

**COURT OF APPEAL  
OF  
NEW BRUNSWICK**

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



***List of Cases for the  
November 2016 sitting***

***Le rôle pour la session du mois  
de novembre 2016***

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

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

**TUESDAY, NOVEMBER 8 / LE MARDI 8 NOVEMBRE**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

**No. 1 Adjourned and set over to November 24, 2016, pursuant to directions of The Honourable Chief Justice Drapeau/La date de l'audience est remise au 24 novembre 2016, en vertu de la directive de l'Honorable juge en chef.**

**49-15-CA**  
1. D.M.S. ) **Jean-Eugène Trahan,**  
- and - ) **for the Appellant**  
Her Majesty The Queen ) **Kathryn A. Gregory,**  
 ) **for the Respondent**

**WEDNESDAY, NOVEMBER 9 / LE MARDI 9 NOVEMBRE**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

**(\*LARLEE, GREEN AND/ET FRENCH, JJA.)**

**54-16-CA**  
2. International Brotherhood of ) **David Mombourquette,**  
Electrical Workers, Local 1555 ) **for the Appellant**  
- and - ) **Jamie C. Eddy,**  
Dobbelsteyn Electric Ltd., ) **for the Respondent,**  
Dobbelsteyn Service and ) **Dobbelsteyn Service**  
Maintenance Ltd. and Electrical ) **and Maintenance Ltd**  
Contractors' Association of New ) **Clarence Bennett,**  
Brunswick ) **for the Respondent,**  
 ) **Dobbelsteyn Service**  
 ) **and Maintenance**  
 ) **Christina Nardiello,**  
 ) **per se for the Respondent,**  
 ) **Electrical Contractors Association**  
 ) **of New Brunswick**  
(on appeal from 2016 NBQB 132 / en appel de 2016 NBBR 132

**TUESDAY, NOVEMBER 15 / LE MARDI 15 NOVEMBRE**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

**No. 3 Notice of Abandonment filed November 3, 2016/  
Un avis d'abandon a été émis le 3 novembre 2016**

**25-16-CA**  
3.     Robert Quondam                                 )  
          - and -   )  
          Her Majesty The Queen                         )  
   )  
   **Robert Quondam,**  
   **per se**  
   **Kathryn Gregory,**  
   **for the Respondent**

**THURSDAY, NOVEMBER 17 / LE JEUDI 17 NOVEMBRE**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #8**

**TELEPHONECONFERENCE / TÉLÉCONFÉRENCE**

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

**88-15-CA**  
4.     Gerald Laird   )  
          - and -   )  
          Juanetta Lee Stronge                             )  
   )  
   **Gerald Laird,**  
   **per se**  
   **Juanetta Lee Stronge,**  
   **per se**  
   **(on appeal from 2016 NBQB 180 / en appel de 2016 NBBR 180)**

**TUESDAY, NOVEMBER 22 / LE MARDI 22 NOVEMBRE**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

**51-16-CA**  
5.     Bernard Gionet   )  
          - et -   )  
          Sa Majesté la Reine                                 )  
   )  
   **Bernard Gionet,**  
   **per se**  
   **Marc A. Bourgeois,**  
   **avocat de l'intimée**

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

**COURTROOM / SALLE #6**

**(\*LARLEE, BAIRD AND/ET FRENCH, JJA.)**

- 118-15-CA**  
6. Jason Hickey ) **Tracy Peters,**  
- and - ) *for the Appellant*  
Tara Hickey ) **Martin J. Siscoe,**  
 ) *for the Respondent*

**WEDNESDAY, NOVEMBER 23 / LE MARDI 23 NOVEMBRE**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

- 22-16-CA**  
7. Charles Michael Cavanaugh ) **Elaina Campbell,**  
- and - ) *for the Appellant*  
Joanne Ouellette ) **Richard Northrup,**  
 ) *for the Respondent*

**THURSDAY, NOVEMBER 24 / LE JEUDI 24 NOVEMBRE**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

- 49-15-CA**  
8. D.M.S. ) **Jean-Eugène Trahan,**  
- and - ) *for the Appellant*  
Her Majesty The Queen ) **Kathryn A. Gregory,**  
 ) *for the Respondent*

**MONDAY, NOVEMBER 28 / LE LUNDI 28 NOVEMBRE**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

- 12-16-CA**
9. Stephen Charles Bernard ) **Naomi Metallic,**  
- and - ) for the Appellant,  
Her Majesty The Queen ) **William B. Richards,**  
 ) for the Respondent  
(on appeal from 2016 NBQB 021 / en appel de 2016 NBBR 021)

