

COURT OF APPEAL

COUR D'APPEL

OF

DU

NEW BRUNSWICK

NOUVEAU-BRUNSWICK



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

***Le rôle des motions 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***

WEDNESDAY, NOVEMBER 1 / LE MERCREDI 1 NOVEMBRE
2:00 p.m. / 14h

COURTROOM / SALLE #8

(BEFORE/DEVANT: QUIGG, J.A.)

TYPE / TYPE : Telephone Conference / Téléconférence

➤ *Status Hearing/audience sur l'état de l'instance*

58-17-CA

- | | | | |
|----|-------------------------------|---|------------------------------------|
| 1. | J.S. and J.N. |) | Joseph W.J. FitzPatrick, |
| | - and - |) | <i>for the Appellant, J.S.</i> |
| | The Minister of Social |) | Misty Amber Matthews-Emery, |
| | Development (now The Minister |) | <i>for the Appellant, J.N.</i> |
| | of Families and Children) |) | Corry Anne Toole, |
| | |) | <i>for the Respondent</i> |

MONDAY, NOVEMBER 20/ LE LUNDI 20 NOVEMBRE
10:00 a.m. / 10h

COURTROOM / SALLE #6

(BEFORE/DEVANT: GREEN, J.A.)

TYPE / TYPE : In person / en personne

➤ *Status Hearing/audience sur l'état de l'instance*

27-17-CA

- | | | | |
|----|---------------------------------|---|---------------------------|
| 2. | Herb Fournier |) | <i>Brian F.P. Murphy,</i> |
| | - and - |) | |
| | Local 160 of the Communications |) | <i>Dan Leger</i> |
| | Energy and Paperworkers Union |) | |
| | of Canada |) | |

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

COURTROOM / SALLE #8

(BEFORE/DEVANT: FRENCH, J.A.)

TYPE / TYPE : Telephone Conference/Téléconférence

112-17-CA

- | | | | |
|-----|------------------------------------|---|-----------------------------|
| 12. | Guy Levesque |) | G. Scott Ellsworth, Q.C., |
| | - and - |) | |
| | The Province of New Brunswick, |) | David D. Young |
| | The New Brunswick Union of |) | |
| | Public and Private Employees, |) | Stephen J. Hutchison, Q.C., |
| | The New Brunswick Nurses |) | |
| | Union, Local 37 of the |) | David M. Brown, |
| | International Brotherhood of |) | |
| | Electrical Workers, Marilyn Quinn, |) | Ronald Pink, Q.C., |
| | Susie Proulx-Daigle, Ross |) | |
| | Galbraith, Leonard Lee-White, |) | M. Robert Jette, Q.C., |
| | Ernest L. MacKinnon, Mark |) | |
| | Gaudet and the New Brunswick |) | |
| | Investment Management |) | |
| | Corporation |) | |

FRIDAY, NOVEMBER 24/ LE VENDREDI 24 NOVEMBRE
10:00 a.m. / 10h

COURTROOM / SALLE #6

(BEFORE/DEVANT: BAIRD, J.A.)

TYPE / TYPE : In person / en personne

- Undertaking/mise en liberté

105-17-CA

- | | | | |
|-----|-----------------------|---|-----------------------|
| 14. | Wesley Kenna |) | Robert K. McKee |
| | - and - |) | |
| | Her Majesty The Queen |) | Kathryn Gregory, Q.C. |

Clerk/Greffière : Brittany Trafford
Sheriff/shérif

MONDAY, NOVEMBER 27/ LE LUNDI 27 NOVEMBRE
10:00 a.m. / 10h

COURTROOM / SALLE #6

(BEFORE/DEVANT: FRENCH, J.A.)

TYPE / TYPE : In person / en personne

➤ *Leave to appeal/autorisation d'appel*

No. 3. Adjourned to December 19, 2017, pursuant to the directions of the Court/Remis au 19 décembre 2017, en vertu de la directive de la cour.

