

**COURT OF APPEAL
OF
NEW BRUNSWICK**

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



***List of Cases for the
January 2012 sitting***

***Le rôle pour la session du mois
de janvier 2012***

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

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

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

COURTROOM / SALLE #8

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

30. **92-11-CA**

Richard Bartlett	)	Richard Bartlett,
- and -	)	per se
Michelle Murphy	)	Peter J.C. White,
	)	for the Respondent

COURTROOM / SALLE #6

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

65-11-CA

1. Jerry Nathaniel Veno	)	Ben Reentovich,
- and -	)	for the Appellant
Her Majesty The Queen	)	Cameron H. Gunn,
	)	for the Respondent

**No. 2 Notice of Abandonment filed January 6, 2012/
Un avis d'abandon a été émis le 6 janvier 2012**

94-11-CA

2. Nathaniel Hachey	)	Nathaniel Hachey,
- and -	)	per se
Her Majesty The Queen	)	Cameron H. Gunn,
	)	for the Respondent

COURTROOM / SALLE #6

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

**3. 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.**

40-11-CA

3. Her Majesty The Queen	)	Marc Philippe Savoie,
- and -	)	for the Appellant
Jeremy Eadle, Tyler Gilcash	)	James J. Matheson,
and Joshua Trites	)	for the Respondents

TUESDAY, JANUARY 10 / LE MARDI 10 JANVIER
3:00 p.m. / 15h

COURTROOM / SALLE #6

***RICHARD, BELL AND/ET QUIGG, J.J.A.)**

28-09-CA and/et 68-09-CA
31. Trifidus Inc.) **Sylvie I. Michaud,**
- et -) *avocat de l'appelant*
Samgo Innovation Inc.) **Samuel Gaudet,**
- et -) *per se*
Samuel Gaudet) **Claude Gauthier,**
- et -) *per se*
Claude Gauthier)

WEDNESDAY, JANUARY 11 / LE MERCREDI 11 JANVIER
10:00 a.m. / 10h

COURTROOM / SALLE #6

(DESCHÊNES, *RICHARD AND/ET BELL, J.J.A.)

3-10-CA
4. B.H.M. Construction Ltée et) **Norman Brideau,**
Norman Brideau) *per se*
- et -) **Ivan Robichaud, c.r.,**
La Caisse populaire de) *avocat de l'intimée*
Shippagan Limitée)
(en appel de 2009 NBBR 323 / on appeal from 2009 NBQB 323)

THURSDAY, JANUARY 12 / LE JEUDI 12 JANVIER
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

- 53-11-CA**
5. Derryk Ellis) **Derryk Ellis,**
- and -) per se
Bridget Ellis) **David A. Estey,**
) for the Respondent
(on appeal from 2011 NBQB 070 / en appel de 2011 NBBR 070)

2:00 p.m. / 14h

COURTROOM / SALLE #6

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

- 100-11-CA**
6. Christian Calvy) **Monique Veillette,**
- et -) avocate de l'appelant
Danielle Calvy) **Marie-Claude Bélanger-Richard, c.r.,**
) avocate de l'intimée

TUESDAY, JANUARY 17 / LE MARDI 17 JANVIER
10:00 a.m. / 10h

COURTROOM / SALLE #6

(DESCHÊNES, *ROBERTSON, AND/ET BELL, JJ.A.)

- 96-11-CA**
7. Robert Matthew Alexander) **Robert Matthew Alexander,**
- and -) per se
Her Majesty The Queen) **John Henheffer,**
) for the Respondent
(on appeal from 2011 NBQB 156 / en appel de 2011 NBBR 156)

- 43-11-CA**
8. Carmen Drake Augustine) **Richard L. Cove,**
- and -) for the Appellant
Her Majesty The Queen) **Cameron H. Gunn,**
) for the Respondent

WEDNESDAY, JANUARY 18 / LE MERCREDI 18 JANVIER
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

- 95-11-CA**
9. *Dany Deschênes*) **Dany Deschênes,**
- et -) *per se*
Sa Majesté la Reine) **Pierre F. Roussel, c.r.,**
) *avocat de l'intimée*

MONDAY, JANUARY 23 / LE LUNDI 23 JANVIER
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