**TUESDAY, NOVEMBER 29 / LE MARDI 29 NOVEMBRE**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

**No. 15. Removed pursuant to the decision / Radié suite à la décision.**

- 13-15-CA**
15. Richard Aaron Roach ) **George E. Kalinowski,**  
- and - ) for the Appellant  
Her Majesty The Queen ) **David W. Schermbrucker,**  
 ) for the Respondent

- 79-15-CA**
10. John (Jackie) Vautour and ) **Michael Swinwood,**  
Roy Vautour ) for the Appellant  
- and - ) **Gerald Grant,**  
Her Majesty The Queen ) for the Respondent

**WEDNESDAY, NOVEMBER 30 / LE MERCREDI 30 NOVEMBRE**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

**61-16-CA**

18. *In the Matter of a Proposal of )  
Dynamic Transport Corp, a )  
business corporation duly )  
registered under the laws of the )  
Province of New Brunswick, )  
carrying on business at 197 de )  
l'Anse Street, Eel River Crossing, )  
New Brunswick )  
)  
*In the Matter of an Application )  
pursuant to Section 50.4(9) of the )  
Bankruptcy and Insolvency Act by )  
Dynamic Transport Corp. for an )  
Order Extending the Time )  
to File a Proposal )**

**George L. Cooper,**  
*for the Appellant*  
**Michael J. Bray, Q.C.,**  
*for Penske Truck*  
**Rémy Boudreau,**  
*for Corporation Financière UNI*

**62-16-CA**

19. *In the Matter of a Proposal of )  
Dynamic Transport Inc., a )  
business corporation duly )  
registered under the laws of the )  
Province of New Brunswick, )  
carrying on business at 197 de )  
l'Anse Street, Eel River Crossing, )  
New Brunswick )  
)  
*In the Matter of an Application )  
pursuant to Section 50.4(9) of the )  
Bankruptcy and Insolvency Act by )  
Dynamic Transport Inc., for an )  
Order Extending the Time )  
to File a Proposal )**

**George L. Cooper,**  
*for the Appellant*  
**Michael J. Bray, Q.C.,**  
*for Penske Truck*  
**Gary Makila,**  
*for Daimler Financial*  
**Robert G. McKeigan, Q.C.,**  
*for Laurentian Bank of Canada  
and its subsidiary LBEL Inc.*  
**Rémy Boudreau,**  
*for Corporation Financière UNI*

**THURSDAY, DECEMBER 1 / LE JEUDI 1 DÉCEMBRE**  
**2:00 p.m. / 14h**

**COURTROOM / SALLE #6**

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

	<b>89-16-CA</b>		
20.	Itzik Rifkin	)	<b>Grant M. Olgilvie,</b>
	-and-	)	for the Appellant
	Ricky Peled-Rifkin	)	<b>Joseph W.J. FitzPatrick,</b>
		)	for the Respondent

**REMANET**

**COURTROOM / SALLE #6**

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

**No. 11 Notice of Abandonment filed October 27, 2016/  
Un avis d'abandon a été émis le 27 octobre 2016**

- 92-15-CA**
11. Guy Losier ) **Mikael H.H. Bernard,**  
- et - ) *avocat de l'appelant*  
Sa Majesté la Reine ) **Marc A. Bourgeois,**  
 ) *avocat de l'intimée*

**COURTROOM / SALLE #6**

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

- 115-15-CA**
12. Her Majesty The Queen ) **Kathryn A. Gregory,**  
- and - ) *for the Appellant*  
Michael Lloyd Peterson ) **Margaret Gallagher, Q.C.,**  
 ) *for the Respondent*

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

- 50-14-CA**
13. Yvon Vienneau and ) **Thomas J. Burke, Q.C.**  
Michel Vienneau ) *and Rebecca J. Butler,*  
- and - ) *for the Appellants*  
Her Majesty The Queen ) **B. Bannon Morrissy,**  
 ) *for the Respondent*  
(on appeal from 2014 NBQB 092 / en appel de 2014 NBBR 092)



**COURTROOM / SALLE #6**

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

- 15-16-CA**  
14. Joseph Weir ) **Joseph Weir,**  
- and - ) *per se*  
The Law Society of New ) **Allison Whitehead, Q.C.,**  
Brunswick ) *for the Respondent*

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

**COURTROOM / SALLE #6**

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

- 24-15-CA**  
16. Jessie Cormier ) **Michel DesNeiges,**  
- and - ) *for the Appellant*  
Her Majesty The Queen ) **David W. Schermbrucker,**  
 ) *for the Respondent*
- 25-15-CA**  
17. Neisha Petitpas ) **Neisha Petitpas,**  
- and - ) *per se*  
Her Majesty The Queen ) **David w. Schermbrucker,**  
 ) *for the Respondent*