

**COURT OF APPEAL  
OF  
NEW BRUNSWICK**

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



***List of Cases for the  
January 2019 sitting***

***Le rôle pour la session du mois  
de janvier 2019***

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

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

**TUESDAY, JANUARY 8 / LE MARDI 8 JANVIER**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

**1. Adjourned to January 10, 2019, pursuant to the directions of The Honourable Chief Justice Richard / Remise au 10 janvier 2019, en vertu de la directive de l'Honorable juge en chef.**

- 12-18-CA**
1. Kevin Logan ) **Kevin Logan,**  
- and - ) *per se*  
Her Majesty The Queen ) **Kathryn A. Gregory, Q.C.,**  
 ) *for the Respondent*
- 72-18-CA**
2. Charles Delorey ) **Charles Delorey,**  
- and - ) *per se*  
Her Majesty The Queen ) **Kathryn A. Gregory, Q.C.,**  
 ) *for the Respondent*

**WEDNESDAY, JANUARY 9 / LE MERCREDI 9 JANVIER**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

**3. 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.**

- 58-18-CA**
3. Her Majesty The Queen ) **Kathryn A. Gregory, Q.C.,**  
- and - ) *for the Appellant*  
Devon Hood ) **Devon Hood,**  
 ) *per se*

**COURTROOM / SALLE #8**  
**VIDEO CONFERENCE / VIDÉO CONFÉRENCE**

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

- 52-18-CA**
4. Serge Takri ) **Serge Takri,**  
- et - ) *per se*  
Sa Majesté la Reine ) **Marc A. Bourgeois,**  
 ) *avocat de l'intimée*

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

**COURTROOM / SALLE #6**

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

- 61-18-CA**
5. Darren Pitre ) **Margaret Gallagher, Q.C.,**  
- and - ) *for the Appellant*  
Her Majesty The Queen ) **Kathryn A. Gregory, Q.C.,**  
 ) *for the Respondent*

**23. Adjourned to March 12, 2019, pursuant to the directions of The Honourable Chief Justice Richard / Remise au 12 mars 2019, en vertu de la directive de l'Honorable juge en chef.**

- 12-18-CA**
23. Kevin Logan ) **Kevin Logan,**  
- and - ) *per se*  
Her Majesty The Queen ) **Kathryn A. Gregory, Q.C.,**  
 ) *for the Respondent*

**COURTROOM / SALLE #8**

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

- 67-18-CA**
6. Tania Murphy ) **Howard T. Myatt,**  
- and - ) *for the Appellant*  
Jeffrey Brown ) **Jeffrey Brown,**  
 ) *per se*

**TUESDAY, JANUARY 15 / LE MARDI 15 JANVIER**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

**132-17-CA**

7. Her Majesty The Queen ) **Kathryn Gregory, Q.C.,**  
- and - ) for the Appellant  
Brigitte Fougere ) **Brigitte Fougere,**  
 ) per se

**COURTROOM / SALLE #8**

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

**95-18-CA**

8. Heather Golding ) **George A. McAllister, Q.C.,**  
- and - ) for the Appellant  
Worksafe NB ) **Matthew R. Letson,**  
- and - ) for the Respondent  
Workers' Compensation Appeal ) **Daniel P. Leger,**  
Tribunal ) for the added party  
- and - ) Worker's Compensation  
Province of New Brunswick ) Appeal Tribunal  
- and - ) **James Mockler,**  
Province of New Brunswick ) for the added party Province of New  
 ) Brunswick

**WEDNESDAY, JANUARY 16 / LE MERCREDI 16 JANVIER**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

**38-18-CA**

9. Paul Wayne Meyer ) **Elizabeth M. McGrath,**  
- and - ) for the Appellant  
Elizabeth Ann Johnston ) **James K. O'Connell, Q.C.**  
 ) for the Respondent  
(on appeal from 2018 NBQB 057 / en appel de 2018 NBBR 057)

**THURSDAY, JANUARY 17 / LE JEUDI 17 JANVIER**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #8**

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

- 62-18-CA**  
10. *Nachiketa Sinha* ) **Sheila J. Cameron, Q.C.,**  
- and - ) *for the Appellant*  
*Simmi Sharma* ) **Howard T. Myatt,**  
 ) *for the Respondent*

**TUESDAY, JANUARY 22 / LE MARDI 22 JANVIER**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

**No. 11 Removed and set over to the remanet list, pursuant to directions of The Honourable Chief Justice Richard / La date de l'audience est remise sans date fixée au remanet de la directive de l'Honorable juge en chef.**

- 42-18-CA**  
11. *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, JANUARY 23 / LE MERCREDI 23 JANVIER**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

- 84-18-CA**  
12. *Noah Alexander Starr* ) **Kelly A. Lamrock, Q.C.,**  
- and - ) *for the Appellant*  
*Her Majesty The Queen* ) **Kathryn Gregory, Q.C.,**  
 ) *for the Respondent*

