

**COURT OF APPEAL
OF
NEW BRUNSWICK**

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



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

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

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

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

TUESDAY, SEPTEMBER 8 / LE MARDI 8 SEPTEMBRE
10:00 a.m. / 10h

COURTROOM / SALLE #8

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

No. 1 Removed pursuant to the consent order / Radié suite à l'ordonnance par consentement.

13-15-CA

- | | | | |
|----|-----------------------|---|---------------------------------|
| 1. | Richard Aaron Roach |) | George E. Kalinowski, |
| | - and - |) | for the Appellant |
| | Her Majesty The Queen |) | Glendon J. Abbott, Q.C., |
| | |) | for the Respondent |

No. 2 Removed pursuant to the consent order / Radié suite à l'ordonnance par consentement.

24-15-CA

- | | | | |
|----|-----------------------|---|--------------------------------|
| 2. | Jessie Cormier |) | Damien N. B. Lahiton, |
| | - and - |) | for the Appellant |
| | Her Majesty The Queen |) | David W. Schermbrucker, |
| | |) | for the Respondent |

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

130-14-CA

- | | | | |
|----|-----------------------|---|----------------------------|
| 3. | Jamie Patrick Clark |) | Edward L. Derrah, |
| | - and - |) | for the Appellant |
| | Her Majesty The Queen |) | Kathryn A. Gregory, |
| | |) | for the Respondent |

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

9-15-CA

- | | | | |
|----|-----------------------|---|------------------------------|
| 4. | Sherry Ann MacDonald |) | Sherry Ann MacDonald, |
| | - and - |) | per se |
| | Her Majesty The Queen |) | Kathryn A. Gregory, |
| | |) | for the Respondent |

9:00 a.m. / 9h

COURTROOM / SALLE #6

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

BAR ADMISSION / ADMISSION AU BARREAU

10:00 a.m. / 10h

COURTROOM / SALLE #6

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

5. 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.

109-14-CA

5. Jenn Wambolt) **Jenn Wambolt,**
- and -) *per se*
Her Majesty The Queen) **Cameron Gunn, Q.C.,**
) *for the Respondent*
(on appeal from 2014 NBQB 206 / en appel de 2014 NBBR 206)

TUESDAY, SEPTEMBER 15 / LE MARDI 15 SEPTEMBRE

10:00 a.m. / 10h

COURTROOM / SALLE #6

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

5-15-CA

6. David O'Connell) **David O'Connell,**
- and -) *per se*
Her Majesty The Queen) **Kathryn A. Gregory,**
) *for the respondent*

TUESDAY, SEPTEMBER 22 / LE MARDI 22 SEPTEMBRE

10:00 a.m. / 10h

COURTROOM / SALLE #6

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

No. 7 Adjourned and set over to October 14, 2015, pursuant to directions of The Honourable Chief Justice Drapeau/La date de l'audience est remise au 14 octobre 2015, en vertu de la directive de l'Honorable juge en chef.

32-15-CA

7. Kenneth Hopkins) **Kenneth Hopkins,**
- and -) *per se*
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, JJA.)

- 12-15-CA**
8. Sa Majesté la Reine) **Patrice B. Deschênes,**
- et -) *avocat de l'appelante*
Pierre Joseph Bourque) **Lisanne Maurice,**
) *avocate de l'intimé*

WEDNESDAY, SEPTEMBER 23 / LE MERCREDI 23 SEPTEMBRE
10:00 a.m. 10h

COURTROOM / SALLE #8

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

- 39-15-CA**
9. Her Majesty The Queen) **Kathryn A. Gregory,**
- and -) *for the Appellant*
P.S.) **Martin A. Goguen,**
) *for the Respondent*

- 125-14-CA**
10. Adam Troy Mann) **Adam Troy Mann,**
- and -) *per se*
Her Majesty The Queen) **Kathryn A. Gregory,**
) *for the respondent*

- 122-14-CA**
11. Stephen Giberson) **Stephen Giberson,**
- and -) *per se*
Her Majesty The Queen) **Kathryn A. Gregory and**
) **Rebekah J. Logan,**
) *for the Respondent*

COURTROOM / SALLE #6

(*RICHARD, BAIRD AND/ET FRENCH, JJA.)

