

Nova Scotia Court Of Appeal Docket January/February 2012 Term

WHILE EVERY EFFORT WILL BE MADE TO KEEP THIS DOCKET
CURRENT IT MAY BE SUBJECT TO CHANGE WITHOUT FURTHER NOTICE

CASE	CASE BEING APPEALED	COUNSEL	DATE / TIME	COURT ROOM
<p>CAC 346024 Her Majesty The Queen v. Robert Owen MacGregor and</p> <p>CAC 347194 Robert Owen MacGregor v. Her Majesty The Queen</p> <p><u>Panel members:</u></p> <p>Fichaud, J.A., Beveridge, J.A., Bryson, J.A.</p> <p>Decision Under Appeal: The appellant and respondent both challenge the disposition of Charter of Rights issues by the summary conviction appeal court.</p>	<p>2011 NSSC 100</p> <p>Supreme Court (2011-03-10) (2010-06-30)</p>	<p>Kenneth W. F. Fiske, Q.C. for the Appellant/Respondent</p> <p>Curtis C. Palmer for the Respondent/Appellant</p>	<p>Tuesday, January 17, 2012</p> <p>10:00 am</p>	<p>502</p>

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CASE	CASE BEING APPEALED	COUNSEL	DATE / TIME	COURT ROOM
<p>CA 345481 Michael Ellsworth v. Nova Scotia Workers’ Compensation Appeals Tribunal, the Workers’ Compensation Board of Nova Scotia, the Attorney General for the Province of Nova Scotia, and Surrette Battery Co. Ltd.</p> <p><u>Panel members:</u></p> <p>MacDonald, C.J., Saunders, J.A., Farrar, J.A.</p> <p>Decision Under Appeal: The appellant seeks leave to appeal a finding that his back injury in 2006 was not a new injury.</p>	<p style="text-align: center;">Workers’ Compensation Appeals Tribunal (2010-02-24)</p> <p style="text-align: center;">WCAT (2010-632-AD)</p>	<p>Kenny LeBlanc for the Appellant</p> <p>Louanne Labelle for WCAT</p> <p>Paula Arab for WCB</p> <p>J.D. Surrette, Respondent In Person</p>	<p style="text-align: center;">Tuesday, January 17, 2012</p> <p style="text-align: center;">2:00 pm</p>	502
<p>CA 352181 Kyle Anthony Delorey v. Her Majesty The Queen</p> <p><u>Panel members:</u></p> <p>Hamilton, J.A., Beveridge, J.A., Farrar, J.A.</p> <p>Decision Under Appeal: Appeal of convictions for operating a motor vehicle in a manner dangerous to the public that caused death and bodily injury.</p>	<p style="text-align: center;">2011 NSSC 319 2011 NSSC 234</p> <p style="text-align: center;">Supreme Court (2011-08-10)</p>	<p>Adam D. Rogers for the Appellant</p> <p>Kenneth W. F. Fiske, Q.C. for the Respondent</p>	<p style="text-align: center;">Wednesday, January 18, 2012</p> <p style="text-align: center;">2:00 pm</p>	502

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CASE	CASE BEING APPEALED	COUNSEL	DATE / TIME	COURT ROOM
<p>CA 347786 Mandy-Lynn Hurley (Campbell) v. Roger Hurley</p> <p><u>Panel members:</u></p> <p>Oland, J.A., Farrar, J.A., Bryson, J.A.</p> <p>Decision Under Appeal: Appeal related to trial judge's consideration of claim for spousal support.</p>	<p>Supreme Court (2011-03-28)</p>	<p>Joyce Ruck De Peza for the Appellant</p> <p>Roger Hurley, Respondent In Person</p>	<p>Thursday, January 19, 2012</p> <p>2:00 pm</p>	<p>502</p>
<p>CAC 339020 J. M. W. v. Her Majesty The Queen</p> <p><u>Panel members:</u></p> <p>MacDonald, C.J., Hamilton, J.A., Beveridge, J.A.</p> <p>Decision Under Appeal: Sentence appeal following guilty pleas to various sexual offences against a young person.</p>	<p>Provincial Court (2010-10-25)</p>	<p>J. W., Appellant In Person</p> <p>Kenneth W. F. Fiske, Q.C. for the Respondent</p>	<p>Friday, January 20, 2012</p> <p>10:00 am</p>	<p>502</p>

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CASE	CASE BEING APPEALED	COUNSEL	DATE / TIME	COURT ROOM
<p>CA 347774 Keri Lynn MacCulloch v. James Daniel MacCulloch</p> <p><u>Panel members:</u></p> <p>Oland, J.A., Farrar, J.A., Bryson, J.A.</p> <p>Decision Under Appeal: The Appellant appeals the variation of an interim child support order.</p>	<p>Family Court (2011-03-18)</p>	<p>Keri Lynn MacCulloch, Appellant In Person</p> <p>James Daniel MacCulloch, Respondent In Person</p>	<p>Monday, January 23, 2012</p> <p>10:00 am</p>	<p>502</p>
<p>CAC 346509 B. W. v. Her Majesty The Queen</p> <p><u>Panel members:</u></p> <p>Saunders, J.A., Beveridge, J.A., Bryson, J.A.</p> <p>Decision Under Appeal: The appellant appeals from his conviction and sentence for sexual assault and unlawful confinement. The appellant was sentenced to 3 1/2 years imprisonment on the two charges.</p>	<p>Supreme Court (2011-02-18)</p>	<p>Alex Embree for the Appellant</p> <p>Kenneth W. F. Fiske, Q.C. for the Respondent</p>	<p>Monday, January 23, 2012</p> <p>2:00 pm</p>	<p>502</p>

