

**COURT OF APPEAL
OF
NEW BRUNSWICK**

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



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

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

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

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

TUESDAY, MARCH 13 / LE MARDI 13 MARS
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

No. 1 Decision rendered – bail review cancelled / decision rendue – audience concernant la liberation annulée

- 65-11-CA**
- | | | | |
|----|-----------------------|---|-------------------------|
| 1. | Jerry Nathaniel Veno |) | Ben Reentovich, |
| | - and - |) | for the Appellant |
| | Her Majesty The Queen |) | Cameron H. Gunn, |
| | |) | for the Respondent |

No. 17. Withdrawn/retiré

- 17. 175-11-CA**
- | | | | |
|--|----------------------|---|---------------------------|
| | Donna Rambeau |) | David H. Dunsmuir, |
| | - and - |) | for the Appellant |
| | Ronald Leslie Graham |) | Grant M. Ogilvie, |
| | |) | for the Respondent |

- 143-11-CA**
- | | | | |
|----|--|---|----------------------------------|
| 2. | AMEC Americas Limited, |) | E. Thomas Christie, Q.C., |
| | dba: AMEC Earth & |) | for the Appellant |
| | Environmental Ltd., a body |) | Daniel P.L. Leger, |
| | corporate |) | for the Respondent |
| | - and - |) | |
| | Lee MacWilliams |) | |
| | (on appeal from 2011 NBQB 272 / en appel de 2011 NBBR 272) | | |

2:00 p.m. / 14h

COURTROOM / SALLE #6

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

- 129-11-CA**
- | | | | |
|----|---------------|---|--------------------------|
| 3. | Darcy Aube |) | C. Thomas Prince, |
| | - and - |) | for the Appellant |
| | Jennifer Ring |) | Alison J. Ménard, |
| | |) | for the Respondent |

WEDNESDAY, MARCH 14 / LE MERCREDI 14 MARS
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

- 146-11-CA**
4. Brunswick News Inc., a body) **Matthew R. Letson** and
corporate) **Kelly T. VanBuskirk,**
- and -) for the Appellant
Timothy Sears) **Michel C. Poirier,**
) for the Respondent

TUESDAY, MARCH 20 / LE MARDI 20 MARS
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

- 88-11-CA**
5. Her Majesty The Queen) **Michael A. Hall,**
- and -) for the Appellant
Bradley Nicholas Peterson) **Ben Reentovich,**
) for the Respondent

2:00 p.m. / 14h

COURTROOM / SALLE #6

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

- 106-11-CA**
6. Rosaire Michaud) **Christian E. Michaud** et
- et -) **Dale T. Briggs,**
Sa Majesté la Reine) avocats de l'appelant
) **Norman J. Bossé, c.r.,**
) avocat de l'intimée

WEDNESDAY, MARCH 21 / LE MERCREDI 21 MARS
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

152-10-CA

7. Robert B. Richardson and) **Steven P. Gallagher,**
Sharon Richardson) for the Appellants
- and -) **Matthew T. Hayes,**
Derri Smith and State Farm) for the Respondents
Automobile Insurance Company)
and State Farm Fire and)
Casualty Company)
(on appeal from 2010 NBQB 343 / en appel de 2010 NBBR 343)

THURSDAY, MARCH 22 / LE JEUDI 22 MARS
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

151-11-CA

8. Simson, Cumming, Webber, a) **Sandra E. Dawe,**
partnership, Cumming, Webber,) for the Appellants
Francoeur, a partnership, John) **Barry R. Morrison, Q.C.,**
E. Webber, Mark D. Francoeur) for the Respondents
and Terrence L. Thorne) **Mark A. Canty, Q.C.,**
- and -) for the Respondent,
Dale Barteau, Glenna Barteau,) Deer Island Credit Union
Constance Rogerson, Gilbert) Limited, a body corporate
Stuart, Allison Pendleton, Weldon)
Lambert, Elizabeth Darke, Laurie)
Pendleton, Brian Young, Byran)
Barteau, Philip Miner, Glenn Cox,)
Edward Power, Floyd Richardson)
Dana Conley and Brian Calder)
- and -)
Deer Island Credit Union Limited,)
a body corporate)
(on appeal from 2011 NBQB 276 / en appel de 2011 NBBR 276)
(on appeal from 2011 NBQB 334 / en appel de 2011 NBBR 334)

