

**COURT OF APPEAL
OF
NEW BRUNSWICK**

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



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

***Le rôle pour la session du mois
d'octobre 2018***

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

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

TUESDAY, OCTOBER 9 / LE MARDI 9 OCTOBRE
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

No. 1 Removed and set over to November 27, 2018, pursuant to directions of the Court /La date de l'audience est remise au 27 novembre 2018, en vertu de la directive de la cour.

- 92-16-CA**
1. Shane Williams) **Nathan Gorham,**
- and -) for the Appellant
Her Majesty The Queen) **Michael S. Taylor, Q.C.,**
) for the Respondent
- 131-17-CA**
2. Lawrence Gavin) **Jason T. Dempsey,**
- and -) for the Appellant
Her Majesty The Queen) **William B. Richards,**
) for the Respondent
- 71-18-CA**
3. Her Majesty The Queen) **Kathryn A. Gregory, Q.C.,**
- and -) for the Appellant
Stephanie Fox) **Stephanie Fox,**
) per se

COURTROOM / SALLE #8

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

- 128-17-CA**
4. Michael Troy Pelletier) **Michael Troy Pelletier,**
- and -) per se
Her Majesty The Queen) **William B. Richards,**
) for the Respondent

2:00 p.m. / 14h

COURTROOM / SALLE #6

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

- 19-18-CA**
5. Noël Ayangma) **Noël Ayangma,**
-and-) *per se*
Université de Moncton, Campus) **Sacha D. Morisset,**
de Moncton Campus) *for the Respondent*

WEDNESDAY, OCTOBER 10 / LE MERCREDI 10 OCTOBRE
10:00 a.m. / 10h

COURTROOM / SALLE #8

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

No. 6 Adjourned and set over to November 7, 2018, pursuant to directions of The Honourable Chief Justice Richard /La date de l'audience est remise au 7 novembre 2018, en vertu de la directive de l'Honorable juge en chef.

- 127-17-CA**
6. Joseph R. Goyetche, Yvon) **Jamie MacGillivray,**
Fournier, Roland Bouchee,) *for the Appellants*
Roland Morrison, Roger Martel,) **Daniel Leger,**
Roger Young, Bryan Harris,) *for the Respondents*
David J. Thibodeau, Malcom)
Russle, Daniel Gallagher,)
Robert Chamberlain, Roger Roy,)
Gary Christie, Nancy Thomas,)
Kenny Ivey, John Fritters, and)
John Duffy)
- and -)
International Union of Operating)
Engineers (IUOE),)
Communications, Energy and)
Paperworkers Union of Canada)
(CEP), International Association)
of Machinists and Aerospace)
Workers (IAMAW))
(on appeal from 2017 NBQB 194 / en appel de 2017 NBBR 194)

COURTROOM / SALLE #6

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

- 25-18-CA**
7. Dylan Jackson) **Margaret Gallagher, Q.C.,**
- and -) *for the Appellant*
Her Majesty The Queen) **Kathryn A. Gregory, Q.C.,**
) *for the Respondent*

THURSDAY, OCTOBER 11 / LE JEUDI 11 OCTOBRE
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

No. 8 Removed and set over to November 8, 2018, pursuant to directions of the Court /La date de l'audience est remise au 8 novembre 2018, en vertu de la directive de la cour.

- 80-18-CA**
8. Syndicat Canadien de la) **Glen S. Gallant,**
Fonction Publique, Section) *for the Appellant*
Locale 3515) **G. Robert Basque, c.r.,**
- et -) *for the Respondent*
Ville de Dieppe)

TUESDAY, OCTOBER 16 / LE MARDI 16 OCTOBRE
10:00 a.m. / 10h

COURTROOM / SALLE #8
VIDEO CONFERENCE / VIDÉO CONFÉRENCE

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

- 11-18-CA**
9. Simon James Elliott) **Simon James Elliott,**
- and -) *per se*
Canada Correctional Service of) **Melissa A. Grant,**
Canada, Warden of Atlantic) *for the Respondent*
Institution)