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CASE	CASE BEING APPEALED	COUNSEL	DATE / TIME	COURT ROOM
<p>CA 352666 Halifax Regional Municipality v. The Nova Scotia Human Rights Commission, Michael Craig, Tammy Robertson, Donald C. Murray, Q.C. in his capacity as a Human Rights Board of Inquiry, and the Attorney General of Nova Scotia</p> <p><u>Panel members:</u></p> <p>Saunders, J.A., Oland, J.A., Bryson, J.A.</p> <p>Decision Under Appeal: HRM appeals Human Rights Board of Inquiry ruling that it retained jurisdiction following the issuance of consent orders.</p>	<p>Nova Scotia Human Rights Commission (2011-06-30)</p> <p>NSHRC (42000-30-H08-0983) (42000-30-H09-1227)</p>	<p>Randolph Kinghorne for the Appellant</p> <p>Lisa Teryl for NSHRC</p> <p>Donald C. Murray, Q.C., Respondent In Person</p>	<p>Tuesday, January 24, 2012</p> <p>10:00 am</p>	<p>502</p>

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CASE	CASE BEING APPEALED	COUNSEL	DATE / TIME	COURT ROOM
<p>CA 345260 Sackville Trenching Limited v. Occupational Health and Safety Appeal Panel of Nova Scotia and Jim LeBlanc, as Director of Occupational Health and Safety, and The Attorney General of Nova Scotia</p> <p><u>Panel members:</u></p> <p>MacDonald, C.J., Farrar, J.A., Bryson, J.A.</p> <p>Decision Under Appeal: The appellant appeals from the imposition of an administrative penalty in the amount of \$800 by the Occupational Health and Safety Appeal Panel.</p>	<p>Occupational Health and Safety Appeal Panel of Nova Scotia (2011-02-03)</p> <p>OHS - 0172</p>	<p>Andrew Taillon for the Appellant</p> <p>Ryan T. Brothers for OH&S Appeal Panel</p> <p>Alison Campbell for the Respondent Director</p>	<p>Tuesday, January 24, 2012</p> <p>2:00 pm</p>	502
<p>CAC 337898 Mykel Smith v. Her Majesty The Queen</p> <p><u>Panel members:</u></p> <p>Saunders, J.A., Hamilton, J.A., Beveridge, J.A.</p> <p>Decision Under Appeal: The appellant appeals from his sentence of 14 years for attempted murder.</p>	<p>Provincial Court (2010-08-24)</p>	<p>Roger Burrill for the Appellant</p> <p>Kenneth W. F. Fiske, Q.C. for the Respondent</p>	<p>Wednesday, January 25, 2012</p> <p>10:00 am</p>	502

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CASE	CASE BEING APPEALED	COUNSEL	DATE / TIME	COURT ROOM
<p>CA 355688 Leslie Michael Slawter v. Amanda Lynn Rose Bellefontaine, Gerald Ernest Bellefontaine, and Mary Louise Bellefontaine</p> <p><u>Panel members:</u></p> <p>Saunders, J.A., Oland, J.A., Beveridge, J.A.</p> <p>Decision Under Appeal: Appeal from variation permitting mother to relocate out of province with the children and restricted supervised access to the father.</p>	<p style="text-align: center;"><u>2011 NSSC 427</u></p> <p style="text-align: center;">Supreme Court (2011-11-18)</p>	<p>Spencer Dellapinna for the Appellant</p> <p>Shelley Hounsel-Gray for the Respondent</p>	<p style="text-align: center;">Wednesday, January 25, 2012</p> <p style="text-align: center;">2:00 pm</p>	502
<p>CAC 354647 D. A. R. v. Her Majesty The Queen</p> <p><u>Panel members:</u></p> <p>Saunders, J.A., Beveridge, J.A., Bryson, J.A.</p> <p>Decision Under Appeal: Appeal from conviction for indecent assault, and gross indecenty based on admissibility and treatment of evidence, and assessment of credibility.</p>	<p style="text-align: center;"><u>2011 NSSC 192</u></p> <p style="text-align: center;">Supreme Court (2011-08-31)</p>	<p>Craig M. Garson, Q.C. for the Appellant</p> <p>Kenneth W. F. Fiske, Q.C. for the Respondent</p>	<p style="text-align: center;">Thursday, January 26, 2012</p> <p style="text-align: center;">10:00 am</p>	502

