as Focus Moving Systems |) | Trudy Roy, |
| | (on appeal from 2013 NBQB 399 / en appel de 2013 NBBR 399) |) | per se |