

COURT OF APPEAL

OF

NEW BRUNSWICK

COUR D'APPEL

DU

NOUVEAU-BRUNSWICK



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

***Le rôle pour la session du mois
d'octobre 2017***

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

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

TUESDAY, OCTOBER 10 / LE MARDI 10 OCTOBRE
10:00 a.m. / 10h

COURTROOM / SALLE #8

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

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

106-16-CA

- | | | | |
|----|-----------------------|---|-------------------------------|
| 1. | Wilbur Dedam |) | Thomas J. Burke, Q.C., |
| | - and - |) | for the Appellant |
| | Her Majesty The Queen |) | Kathryn A. Gregory, |
| | |) | for the Respondent |

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

30-17-CA

- | | | | |
|----|-----------------------|---|-----------------------------|
| 2. | Michel Chiasson |) | Martin J. Siscoe, |
| | - and - |) | for the Appellant |
| | Her Majesty The Queen |) | Caroline N. Lirette, |
| | |) | for the Respondent |

82-17-CA

- | | | | |
|----|---------------------------|---|--------------------------------|
| 3. | The Toronto Dominion Bank |) | Matthew R. Letson, |
| | - and - |) | for the Appellant |
| | Thomas James Ladanchuk |) | Thomas James Ladanchuk, |
| | |) | per se |

82-16-CA

- | | | | |
|----|---|---|--|
| 4. | Aviva Insurance Company of
Canada |) | Danys R.X. Delaquis, |
| | - and - |) | for the Applicant |
| | L'Évêque Catholique Romain de
Bathurst |) | Charles A. LeBlond, Q.C., |
| | |) | for the Appellant |
| | |) | Mark R. Frederick and Chris Blom, |
| | |) | for the Respondent |

COURTROOM / SALLE #6

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

- 85-16-CA**
5. *Cropvise Inc. and Wolf & Wolf*) **Rodney J. Gillis, Q.C.,**
Seeds Inc.) *for the Appellant*
- and -) **Lori Rasmussen,**
Canadian Food Inspection) *for the Respondent*
Agency)
(on appeal from 2016 NBQB 186 / en appel de 2016 NBBR 186)

2:00 p.m. / 14h

COURTROOM / SALLE #6

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

- 35-17-CA**
6. *Joël Robichaud*) **Joël Robichaud,**
- et -) *per se*
Sa Majesté la Reine) **Marc A. Bourgeois,**
) *avocat de l'appelante*

7. 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.

- 17-17-CA**
7. *Luc Robert LeBreton*) **Jean Eugène Trahan,**
- and -) *for the Appellant*
Her Majesty The Queen) **Kathryn A. Gregory,**
) *for the Respondent*

WEDNESDAY, OCTOBER 11 / LE MERCREDI 11 OCTOBRE

10:00 a.m. / 10h

COURTROOM / SALLE #6

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

- 52-17-CA**
8. *Lise Arsenault*) **Brenda McMullen-Brown,**
- and -) *for the Appellant*
Denis Arsenault) **Marie-Claude Bélanger-Richard, Q.C.,**
) *for the Respondent*

2:00 p.m. / 14 h

COURTROOM / SALLE #6

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

- 58-17-CA**
9. J.S. and J.N.) **Joseph W.J. FitzPatrick,**
- and -) *for the Appellant, J.S.*
The Minister of Social) **Misty Amber Matthews-Emery,**
Development (now The Minister) *for the Appellant, J.N.*
of Families and Children)) **Corry Anne Toole,**
) *for the Respondent*

THURSDAY, OCTOBER 12 / LE JEUDI 12 OCTOBRE

10:00 a.m. / 10h

COURTROOM / SALLE #6

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

- 70-16-CA**
10. David D. Mbelenga) **David D. Mbelenga,**
- et -) *per se*
Paulette Muzinga) **Paulette Muzinga,**
) *per se*

MONDAY, OCTOBER 16 / LE LUNDI 16 OCTOBRE

10:00 a.m. / 10h

COURTROOM / SALLE #6

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

11. 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.

- 56-16-CA**
11. Her Majesty The Queen) **David Schermbrucker**
- and -) **and Christian Girouard,**
Luc LeBlanc) *for the Appellant*
) **Nathan Gorham,**
) *for the Respondent*

COURTROOM / SALLE #6

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

28. **63-17-CA**

Monica Loughlin	)	Monica Loughlin,
-and-	)	per se
Abigail Gordon, Colleen McLeod	)	Timothy R. Bell,
Trademark Condominium	)	for the Respondent
Corporation No. 1024834)	

TUESDAY, OCTOBER 17 / LE MARDI 17 OCTOBRE
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

12. Adjournd 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.

63-16-CA

12. James Turpin	)	Margaret Gallagher, Q.C.,
- and -	)	for the Appellant
Her Majesty The Queen	)	Kathryn A. Gregory,
	)	for the Respondent

TUESDAY, OCTOBER 24 / LE MARDI 24 OCTOBRE
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

38-17-CA

13. New Brunswick Community	)	Clarence L. Bennett and
College	)	Nicholas N. Russon,
- and -	)	for the Appellant
Daryl Barton	)	Daryl Barton,
	)	per se

2:00 p.m. / 14h

COURTROOM / SALLE #8
VIDEO CONFERENCE / VIDÉO CONFÉRENCE

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

14. 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.

7-17-CA

- | | | | |
|-----|---------------------------------|---|---------------------------------------|
| 14. | The City of Saint John |) | Michael D. Brenton, Q.C. and |
| | - and - |) | Donald V. Keenan, |
| | Robert Hayes, on behalf of |) | for the Appellant |
| | himself and other class members |) | Kirk M. Baert, Celeste Poltak, |
| | |) | and John A. McKiggan, Q.C., |
| | |) | for the Respondents |

WEDNESDAY, OCTOBER 25 / LE MERCREDI 25 OCTOBRE

10:00 a.m. / 10h

COURTROOM / SALLE #6

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

112-15-CA

- | | | | |
|-----|------------------|---|------------------------------------|
| 15. | Gail Douthwright |) | George A. McAllister, Q.C., |
| | - and - |) | for the Appellant |
| | Shirley Duffy |) | Tim Hopkins, |
| | |) | for the Respondent |

2:00 p.m. / 14h

COURTROOM / SALLE #6

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

No. 16 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.

51-17-CA
16. CG Group Ltd.) **Edwin G. Ehrhardt, Q.C.,**
- and -) for the Appellant
Joseph Marc Girouard and Marie) **Thomas Maillet,**
Germaine Girouard) for the Respondent

No. 27 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.

51-17-CA
27. CG Group Ltd.) **Edwin G. Ehrhardt, Q.C.,**
- and -) for the Appellant
Joseph Marc Girouard and Marie) **Thomas Maillet,**
Germaine Girouard) for the Respondent

THURSDAY, OCTOBER 26 / LE JEUDI 26 OCTOBRE
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

96-15-CA
17. David Junior Henry Andrew Hart) **Jean Eugène Trahan,**
- and -) for the Appellant
Her Majesty The Queen) **William B. Richards,**
) for the Respondent