112-17-CA

3.	Guy Levesque	)	G. Scott Ellsworth, Q.C.,
	- and -)	
	The Province of New Brunswick,	)	David D. Young
	The New Brunswick Union of)	
	Public and Private Employees,	)	Stephen J. Hutchison, Q.C.,
	The New Brunswick Nurses)	
	Union, Local 37 of the	)	David M. Brown,
	International Brotherhood of)	
	Electrical Workers, Marilyn Quinn,	)	Ronald Pink, Q.C.,
	Susie Proulx-Daigle, Ross)	
	Galbraith, Leonard Lee-White,	)	M. Robert Jette, Q.C.,
	Ernest L. MacKinnon, Mark)	
	Gaudet and the New Brunswick)	
	Investment Management)	
	Corporation)	

MONDAY, NOVEMBER 27/ LE LUNDI 27 NOVEMBRE
10:00 a.m. / 10h

COURTROOM / SALLE #8

(BEFORE/DEVANT: GREEN, J.A.)

TYPE / TYPE : In person / en personne

➤ *Early hearing of the Appeal/Audience devancée de l'appel*

104-17-CA
10. Rachel Lavigne) Rachel Lavigne, per se
- and -)
Janine Lucas) **Hélène L. Beaulieu, Q.C.**

Clerk/Greffier : Justin Szmadyła
Sheriff/shérif

2:00 p.m. / 14h

COURTROOM / SALLE #6

(BEFORE/DEVANT: GREEN, J.A.)

TYPE / TYPE : In person / en personne

➤ *Leave to appeal/autorisation d'appel*

117-17-CA
4. Alan George Hogan) **G. Scott Ellsworth, Q.C.**
- and -)
Brunswick News Inc.) Catherine Lahey, Q.C.
Nouvelles Brunswick Inc.)

3:00 p.m. / 15h

COURTROOM / SALLE #6

(BEFORE/DEVANT: GREEN, J.A.)

TYPE / TYPE : In person / en personne

➤ *Stay/suspension de l'instance*

- 108-17-CA**
5. *David Rogers*)
 - and -)
 Bank of Nova Scotia) **Kenneth B. McCulloch, Q.C.,**
) **Stephen Kingston and**
) **Lauren Cicin**

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

COURTROOM / SALLE #8

(BEFORE/DEVANT: GREEN, J.A.)

TYPE / TYPE : In person / en personne

➤ *Leave to appeal/autorisation d'appel*

No. 8. November 24, 2017 adjourned sine die / ajournée sine die le 24 novembre 2017

- 124-17-CA**
8. *Her Majesty The Queen in right*)
 of the Province of New Brunswick)
 as represented by the Office of)
 the Comptroller)
 - and -)
 New Brunswick Nursing Homes)
 Association of Nursing Homes)
 Inc., et al) **Richard A. Williams**
-) **Robert M. Creamer, Q.C.**
) **and Matthew R. Letson**

WEDNESDAY, DECEMBER 13/ LE MERCREDI 13 DÉCEMBRE
10:00 a.m. / 10h

COURTROOM / SALLE #6

(BEFORE/DEVANT: QUIGG, J.A.)

TYPE / TYPE : In person / en personne

➤ *Leave to appeal/autorisation d'appel*

133-17-CA

16.	James John Mercer	)	Jacqueline M. Boucher
	- and -)	
	Lacia Antoinette Shaw	)	Carley J. Parish

THURSDAY, DECEMBER 14/ LE JEUDI 14 DÉCEMBRE
10:00 a.m. / 10h

COURTROOM / SALLE #6

(BEFORE/DEVANT: QUIGG, J.A.)

TYPE / TYPE : In person / en personne

➤ *Extension of time to perfect/ prolongation du délai pour mettre l'appel en état*

42-17-CA

17.	Royal Bank of Canada	)	Joshua J. Santimaw,
	- and -)	
	Donald Leroy Sears and Jill	)	Donald Leroy Sears, per se
	Robin Sears	)	Jill Robin Sears, per se
	AND BETWEEN)	

43-17-CA

	Royal Bank of Canada)	
	- and -)	
	Amos Arsenault	)	Amos Arsenault, per se
	AND BETWEEN)	

44-17-CA

	Royal Bank of Canada)	
	- and -)	
	Jane Ann MacMillan	)	Jane Ann MacMillan, per se

FRIDAY, DECEMBER 15/ LE VENDREDI 15 DÉCEMBRE
10:00 a.m. / 10h

COURTROOM / SALLE #6

(BEFORE/DEVANT: QUIGG, J.A.)