- 20-15-CA**
12. *Burnie McIntyre*) **Margaret Gallagher, Q.C.,**
- and -) *for the Appellant*
Her Majesty The Queen) **Kathryn A. Gregory,**
) *for the Respondent*
- 116-14-CA**
13. *Daniel Ray Downey*) **Daniel Ray Downey,**
- and -) *per se*
Her Majesty The Queen) **Kathryn A. Gregory,**
) *for the respondent*
- 124-14-CA**
14. *Jessica Danielle Whalen*) **Jessica Danielle Whalen,**
- and -) *per se*
Her Majesty The Queen) **Jean Guy Savoie,**
) *for the Respondent*

THURSDAY, SEPTEMBER 24 / LE JEUDI 24 SEPTEMBRE
10:00 a.m. / 10h

COURTROOM / SALLE #8

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

- 15-15-CA**
15. *Éric Hall et Services Hall*) **Christian E. Michaud,**
Ltée Hall Services Ltd) *avocat des appelants*
- et -) **Pierre R. Ouellette et**
La province du Nouveau-) **Jean-François G. Dupuis,**
Brunswick représentée par) *avocats de l'intimée*
le ministère de l'Agriculture,)
de l'Aquaculture et des)
Pêches et le ministère des)
Ressources naturelles)

FRIDAY, SEPTEMBER 25 / LE VENDREDI 25 SEPTEMBRE
9:30 a.m. / 9h30

COURTROOM / SALLE #6

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

76-15-CA

29.	Her Majesty The Queen in right)	Christian E. Michaud and
	of New Brunswick, as)	Amy R. Gough Farnworth,
	represented by the Minister of)	for the Appellant
	Education)	Kelly Lamrock, Q.C.,
	- and -)	for the Respondents
	Tracie Kennedy, Philip Kennedy,)	Tracie Kennedy, Philip Kennedy,
	Sandra Speight, Paul Gordon,)	Sandra Speight, Paul Gordon,
	Cindy Richards, Dwight Richards,)	Cindy Richards, Dwight Richards,
	Julie Marr, Jamie Marr, Grant)	Julie Marr, Jamie Marr, Grant
	London, Tammy London, Terry)	London, Tammy London, Terry
	Marr, Melanie Marr, Rae Marie)	Marr, Melanie Marr, Rae Marie
	Paisley, Cindy Peterson, Ashley)	Paisley, Cindy Peterson, Ashley
	Tayes, Amanda Wood, Lee-Ann)	Tayes, Amanda Wood, Lee-Ann
	Smith, Donald Paterson, Duane)	Smith, Donald Paterson, Duane
	Taylor and Rebecca Taylor)	Taylor and Rebecca Taylor
	- and -)	André G. Richard, Q.C.,
	Anglophone South District)	and Josie H. Marks,
	Education Council)	for the Intervener

77-15-CA

30.	Her Majesty The Queen in right)	Christian E. Michaud and
	of New Brunswick, as)	Amy R. Gough Farnworth,
	represented by the Minister of)	for the Appellant
	Education)	Kelly Lamrock, Q.C.,
	- and -)	for the Respondent,
	Ken Craft)	Ken Craft
	- and -)	André G. Richard, Q.C.,
	Anglophone South District)	and Josie H. Marks,
	Education Council)	for the Intervener,

MONDAY, SEPTEMBER 28 / LE LUNDI 28 SEPTEMBRE
10:00 a.m. / 10h

COURTROOM / SALLE #6

(*RICHARD AND/ET GREEN, JJA.)

135-13-CA

28.	Her Majesty The Queen in right)	Krista L. Colford and
	Of the Province of New)	Michael L. Hynes,
	Brunswick)	for the Appellant
	- and -)	Rodney J. Gillis, Q.C.,
	Brad Gould Trucking &)	for the Respondent,
	Excavating Ltd.)	Brad Gould Trucking &
	- and -)	Excavating Ltd.
	Bird Construction Company)	Richard J. Scott, Q.C.,
)	for the Respondent,
)	Bird Construction Company

(on appeal from 2014 NBQB 374 / en appel de 2014 NBBR 374)

TUESDAY, SEPTEMBER 29 / LE MARDI 29 SEPTEMBRE
10:00 a.m. / 10h

COURTROOM / SALLE #6

(DESCHÊNES, *RICHARD AND/ET BAIRD, JJA.)

47-15-CA

16.	Marie Katie Roy)	Terence R. Connelly,
	- et -)	avocat de l'appelante
	Joseph Aldéric Roy)	Nadine M.L. Losier,
)	avocate de l'intimé

2:00 p.m. / 14h

COURTROOM / SALLE #6

(DESCHÊNES, *RICHARD AND/ET BAIRD, JJA.)

47-14-CA

17. Jean LeBlanc, Gino Grondin,) **Harold L. Doherty,**
Chantal Dufour, Richard Lavoie) *for the Appellants*
and Association des policier/) **Raymond F. Larkin Q.C.**
policières et répartiteurs/) *and Brenda L. Comeau,*
répartitrices d'Edmundston) *for the Respondent*
- and -)
CUPE Local 558)
(on appeal from 2014 NBQB 078 / en appel de 2014 NBBR 078)

WEDNESDAY, SEPTEMBER 30 / LE MERCREDI 30 SEPTEMBRE
10:00 a.m. 10h

COURTROOM / SALLE #8

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

10-15-CA

18. Jean-Claude Noel) **Carley J. Parish,**
- and -) *for the Appellant*
Frances Anne Butler) **Barry R. Morrison, Q.C.,**
) *for the Respondent*
(on appeal from 2015 NBQB 021 / en appel de 2015 NBBR 021)