

**COURT OF APPEAL  
OF  
NEW BRUNSWICK**

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



***List of Cases for the  
February 2017 sitting***

***Le rôle pour la session du mois  
de février 2017***

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

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

**TUESDAY, FEBRUARY 14 / LE MARDI 14 FÉVRIER**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

**No. 15 Adjourned and set over to June 20, 2017, pursuant to directions of The Honourable Chief Justice Drapeau/La date de l'audience est remise au 20 juin 2017, en vertu de la directive de l'Honorable juge en chef.**

**42-16-CA**

15.	Michael David Johnston	)	<b>Michael David Johnston,</b>
	- and -	)	per se
	Her Majesty the Queen	)	<b>Kathryn A. Gregory,</b>
		)	for the Respondent

**COURTROOM / SALLE #6**

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

**No. 1 Removed pursuant to directions of The Court / La date de l'audience est remise en vertu d'une directive de la cour.**

**76-16-CA**

1.	Timothy Anthony Sappier	)	<b>Leslie F. Matchim,</b>
	- and -	)	for the Appellant
	Her Majesty The Queen	)	<b>Monica G. McQueen,</b>
		)	for the Respondent

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

**COURTROOM / SALLE #6**

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

**No. 2 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.**

**74-16-CA**

2.	Jesse Russell Thompson	)	<b>Margaret Gallagher, Q.C.,</b>
	- and -	)	for the Appellant
	Her Majesty The Queen	)	<b>Kathryn Gregory,</b>
		)	for the Respondent

**WEDNESDAY, FEBRUARY 15 / LE MERCREDI 15 FÉVRIER**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

- 3-16-CA**
3. Shirley Shannon and Michael ) **Eugene J. Mockler, Q.C.,**  
Shannon ) for the Appellant  
- and - ) **Kenneth B. McCulloch, Q.C.,**  
Canadian Medical Protective ) and **Domenic A. Crolla,**  
Association ) for the Respondent

**THURSDAY, FEBRUARY 16 / LE JEUDI 16 FÉVRIER**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

**No. 4 Adjourned and set over to February 20, 2017, pursuant to directions of The Honourable Chief Justice Drapeau/La date de l'audience est remise au 20 février 2017, en vertu de la directive de l'Honorable juge en chef.**

- 43-16-CA**
4. Peter O'Neill and Kelly O'Neil ) **Andy W. Lodge,**  
- and - ) for the Appellant  
Melody Edmanson ) **David M. Lutz, Q.C. and**  
 ) **Maria K. Powell,**  
 ) for the Respondent  
(on appeal from 2016 NBQB 100 / en appel de 2016 NBBR 100)

**MONDAY, FEBRUARY 20 / LE LUNDI 20 FÉVRIER**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

**43-16-CA**

4. Peter O'Neill and Kelly O'Neil ) **Andy W. Lodge,**  
- and - ) *for the Appellant*  
Melody Edmanson ) **David M. Lutz, Q.C. and**  
 ) **Maria K. Powell,**  
 ) *for the Respondent*  
(on appeal from 2016 NBQB 100 / en appel de 2016 NBBR 100)

**TUESDAY, FEBRUARY 21 / LE MARDI 21 FÉVRIER**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

**65-16-CA**

5. Commission des services ) **Charles A. LeBlond, c.r.,**  
financiers et des services ) *avocat de l'appelant*  
aux consommateurs ) **Pierre Emond,**  
- et - ) *per se*  
Pierre Emond et Armel Drapeau ) **I. Gérald Lévesque,**  
 ) *avocat de l'intimé,*  
 ) *Armel Drapeau*

**WEDNESDAY, FEBRUARY 22 / LE MERCREDI 22 FÉVRIER**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

- 13-16-CA**
6.     *Robert Despres*                             )  
       - and -                                     )  
       *MacDonald Crane Service Ltd.*       )  
       *and Andrew St-Pierre*                 )  
       *(on appeal from 2014 NBQB 276 / en appel de 2014 NBBR 276)*
- David G. Gauthier,**  
          *for the Appellant*
- Mark A. Canty, Q.C.,**  
          *for the Respondents*

**COURTROOM / SALLE #8**

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

- 15-16-CA**
7.     *Joseph Weir*                             )  
       - and -                                     )  
       *The Law Society of New*               )  
       *Brunswick*                                 )
- Joseph Weir,**  
          *per se*
- Allison Whitehead, Q.C.,**  
          *for the Respondent*
- 
- 64-16-CA**
8.     *Joseph Weir*                             )  
       - and -                                     )  
       *The Law Society of New*               )  
       *Brunswick*                                 )
- Joseph Weir,**  
          *per se*
- Allison Whitehead, Q.C.,**  
          *for the Respondent*

**THURSDAY, FEBRUARY 23 / LE JEUDI 23 FÉVRIER**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

**Adjourned and set over to March 14, 2017, pursuant to directions of The Honourable Chief Justice Drapeau/La date de l'audience est remise au 14 mars 2017, en vertu de la directive de l'Honorable juge en chef.**

**BAR ADMISSION / ADMISSION AU BARREAU**

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

- 115-15-CA**
9. 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.)**

**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.**

- 80-16-CA**
10. Keith Robert Ackerson ) **Keith Robert Ackerson,**  
-and- ) per se  
Her Majesty The Queen ) **Kathryn A. Gregory,**  
 ) for the Respondent

**FRIDAY, FEBRUARY 24 / LE VENDREDI 24 FEVRIER**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #8**

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

- 96-16-CA**
11. The New Brunswick Police ) **James F. LeMesurier, Q.C.,**  
Commission ) for the Appellant  
- and - ) **Thomas J. Burke, Q.C. and**  
Jeff Smiley ) **Daniel P.L. Leger,**  
 ) for the Respondent  
(on appeal from 2016 NBQB 206 / en appel de 2016 NBBR 2016)

**MONDAY, FEBRUARY 27 / LE LUNDI 27 FÉVRIER**  
**2:00 p.m. / 14h**

**COURTROOM / SALLE #6**

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

**69-16-CA**  
12. Sarah Trider ) **George A. McAllister, Q.C.,**  
- and - ) **for the Appellant**  
Travis Galloway ) **Michael D. Brenton, Q.C. and**  
) **Samantha L. MacPherson,**  
) **for the Respondent**