**No. 32 Adjourned and set over to February 17, 2012, pursuant to directions of The Court/
La date de l'audience est remise au 17 février 2012, en vertu de la directive de la cour.**

- 32. 177-11-CA**
- Her Majesty The Queen*) **C. Gabriel Bourgeois, Q.C. and**
- and -) **Kathryn Gregory,**
Rodney Tingley, Roger Tingley,) *for the Appellant*
Michael Tingley and) **Rodney Tingley,**
Christopher Tingley) *per se*
) **Roger Tingley,**
) *per se*
) **Michael Tingley,**
) *per se*
) **Christopher Tingley,**
) *per se*

TUESDAY, JANUARY 24 / LE MARDI 24 JANVIER
9:30 a.m. / 9h30

COURTROOM / SALLE #6

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

BAR ADMISSION / ADMISSION AU BARREAU

10:00 a.m. / 10h

COURTROOM / SALLE #6

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

90-11-CA

- | | | | |
|-----|------------------------------|---|---------------------------|
| 10. | Jan Van Putten |) | James C. Crocco, |
| | - and - |) | for the Appellant |
| | Workplace, Health Safety and |) | Matthew R. Letson, |
| | Compensation Commission |) | for the Respondent |

1:30 p.m. / 13h30

COURTROOM / SALLE #6

(TURNBULL, *ROBERTSON AND/ET GREEN, JJ.A.)

136-11-CA

- | | | | |
|-----|-----------------------------|---|---------------------------|
| 11. | Tammey Clarke |) | Tammey Clarke, |
| | - and - |) | per se |
| | Workplace Health, Safety |) | Matthew R. Letson, |
| | and Compensation Commission |) | for the Respondent |

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

132-11-CA

- | | | | |
|-----|-----------------------------|---|---------------------------|
| 12. | John Reid |) | John Reid, |
| | - and - |) | per se |
| | Workplace Health, Safety |) | Matthew R. Letson, |
| | and Compensation Commission |) | for the Respondent |

WEDNESDAY, JANUARY 25 / LE MERCREDI 25 JANVIER
10:00 a.m. / 10h

COURTROOM / SALLE #6

(*DRAPEAU, C.J.N.B./J.C.N.-B., TURNBULL AND/ET ROBERTSON, J.J.A.)

86-11-CA

13. *Weldon Furlotte*) **Weldon Furlotte,**
- and -) *per se*
Dr. John J. Milczarek) **John C. Gillis,**
) *for the Respondent*
(on appeal from 2011 NBQB 105 / en appel de 2011 NBBR 105)

COURTROOM / SALLE #6

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

No. 14 Adjourned and set over to March 20, 2012, pursuant to directions of The Honourable Chief Justice Drapeau/La date de l'audience est remise au 20 mars 2012, en vertu de la directive de l'Honorable juge en chef.

88-11-CA

14. *Her Majesty The Queen*) **Michael A. Hall,**
- and -) *for the Appellant*
Bradley Nicholas Peterson) **David M. Hitchcock, Q.C.,**
) *for the Respondent*

THURSDAY, JANUARY 26 / LE JEUDI 26 JANVIER
10:00 a.m. / 10h

COURTROOM / SALLE #6

(TURNBULL, *ROBERTSON AND/ET GREEN, J.J.A.)

- 99-11-CA**
15. John Smith) **Kelly T. VanBuskirk and**
- and -) **David M. Brown,**
Province of New Brunswick) **for the Appellant**
(Department of Public Safety)) **Andrea M. Folster,**
- and -) **for the Respondent,**
New Brunswick Human Rights) **Province of New Brunswick**
Commission) **Chantal Gauthier,**
) **for the Respondent,**
) **New Brunswick Human**
) **Rights Commission**
(on appeal from 2011 NBQB 162 / en appel de 2011 NBBR 162)

TUESDAY, JANUARY 31 / LE LUNDI 31 JANVIER
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

- 134-11-CA**
16. Lucyanna LeBreton) **Lucyanna LeBreton,**
- and -) **per se**
Workplace Health, Safety) **Matthew R. Letson,**
and Compensation) **for the Respondent**
Commission