

**COURT OF APPEAL  
OF  
NEW BRUNSWICK**

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



***List of Cases for the  
January 2018 sitting***

***Le rôle pour la session du mois  
de janvier 2018***

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

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



**WEDNESDAY, JANUARY 10 / LE MERCREDI 10 JANVIER**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

- 32-17-CA**
5. *Jean-Pierre Lecompte* ) **Robert K. McKee,**  
- et - ) *avocat de l'appellant*  
*Sa Majesté la Reine* ) **Caroline N. Lirette,**  
 ) *avocate de l'intimée*
- 30-17-CA**
6. *Michel Chiasson* ) **Martin J. Siscoe,**  
- and - ) *for the Appellant*  
*Her Majesty The Queen* ) **Caroline N. Lirette,**  
 ) *for the Respondent*

**THURSDAY, JANUARY 11 / LE JEUDI 11 JANVIER**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

- 58-17-CA**
7. *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*

**MONDAY, JANUARY 15 / LE LUNDI 15 JANVIER**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #8**

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

- 69-17-CA**
8. 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)

**TUESDAY, JANUARY 16 / LE MARDI 16 JANVIER**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

- 96-17-CA**
9. Tracy Lynn Mason ) **David J. Shore,**  
- and - ) **for the Appellant**  
Irene Mason and the Corporation ) **Mel K. Norton,**  
of the Anglican Parish of Sussex ) **for the Respondent**  
 ) Irene Mason,  
 ) **John B. Malone, Q.C.,**  
 ) **for the Respondent,**  
 ) **The Corporation of the Anglican**  
 ) **Parish of Sussex**  
(on appeal from 2017 NBQB 132 / en appel de 2017 NBBR 132)

**WEDNESDAY, JANUARY 17 / LE MERCREDI 17 JANVIER**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

**76-17-CA**

10. Terry Burns ) **Kelly A. Lamrock, Q.C.,**  
- and - ) **for the Appellant**  
The University of New Brunswick ) **Clarence L. Bennett,**  
 ) **for the Respondent**  
(on appeal from 2017 NBQB 104 / en appel de 2017 NBBR 104)

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

**COURTROOM / SALLE #6**

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

**3-17-CA**

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

**THURSDAY, JANUARY 18 / LE JEUDI 18 JANVIER**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

**15-17-CA**

12. Shawn Murray Fredericks ) **Margaret Gallagher, Q.C.,**  
- and - ) **for the Appellant**  
Her Majesty The Queen ) **Kathryn A. Gregory, Q.C.,**  
 ) **for the Respondent**

**TUESDAY, JANUARY 23 / LE MARDI 23 JANVIER**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

**No. 13 Notice of Discontinuance filed January 18, 2018/  
Un avis de désistement a été émis le 18 janvier 2018**

**108-17-CA**

13. David Rogers ) **Kenneth B. McCulloch, Q.C.,**  
- and - ) **for the Appellant**  
The Bank of Nova Scotia ) **Stephen Kingston and**  
 ) **Lauren Cicin,**  
 ) **for the Respondent**  
(on appeal from 2017 NBQB 172 / en appel de 2017 NBBR 172)

**114-17-CA**

14. 22 King Street Inc., and ) **Rodney J. Gillis, Q.C.,**  
Rodney J. Gillis ) **for the Appellant**  
- and - ) **Stephen Kingston,**  
The Bank of Nova Scotia ) **for the Respondent**

**THURSDAY, JANUARY 25 / LE JEUDI 25 JANVIER**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

**15. 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.**

**39-17-CA**

15. The Toronto-Dominion Bank ) **Richard J. Scott, Q.C., and**  
- and - ) **Michelle Awad, Q.C.,**  
Andal Holdings (Moncton) Ltd. ) **for the Appellant**  
 ) **Eugene J. Mockler, Q.C.,**  
 ) **for the Respondent**