**THURSDAY, JANUARY 24 / LE JEUDI 24 JANVIER**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

**47-18-CA**

- |     |                                |   |                                 |
|-----|--------------------------------|---|---------------------------------|
| 13. | Boyd R. Algee and Boyd R.      | ) | <b>Rodney J. Gillis, Q.C.,</b>  |
|     | Algee Architects Ltd.,         | ) | for the Appellant               |
|     | -and-                          | ) | <b>David O'Brien, Q.C., and</b> |
|     | The Architects' Association of | ) | <b>Deidre L. Wade, Q.C.,</b>    |
|     | New Brunswick                  | ) | for the Respondent              |

**TUESDAY, JANUARY 29 / LE MARDI 29 JANVIER**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

**(\*RICHARD, C.J.N.B./J.C.N.-B., GREEN AND/ET LAVIGNE, JJA.)**

**97-18-CA**

- |     |                              |   |                              |
|-----|------------------------------|---|------------------------------|
| 14. | Serge Babin                  | ) | <b>Darren G. Blois,</b>      |
|     | - and -                      | ) | for the Appellant            |
|     | CJM Dieppe Investments Ltd., | ) | <b>Stephanie Luce,</b>       |
|     | and TG-378 Gauvin Road Ltd.  | ) | for the Respondents          |
|     | - and -                      | ) | CJM Dieppe Investments Ltd., |
|     | Deepak Sood                  | ) | and TG-378 Gauvin Road Ltd.  |
|     |                              | ) | <b>David Brannen,</b>        |
|     |                              | ) | for the Respondent           |
|     |                              | ) | Deepak Sood                  |

**WEDNESDAY, JANUARY 30 / LE MERCREDI 30 JANVIER**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

- 75-18-CA**
15. 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 )

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

**COURTROOM / SALLE #6**

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

**No. 16 Removed and set over to the remanet list, pursuant to directions of The Honourable Chief Justice Richard / La date de l'audience est remise sans date fixée au remanet de la directive de l'Honorable juge en chef.**

- 21-18-CA**
16. Luc LeBlanc ) **Nathan Gorham,**  
- and - ) **for the Appellant**  
Her Majesty The Queen ) **David W. Schermbrucker,**  
 ) **for the Respondent**  
(on appeal from 2017 NBQB 249 / en appel de 2017 NBBR 249)

**THURSDAY, JANUARY 31 / LE JEUDI 31 JANVIER**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

**89-18-CA**

- |     |                       |   |                                  |
|-----|-----------------------|---|----------------------------------|
| 17. | Clarence Greer        | ) | <b>Margaret Gallagher, Q.C.,</b> |
|     | - and -               | ) | for the Appellant                |
|     | Her Majesty The Queen | ) | <b>Cameron Gunn, Q.C.,</b>       |
|     |                       | ) | for the Respondent               |

**WEDNESDAY, FEBRUARY 13 / LE MERCREDI 13 FÉVRIER**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

**39-18-CA**

- |     |  |   |                           |
|-----|--|---|---------------------------|
| 18. | Gilles Laliberté   | ) | <b>Dominic Caron,</b>     |
|     | - et -   | ) | avocat de l'appelant      |
|     | Communauté Rurale de                                       | ) | <b>Sacha D. Morisset,</b> |
|     | Kedgwick   | ) | avocat de l'intimée       |
|     | (en appel de 2018 NBBR 062 / on appeal from 2018 NBQB 062) |   |                           |

**THURSDAY, FEBRUARY 14 / JEUDI 14 FEVRIER**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #8**

**VIDEO CONFERENCE / VIDÉO CONFÉRENCE**

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

**90-18-CA**

- |     |                              |   |                                    |
|-----|------------------------------|---|------------------------------------|
| 19. | Mary Olivia Sullivan and the | ) | <b>Monika M.L. Zauhar,</b>         |
|     | Province of New Brunswick    | ) | for the Appellant                  |
|     | - and -                      | ) | <b>Charles R. LeBlanc, Q.C.,</b>   |
|     | Annie Benoit                 | ) | for the Respondent                 |
|     | - and -                      | ) | <b>Chantal A. Thibodeau, Q.C.,</b> |
|     | Gérald Benoit and Benoit G.  | ) | for the Respondent                 |
|     | Débossage & Peinture Ltée.,  | ) |                                    |



**TUESDAY, FEBRUARY 19 / LE MARDI 19 FÉVRIER**  
**10:00 a.m. / 10h**

**COURTROOM / SALLE #6**

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

**No. 20 Notice of Discontinuance filed December 12, 2018/  
Un avis de désistement a été émis le 12 décembre 2018**

**98-18-CA**

20. Canadian Union of Public ) **Glen S. Gallant and**  
Employees, Local 3339 ) **Brenda Comeau,**  
- and - ) *for the Appellant*  
Christine Robson ) **Jessica Bungay,**  
 ) *for the Respondent*  
(on appeal from 2018 NBQB 142 / en appel de 2018 NBBR 142)

**REMANET**

**COURTROOM / SALLE #6**

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

**21-18-CA**

21. Luc LeBlanc ) **Nathan Gorham,**  
- and - ) *for the Appellant*  
Her Majesty The Queen ) **David W. Schermbrucker,**  
 ) *for the Respondent*  
(on appeal from 2017 NBQB 249 / en appel de 2017 NBBR 249)

**COURTROOM / SALLE #6**

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

**42-18-CA**

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