2:00 p.m. / 14h

COURTROOM / SALLE #8
VIDEO CONFERENCE / VIDÉO CONFÉRENCE

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

- 41-18-CA**
10. **Sa Majesté La Reine**) **Kathryn Gregory, Q.C.**
- et -) **et Daniel Standing,**
Jonathan Haché) **avocats de l'appelante**
) **Jonathan Haché,**
) **per se**

WEDNESDAY, OCTOBER 17 / LE MERCREDI 17 OCTOBRE
10:00 a.m. / 10h

COURTROOM / SALLE #6

(*RICHARD, C.J.N.B./J.C.N.-B., BAIRD AND/ET FRENCH, J.J.A.)

No. 11 Removed and set over to 2 p.m., pursuant to directions of The Court /La date de l'audience est remise à 14h, en vertu de la directive de la cour.

- 138-17-CA**
11. **Kenneth Leslie Vail**) **Kenneth Leslie Vail,**
-and-) **per se**
Her Majesty The Queen) **William B. Richards,**
) **for the Respondent**
- 3-18-CA**
12. **Jamie Ricky Joseph Cormier**) **Jamie Ricky Joseph Cormier,**
- and -) **per se**
Her Majesty The Queen) **Kathryn Gregory, Q.C.,**
) **for the Respondent**

2:00 p.m. / 14h

COURTROOM / SALLE #6

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

No. 24 Removed and set over to November 26, 2018 pursuant to directions of The Court /La date de l'audience est remise au 26 novembre 2018, en vertu de la directive de la cour.

110-17-CA
24. Kenneth Leslie Vail) **Kenneth Leslie Vail,**
- and -) *per se*
Her Majesty The Queen) **William B. Richards,**
) *for the Respondent*

No. 11 Removed and set over to November 26, 2018 pursuant to directions of The Court /La date de l'audience est remise au 26 novembre 2018, en vertu de la directive de la cour.

138-17-CA
11. Kenneth Leslie Vail) **Kenneth Leslie Vail,**
-and-) *per se*
Her Majesty The Queen) **William B. Richards,**
) *for the Respondent*

THURSDAY, OCTOBER 18 / LE JEUDI 18 OCTOBRE
10:00 a.m. / 10h

COURTROOM / SALLE #6

(*RICHARD, C.J.N.B./J.C.N.-B., FRENCH AND/ET LAVIGNE, J.J.A.)

131-17-CA
13. Lawrence Gavin) **Jason T. Dempsey,**
- and -) *for the Appellant*
Her Majesty The Queen) **William B. Richards,**
) *for the Respondent*

TUESDAY, OCTOBER 23 / LE MARDI 23 OCTOBRE
9:30 a.m. / 9h30

COURTROOM / SALLE #6

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

MOTION FOR BAR ADMISSION /
MOTION POUR ADMISSION AU BARREAU

10:00 a.m. / 10h

COURTROOM / SALLE #6

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

- 129-17-CA**
- | | | | |
|-----|-----------------------------------|---|------------------------------|
| 14. | Keith Marsden and Kenneth Marsden |) | Kenneth W. Martin, |
| | - and - |) | for the Appellant |
| | Verna Talbot |) | Michael A. McWilliam, |
| | | | for the Respondent |

WEDNESDAY, OCTOBER 24 / LE MERCREDI 24 OCTOBRE
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

- 48-18-CA**
- | | | | |
|-----|--|---|----------------------------------|
| 15. | Jeffrey E. McCluskey |) | Jeffrey E. McCluskey, |
| | - and - |) | per se |
| | Worker's Compensation Appeals Tribunal |) | Charles A. LeBlond, Q.C., |
| | | | for the Respondent |

THURSDAY, OCTOBER 25 / LE JEUDI 25 OCTOBRE
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

16. Adjourned to a date to be set, pursuant to the directions of The Honourable Chief Justice Richard / Remise à une date ultérieure, en vertu de la directive de l'Honorable juge en chef.

