

**COURT OF APPEAL
OF
NEW BRUNSWICK**

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



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

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

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

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

TUESDAY, JANUARY 13 / LE MARDI 13 JANVIER
9:30 a.m. / 9h30

COURTROOM / SALLE #6

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

BAR ADMISSION / ADMISSION AU BARREAU

10:00 a.m. / 10h

COURTROOM / SALLE #6

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

- 51-14-CA**
1. Vikki Carr) **Misty Matthews-Emery,**
- and -) *for the Appellant*
The Minister of Social) **David R. Colwell, Q.C.,**
Development and Judith Carr) *for the Respondent*
) *Minister of Social Development*
) **Patricia Gallagher-Jette,**
) *for the Respondent*
) *Judith Carr*
(on appeal from 2014 NBQB 095 / en appel de 2014 NBBR 095)

- 64-14-CA**
2. Judith Carr) **Patricia Gallagher-Jette,**
- and -) *for the Appellant*
The Minister of Social) **David R. Colwell, Q.C.,**
Development and Vikki Carr) *for the Respondent*
) *Minister of Social Development*
) **Misty Matthews-Emery,**
) *for the Respondent*
) *Vikki Carr*
(on appeal from 2014 NBQB 095 / en appel de 2014 NBBR 095)

WEDNESDAY, JANUARY 14 / LE MERCREDI 14 JANVIER
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

No. 3 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.

42-14-CA

3. 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 NBCP 25)

COURTROOM / SALLE #6

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

9-14-CA

4. Susan Percy) **Susan Percy,**
- and -) *per se*
Lawrence Percy) **Lawrence Percy,**
) *per se*

THURSDAY, JANUARY 15 / LE JEUDI 15 JANVIER
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

108-14-CA

5. Jean-Guy Fournier) **Alcide A. Léger,**
- et -) *avocat de l'appelant*
Commission de la santé, de la) **Charles A. LeBlond, c.r.,**
sécurité et de l'indemnisation des) *avocat de l'intimée*
accidents au travail)

TUESDAY, JANUARY 20 / LE MARDI 20 JANVIER
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

71-13-CA

6. *New Brunswick Community) **Daniel A. Standing,**
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)*

WEDNESDAY, JANUARY 21 / LE MERCREDI 21 JANVIER
1:00 p.m. / 13h

COURTROOM / SALLE #6

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

58-14-CA

8. *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.) **Christopher J. Stewart,**
- and -) for the Intervenor
New Brunswick Energy and)
Utilities Board)
-and-)
Atlantic Wallboard LP and)
Flakeboard Company Limited)*

2:00 p.m. / 14h

COURTROOM / SALLE #6

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

**No. 7 Notice of Discontinuance filed January 8, 2015/
Un avis de désistement a été émis le 8 janvier 2015**

57-14-CA

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| 7. | Attorney General of the Province,) | René J. Basque , Q.C., |
| | as represented by the Public) | and Monica L. Barley , |
| | Intervener) | for the Applicant |
| | - and -) | David Duncan Young , |
| | Enbridge Gas New Brunswick) | for the Respondent, |
| | Limited Partnership, as) | Enbridge Gas New |
| | represented by its general) | Brunswick Inc. |
| | partner, Enbridge Gas New) | Ellen C. Desmond , |
| | Brunswick Inc.,) | for the Intervenor |
| | - and -) | |
| | New Brunswick Energy and) | |
| | Utilities Board) | |

THURSDAY, JANUARY 22 / LE JEUDI 22 JANVIER

2:00 p.m. / 14h

COURTROOM / SALLE #6

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

58-14-CA

- | | | |
|----|------------------------------|---------------------------------|
| 8. | 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.) | Christopher J. Stewart , |
| | - and -) | for the Intervenor |
| | New Brunswick Energy and) | |
| | Utilities Board) | |
| | -and-) | |
| | Atlantic Wallboard LP and) | |
| | Flakeboard Company Limited) | |

TUESDAY, JANUARY 27 / LE MARDI 27 JANVIER
10:00 a.m. / 10h

COURTROOM / SALLE #8

(*RICHARD, GREEN AND/ET BAIRD, J.J.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.

- 90-14-CA**
9. *Directcash ATM Management)* **Richard J. Scott, Q.C.,**
Partnership and Directcash ATM) *for the Appellants*
Processing Partnership) **Basile Chiasson, Q.C.,**
- and -) *for the Respondents*
Maurice's Gas & Convenience)
Inc. and 055655 N.B. Ltd)

WEDNESDAY, JANUARY 28 / LE MERCREDI 28 JANVIER
10:00 a.m. / 10h

COURTROOM / SALLE #8

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

- 78-13-CA**
10. Sarah Elizabeth Brooks) **Sarah Brooks,**
- and -) *per se*
The Law Society of New) **Philippe M. Frenette,**
Brunswick, Peter Seheult and) *for the Respondent,*
New Brunswick Police) *The Law Society of New Brunswick*
Commission) **Frederick C. McElman, Q.C.,**
- and-) *for the Respondent,*
The Fredericton City Police) *Peter Seheult and New Brunswick*
Force, in particular: Dana) *Police Commission*
Roberts of the Fredericton)
City Police Force, David Banks of)
the Fredericton City Police Force,)
Stefen Decourcey of the)
Fredericton City Police Force,)
Matthew Flemming of the)
Fredericton City Police,)
Chief of the Fredericton City)
Police Barry MacKnight,)
Detective Constable Brad)
Bourque, Staff Sergeant Brian)
Ford, Staff Sergeant Daniel Copp,)
The City of Fredericton, the Law)
Society of New Brunswick, in)
particular: William Corby, Law)
Society of New Brunswick and)
Canadian Bar Association,)
Darlene Blunston, Law Society of)
New Brunswick and Canadian)
Bar Association, Hilary Drain,)
Law Society of New Brunswick)
and Canadian Bar Association)
)

THURSDAY, JANUARY 29 / LE JEUDI 29 JANVIER
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

4-14-CA

11. 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)

FRIDAY, JANUARY 30 / LE VENDREDI 30 JANVIER
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

63-14-CA
12. *Carl James Savoie*) **Donald F. Cullinan,**
 - and -) *for the Appellant*
 Shauna Melanie MacNeil) **Jacqueline Boucher,**
) *for the Respondent*