TYPE / TYPE : In person / en personne

➤ Stay/suspension de l'instance

88-17-CA
18. Amanda Gaines) **David A. Estey**
- and -)
Mitchell McKinley) **Aleacia Bennett-LeBlanc**

MONDAY, DECEMBER 18/ LE LUNDI 18 DÉCEMBRE
10:00 a.m. / 10h

COURTROOM / SALLE #6

(BEFORE/DEVANT: QUIGG, J.A.)

TYPE / TYPE : In person / en personne

➤ Leave to appeal/autorisation d'appel

98-17-CA
6. 620524 N.B. Inc., body corporate,) **Franco Tarulli,**
doing business as Copper Head)
Pub, Geoffrey Road Pub,) **Patrick E. Hurley, Q.C.**
Geoffrey John Tavis Pawsey,)
Richard Ashley Flinn, Ryan Flinn)
- and -)
Combined Holdings &)
Investments Ltd. and Fit Right)
Denture Clinic Inc., bodies)
corporate)

TUESDAY, DECEMBER 19/ LE MARDI 19 DÉCEMBRE
10:00 a.m. / 10h

COURTROOM / SALLE #6

(BEFORE/DEVANT: FRENCH, J.A.)

TYPE / TYPE : In person / en personne

➤ *Leave to appeal/autorisation d'appel*

112-17-CA

13.	Guy Levesque	)	G. Scott Ellsworth, Q.C.,
	-and-)	
	The Province of New Brunswick,	)	David D. Young
	The New Brunswick Union of)	
	Public and Private Employees,	)	Stephen J. Hutchison, Q.C.,
	The New Brunswick Nurses)	
	Union, Local 37 of the	)	David M. Brown,
	International Brotherhood of)	
	Electrical Workers, Marilyn Quinn,	)	Ronald Pink, Q.C.,
	Susie Proulx-Daigle, Ross)	
	Galbraith, Leonard Lee-White,	)	M. Robert Jette, Q.C.,
	Ernest L. MacKinnon, Mark)	
	Gaudet and the New Brunswick)	
	Investment Management)	
	Corporation)	

FRIDAY, JANUARY 26/ LE VENDREDI 26 JANVIER
10:00 a.m. / 10h

COURTROOM / SALLE #6

(BEFORE/DEVANT: RICHARD, J.A.)

TYPE / TYPE : In person / en personne

➤ *Status Hearing/audience sur l'état de l'instance*

37-17-CA

11.	Charles Joseph LeBlanc	)	Charles LeBlanc, per se
	-and-)	
	City of Fredericton	)	Leanne Murray,
)	
		)	Chantal Gauthier,
)	

Clerk/Greffier : _____
Sheriff/shérif

REMANET

(BEFORE/DEVANT: RICHARD, J.A)

TYPE: In person / en personne

➤ security of costs / sûreté en garantie des dépens

No. 7. May 23, 2017 adjourned sine die / ajournée sine die le 23 mai 2017

27-17-CA

7.	Herb Fournier	)	Herb Fournier, per se
	- and -)	
	Local 160 of the Communications	)	David Mombourquette
	Energy and Paperworkers Union)	
	of Canada)	

Clerk / greffier: _____

COURTROOM / SALLE #8

(BEFORE/DEVANT: GREEN, J.A.)

TYPE / TYPE : In person / en personne

➤ Leave to appeal/autorisation d'appel

No. 8. November 24, 2017 adjourned sine die / ajournée sine die le 24 novembre 2017

124-17-CA

8.	Her Majesty The Queen in right	)	Richard A. Williams
	of the Province of New Brunswick))	
	as represented by the Office of)	
	the Comptroller)	
	- and -)	
	New Brunswick Nursing Homes	)	Robert M. Creamer, Q.C.
	Association of Nursing Homes	)	and Matthew R. Letson
	Inc., et al)	