- 172-11-CA**
9. *Simson, Cumming, Webber, a partnership, Cumming, Webber, Francoeur, a partnership, John R. Simson, Bruce C. Cumming, John E. Webber, Mark D. Francoeur and Terrence L. Thorne*)
- and -)
Dale Barteau, Glenna Barteau, Constance Rogerson, Gilbert Stuart, Allison Pendleton, Weldon Lambert, Elizabeth Darke, Laurie Pendleton, Brian Young, Bryan Barteau, Philip Miner, Glenn Cox, Edward Power, Floyd Richardson) Dana Conley and Brian Calder)
- and -)
Deer Island Credit Union Limited, a body corporate)
(on appeal from 2011 NBQB 334 / en appel de 2011 NBBR 334)
- John P. Barry, Q.C. and Nadia M. MacPhee,**
for the Appellants
Barry R. Morrison, Q.C.,
for the Respondents
Mark A. Canty, Q.C.,
for the Respondent,
Deer Island Credit Union Limited, a body corporate

FRIDAY, MARCH 23 / LE VENDREDI 23 MARS
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

No. 10 Adjourned and set over to May 14, 2012, pursuant to directions of The Court/ La date de l'audience est remise au 14 mai 2012, en vertu de la directive de la cour.

- 127-11-CA**
10. *Charles Picot*)
- et -)
Sa Majesté la Reine)
)
- Jérémie Fournier,**
avocat de l'appelant
François T. Doucet, c.r.,
avocat de l'intimée

1:00 p.m. / 13h

COURTROOM / SALLE #8

VIDEO CONFERENCE / VIDÉO CONFÉRENCE

**Bathurst Courthouse, 254 St Patrick Street, 2nd Floor, Courtroom "A" /
Palais de Justice – Bathurst, 254 rue St. Patrick, 2^{ième} étage, Salle « A »**

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

113-11-CA		
22.	Le Ministre du Développement)	Yves Duguay,
	Social)	avocat de l'appelant
	- et -)	Carine Guignard,
	Geneviève Bonenfant, Fabien)	avocate de l'intimée,
	Haché et Réinaldo O'Keefe)	Geneviève Bonenfant
	)	Fabien Haché,
	)	per se
	)	Réinaldo O'Keefe,
	)	per se
	)	Nadine M.L. Losier,
	)	avocate de l'enfant

MONDAY, MARCH 26 / LE LUNDI 26 MARS
10:00 a.m. / 10h

FEDERAL COURT BUILDING / COUR FÉDÉRALE
82, RUE WESTMORLAND STREET
FREDERICTON, NB

COURTROOM / SALLE #1

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

162-10-CA	
18. Roger LeBlanc)	Roger LeBlanc,
- et -)	per se
Commission de la santé,)	Charles A. LeBlond, c.r.,
de la sécurité et de)	avocat de l'intimée,
l'indemnisation des accidents)	Commission de la santé,
au travail)	de la sécurité et de l'indemnisation
- et -)	des accidents au travail
Xstrata Canada Corporation,)	David M. Brown,
Xstrata Zinc Division -)	avocat de l'intimée,
Brunswick Mine)	Xstrata Canada Corporation,
)	Xstrata Zinc Division – Brunswick
)	Mine

TUESDAY, MARCH 27 / LE MARDI 27 MARS
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

40-11-CA	
11. Her Majesty The Queen)	Marc Philippe Savoie,
- and -)	for the Appellant
Jeremy Eadle, Tyler Gilcash)	James J. Matheson,
and Joshua Trites)	for the Respondents

WEDNESDAY, MARCH 28 / LE MERCREDI 28 MARS
10:00 a.m. / 10h

COURTROOM / SALLE #6

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

109-11-CA		
12. Roseline Roy	)	G. Robert Basque, c.r.,
- et -	)	<i>avocat de l'appelante</i>
Pierre Dion	)	Monique Veillette,
	)	<i>avocate de l'intimé</i>