

**COURT OF APPEAL  
OF  
NEW BRUNSWICK**

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



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

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

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

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

**TUESDAY, NOVEMBER 14 / LE MARDI 14 NOVEMBRE**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

**32-17-CA**

- |    |                      |   |                             |
|----|----------------------|---|-----------------------------|
| 1. | Jean-Pierre Lecompte | ) | <b>Robert K. McKee,</b>     |
|    | - et -               | ) | avocat de l'appelant        |
|    | Sa Majesté la Reine  | ) | <b>Caroline N. Lirette,</b> |
|    |                      | ) | avocate de l'intimée        |

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

**53-17-CA**

- |    |                       |   |                                  |
|----|-----------------------|---|----------------------------------|
| 2. | Trevor Moulton        | ) | <b>Thomas J. Burke, Q.C.,</b>    |
|    | - and -               | ) | for the Appellant                |
|    | Her Majesty The Queen | ) | <b>Kathryn A. Gregory, Q.C.,</b> |
|    |                       | ) | for the Respondent               |

**3.** *Adjourned to a date to be set, pursuant to the directions of the Court / Remise à une date ultérieure, en vertu de la directive de la Cour.*

**57-17-CA**

- |    |                       |   |                                  |
|----|-----------------------|---|----------------------------------|
| 3. | Jahmal Thomas         | ) | <b>Monte MacGregor,</b>          |
|    | - and -               | ) | for the Appellant                |
|    | Her Majesty The Queen | ) | <b>Kathryn A. Gregory, Q.C.,</b> |
|    |                       | ) | for the Respondent               |

**WEDNESDAY, NOVEMBER 15 / LE MERCREDI 15 NOVEMBRE**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

**29-17-CA**

- |    |                                 |   |                              |
|----|---------------------------------|---|------------------------------|
| 4. | Bethany Dykstra                 | ) | <b>D. James Gerrish,</b>     |
|    | - and -                         | ) | for the Appellant            |
|    | New Brunswick Cattle Producers, | ) | <b>John B. Malone, Q.C.,</b> |
|    | a body corporate under the      | ) | for the Respondent           |
|    | Natural Products Act, R.S.N.B.  | ) |                              |
|    | 1973, c. N-1.2                  | ) |                              |

**THURSDAY, NOVEMBER 16 / LE JEUDI 16 NOVEMBRE**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

**No. 5 Removed pursuant to the decision on motion / Radié suite à la décision sur motion**

**63-17-CA**

- |    |                         |   |                         |
|----|-------------------------|---|-------------------------|
| 5. | Monica Loughlin         | ) | <b>Monica Loughlin,</b> |
|    | - and -                 | ) | per se                  |
|    | Abigail Gordon, Colleen | ) | <b>Timothy R. Bell,</b> |
|    | MacLeod and Trademark   | ) | for the Respondent      |
|    | Condominium Corporation | ) |                         |
|    | 1024834                 | ) |                         |

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

**COURTROOM / SALLE #6**

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

**77-16-CA**

- |    |                         |   |                                       |
|----|-------------------------|---|---------------------------------------|
| 6. | Lise Rachelle Robichaud | ) | <b>Céline Robichaud Fournier,</b>     |
|    | - et -                  | ) | avocate de l'appelante                |
|    | Enzo Mignacca           | ) | <b>Barbara Hughes Campbell, c.r.,</b> |
|    |                         | ) | avocate de l'intimé                   |

**TUESDAY, NOVEMBER 21 / LE MARDI 21 NOVEMBRE**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #8**

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

**49-17-CA**

- |    |                                    |   |                                    |
|----|------------------------------------|---|------------------------------------|
| 7. | Kent Building Supplies, a division | ) | <b>W. Hugh Murphy,</b>             |
|    | of J.D. Irving Ltd.                | ) | for the Appellant                  |
|    | - and -                            | ) | <b>Christian E. Michaud, Q.C.,</b> |
|    | 625663 N.B. Ltd.                   | ) | for the Respondent,                |
|    |                                    | ) | 625663 N.B. Ltd.                   |
|    | Raymond Chabot Inc. In its         | ) | <b>Josie Marks,</b>                |
|    | capacity as the Trustee in         | ) | for the Respondent,                |
|    | Bankruptcy of the Estate of        | ) | Raymond Chabot Inc.                |
|    | 059143 N.B. Inc., The Attorney     | ) | <b>Deanna M. Frappier,</b>         |
|    | General of Canada., W. Gear        | ) | for the Respondent,                |
|    | Electric Ltd. and Coastal          | ) | Attorney General of Canada         |

**WEDNESDAY, NOVEMBER 22 / LE MERCREDI 22 NOVEMBRE**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

**1-17-CA**

8. Cherie Campbell ) **Thomas J. Burke, Q.C.**  
- and - ) **and Michael W. Lacy,**  
The Chief of Police, Fredericton ) **for the Appellant,**  
Police Force ) **Amy R. Gough**  
) **for the Respondent**  
(on appeal from 2016 NBQB 225 / en appel de 2016 NBBR 225)

**THURSDAY, NOVEMBER 23 / LE JEUDI 23 NOVEMBRE**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

**40-17-CA**

9. Godfrey Mendes ) **John P.F. Morrissy,**  
- and - ) **for the Appellant**  
Nuvia Canada Inc. ) **Matthew R. Letson,**  
) **for the Respondent**

**TUESDAY, NOVEMBER 28 / LE MARDI 28 NOVEMBRE**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

**106-16-CA**

10. Wilbur Dedam ) **Thomas J. Burke, Q.C.,**  
- and - ) **and Michael W. Lacy**  
Her Majesty The Queen ) **for the Appellant**  
) **Kathryn A. Gregory, Q.C.,**  
) **for the Respondent**  
(on appeal from 2016 NBQB 074 / en appel de 2016 NBBR 074)