75-18-CA
16. Alban St-Coeur) **Eugene J. Mockler, Q.C.,**
- and -) **for the Appellant**
New Brunswick (Workplace) **Matthew R. Letson,**
Health, Safety and) **for the Respondent**
Compensation Commission)

MONDAY, OCTOBER 29 / LE LUNDI 29 OCTOBRE
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

No. 26 Adjourned and set over to November 8, 2018, pursuant to directions of The Court / La date de l'audience est remise au 8 novembre 2018, en vertu de la directive de la cour.

17-18-CA
26. V.T. and C.T.) **V.T.**
- and -) **per se**
The Minister of Families and) **C.H.**
Children) **per se**
) **Charlotte Bourque**
) **for the Respondent**

TUESDAY, OCTOBER 30 / LE MARDI 30 OCTOBRE
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

17. Adjourned to a date to be set, pursuant to the directions of The Honourable Chief Justice Richard / Remise à une date ultérieure, en vertu de la directive de l'Honorable juge en chef.

42-18-CA

17.	Her Majesty The Queen	)	Kathryn Gregory, Q.C. and
	- and -	)	Daniel Standing,
	Mahed Diblawe	)	for the Appellant
		)	Margaret Gallagher, Q.C.,
		)	for the Respondent

WEDNESDAY, OCTOBER 31 / LE MERCREDI 31 OCTOBRE
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

No. 18 Removed pursuant to directions of The Honourable Chief Justice Richard / La date de l'audience est remise en vertu d'une directive de l'Honorable juge en chef

56-16-CA

18.	Her Majesty The Queen	)	Monica McQueen and
	- and -	)	Christian Girouard,
	Luc LeBlanc	)	for the Appellant
		)	Nathan Gorham,
		)	for the Respondent

WEDNESDAY, NOVEMBER 7 / LE MERCREDI 7 NOVEMBRE
1:30 p.m. / 13h30

COURTROOM / SALLE #8

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

127-17-CA

27.	Joseph R. Goyetche, Yvon)	Jamie MacGillivray,
	Fournier, Roland Bouchee,)	for the Appellants
	Roland Morrison, Roger Martel,)	Daniel Leger,
	Roger Young, Bryan Harris,)	for the Respondents
	David J. Thibodeau, Malcom)	
	Russle, Daniel Gallagher,)	
	Robert Chamberlain, Roger Roy,)	
	Gary Christie, Nancy Thomas,)	
	Kenny Ivey, John Fritters, and)	
	John Duffy)	
	- and -)	
	International Union of Operating)	
	Engineers (IUOE),)	
	Communications, Energy and)	
	Paperworkers Union of Canada)	
	(CEP), International Association)	
	of Machinists and Aerospace)	
	Workers (IAMAW))	
	(on appeal from 2017 NBQB 194 / en appel de 2017 NBBR 194)	

THURSDAY, NOVEMBER 8 / LE JEUDI 8 NOVEMBRE
10:00 a.m. / 10h

COURTROOM / SALLE #8

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

80-18-CA

25.	Syndicat Canadien de la)	Glen S. Gallant,
	Fonction Publique, Section)	for the Appellant
	Locale 3515)	G. Robert Basque, c.r.,
	- et -)	for the Respondent
	Ville de Dieppe)	

COURTROOM / SALLE #6

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

98-18-CA

28.	Canadian Union of Public	)	Brenda Comeau and
	Employees, Local 3339	)	Glen S. Gallant,
	- and -	)	for the Appellant
	Christine Robson	)	Jamie Eddy,
		)	for the Respondent

2:00 p.m. / 14h

COURTROOM / SALLE #6

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

17-18-CA

29.	V.T. and C.H	)	V.T.
	- and -	)	per se
	The Minister of Families and	)	C.H.
	Children	)	per se
		)	Charlotte Bourque
		)	for the Respondent