**COURTROOM / SALLE #8**

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

**84-17-CA**

11. *Fredericton International Airport Authority Inc.,* ) **Hugh J. Cameron,**  
 ) *for the Appellant*  
- and - ) **Ryan P. Burgoyne,**  
*Thomas Edward O'Toole and* ) *for the Respondent*  
*Karen Mary O'Toole* )  
(on appeal from 2017 NBQB 125 / en appel de 2017 NBBR 125)

**WEDNESDAY, NOVEMBER 29 / LE MERCREDI 29 NOVEMBRE**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

**No. 12 Adjourned and set over to February 14, 2018, pursuant to directions of The Honourable Chief Justice Drapeau/La date de l'audience est remise au 14 février 2018, en vertu de la directive de l'Honorable juge en chef.**

**82-16-CA**

12. *Aviva Insurance Company of Canada* ) **Charles A. LeBlond, Q.C.,**  
 ) *for the Appellant*  
- and - ) **Mark R. Frederick**  
*L'Évêque Catholique Romain de Bathurst* ) *and Chris Blom,*  
 ) *for the Respondent*  
 ) **Danys R.X. Delaquis,**  
- and - ) *for the Intervenor*  
*The Co-Operators General Insurance Company* )

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

**COURTROOM / SALLE #6**

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

**45-17-CA**

13. *Tanya Marie Daechert* ) **Monique Veillette,**  
 ) *avocate de l'appelante*  
- et - ) **Céline Robichaud Fournier,**  
*Joseph Patrice Gauthier* ) *avocate de l'intimé*

**THURSDAY, NOVEMBER 30 / LE JEUDI 30 NOVEMBRE**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

**22-17-CA**

- |     |                       |   |                                  |
|-----|-----------------------|---|----------------------------------|
| 14. | Matthew Tucker        | ) | <b>Matthew Tucker,</b>           |
|     | - and -               | ) | per se                           |
|     | Her Majesty The Queen | ) | <b>Kathryn A. Gregory, Q.C.,</b> |
|     |                       | ) | for the Respondent               |

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

**COURTROOM / SALLE #6**

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

**53-17-CA**

- |     |                       |   |                                  |
|-----|-----------------------|---|----------------------------------|
| 15. | Trevor Moulton        | ) | <b>Thomas J. Burke, Q.C.,</b>    |
|     | - and -               | ) | for the Appellant                |
|     | Her Majesty The Queen | ) | <b>Kathryn A. Gregory, Q.C.,</b> |
|     |                       | ) | for the Respondent               |

**WEDNESDAY, DECEMBER 6 / LE MERCREDI 6 DÉCEMBRE**  
**9:30 a.m. / 9h30**

**COURTROOM / SALLE #6**

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

**BAR ADMISSION / ADMISSION AU BARREAU**

**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

**7-17-CA**

23.	<i>The City of Saint John</i>	)	<b>Michael D. Brenton, Q.C. and</b>
	<i>- and -</i>	)	<b>Donald V. Keenan,</b>
	<i>Robert Hayes, on behalf of</i>	)	<i>for the Appellant</i>
	<i>himself and other class members</i>	)	<b>Kirk M. Baert, Celeste Poltak,</b>
		)	<b>and John A. McKiggan, Q.C.,</b>
		)	<i>for the Respondents</i>

**THURSDAY, DECEMBER 7 / LE JEUDI 7 DÉCEMBRE**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

**24-15-CA**

22.	<i>Jessie Cormier</i>	)	<b>Michel DesNeiges,</b>
	<i>- and -</i>	)	<i>for the Appellant</i>
	<i>Her Majesty The Queen</i>	)	<b>Patrice B. Deschênes,</b>
		)	<i>for the Respondent</i>

## REMANET

### 69-17-CA

16. J. Shawn O'Toole ) **Patrick E. Hurley, Q.C.,**  
- and - ) *for the Appellant*  
David L.E. Peterson ) **David W. McMath,**  
 ) *for the Respondent*  
(on appeal from 2017 NBQB 094 / en appel de 2017 NBBR 094)

### 99-17-CA

17. Le directeur exécutif de ) **Pierre R. Ouellette,**  
l'évaluation ) *avocat de l'appellant*  
- et - ) **Maurice F. Bourque, c.r.,**  
Maurice F. Bourque ) *avocat de l'intimé*

### 101-17-CA

18. Patrick Gillespie ) **Marie-Claude Bélanger-Richard, Q.C.,**  
- and - ) *for the Appellant*  
Jeanette Gillespie ) **Brenda McMullen-Brown,**  
 ) *for the Respondent*  
(on appeal from 2017 NBQB 149 / en appel de 2017 NBBR 149)

### 84-16-CA

19. David Burchill ) **Marie-Claude Bélanger-Richard, Q.C.,**  
- and - ) *for the Appellant*  
Isabelle Savoie ) **Sheila J. Cameron, Q.C.,**  
 ) *for the Respondent*

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

### 56-16-CA

20. Her Majesty The Queen ) **David Schermbrucker**  
- and - ) *and Christian Girouard,*  
Luc LeBlanc ) *for the Appellant*  
 ) **Nathan Gorham,**  
 ) *for the Respondent*

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

### 3-17-CA

21. Jon MacQueen ) **Jon MacQueen,**  
- and - ) *per se*  
Town of Grand Bay-Westfield ) **Frederick A. Welsford,**  
 ) *for the Respondent*