Nova Scotia Court Of Appeal Docket January/February 2012 Term

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CASE	CASE BEING APPEALED	COUNSEL	DATE / TIME	COURT ROOM
<p>CA 353659 Douglas C. Wilson and Kathleen A. Wilson v. The Attorney General of Nova Scotia and Nova Scotia Utility and Review Board</p> <p><u>Panel members:</u></p> <p>MacDonald, C.J., Hamilton, J.A., Beveridge, J.A.</p> <p>Decision Under Appeal: Appeal from the decision of NSUARB which upheld an earlier decision of the Dispute Resolution Officer affirming Nova Scotia Power's right to discontinue service following repeated non-payment of overdue accounts.</p>	<p>Nova Scotia Utility and Review Board (2011-07-05)</p> <p>DRO Appeal - P-401.18 #M04102</p>	<p>Douglas C. Wilson and Kathleen A. Wilson, Appellants In Person</p> <p>Respondents not participating</p>	<p>Thursday, January 26, 2012</p> <p>2:00 pm</p>	502
<p>CA 355869 Minister of Community Services v. T. G. and R. C.</p> <p><u>Panel members:</u></p> <p>Saunders, J.A., Fichaud, J.A., Farrar, J.A.</p> <p>Decision Under Appeal: Appeal by the Minister from an order compelling production of file materials for which the appellant claims privilege.</p>	<p>Supreme Court (2011-09-01)</p>	<p>Peter C. McVey for the Appellant</p> <p>LouAnn Chiasson, Q.C. for T.G.</p> <p>Jane Lenehan for R.C.</p>	<p>Monday, January 30, 2012</p> <p>10:00 am</p>	502

Updated 1/20/2012

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<p>CA 336665 Paul Creelman v. Nova Scotia Workers’ Compensation Appeals Tribunal, the Workers’ Compensation Board of Nova Scotia, the Attorney General for the Province of Nova Scotia, and Department of National Defence</p> <p><u>Panel members:</u></p> <p>Oland, J.A., Fichaud, J.A., Bryson, J.A.</p> <p>Decision Under Appeal: The appellant worker appeals the decision of WCAT which found that he was not entitled to receive temporary earnings- replacement benefits during the period he was incarcerated from August 2006 to April 2007.</p>	<p style="text-align: center;">Workers’ Compensation Appeals Tribunal (2010-08-23)</p> <p style="text-align: center;">WCAT (2010-83-AD)</p>	<p>Kenny LeBlanc for the Appellant</p> <p>Louanne Labelle for WCAT</p> <p>Paula Arab for WCB</p> <p>Melissa Chan for DND</p>	<p style="text-align: center;">Tuesday, January 31, 2012</p> <p style="text-align: center;">10:00 am</p>	<p style="text-align: center;">502</p>

Nova Scotia Court Of Appeal Docket January/February 2012 Term

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CASE	CASE BEING APPEALED	COUNSEL	DATE / TIME	COURT ROOM
<p>CA 355940 Calvin Wadden, the Estate of Michael Barthe and Lutz Ristow v. National Bank Financial Ltd.</p> <p><u>Panel members:</u></p> <p>Hamilton, J.A., Fichaud, J.A., Bryson, J.A.</p> <p>Decision Under Appeal: Appeal and cross-appeal on costs award following dismissal of third party claims.</p>	<p>Supreme Court (2011-09-13)</p>	<p>W. Dale Dunlop for the Appellants</p> <p>David G. Coles, Q.C. for the Respondent</p>	<p>Tuesday, January 31, 2012</p> <p>2:00 pm</p>	<p>502</p>
<p>CAC 345701 Her Majesty the Queen v. Clarence Arthur Best</p> <p><u>Panel members:</u></p> <p>MacDonald, C.J., Beveridge, J.A., Farrar, J.A.</p> <p>Decision Under Appeal: Respondent was convicted of break and enter and aggravated assault under the Criminal Code. He was sentenced to 90 days incarceration plus 2 years probation. Crown appeals the sentence and says it inadequately reflects deterrence and denunciation.</p>	<p>Provincial Court (2011-02-28)</p>	<p>Kenneth W. F. Fiske, Q.C. for the Appellant</p> <p>Stephen Robertson for the Respondent</p>	<p>Wednesday, February 1, 2012</p> <p>2:00 pm</p>	<p>502</p>

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CASE	CASE BEING APPEALED	COUNSEL	DATE / TIME	COURT ROOM
<p>CA 354453 Kathy Baker, carrying on business under the firm name and style of New Scotland Soccer Academy v. The Labour Standards Tribunal, The Attorney General of Nova Scotia and Frederico Luis Otto Krause</p> <p><u>Panel members:</u></p> <p>Saunders, J.A., Oland, J.A., Bryson, J.A.</p> <p>Decision Under Appeal: An appeal challenging the Tribunal's jurisdiction to consider a complaint, after initially deciding that the file was "closed".</p>	<p style="text-align: center;"><u>2011 NSCA 88</u></p> <p>Nova Scotia Labour Standards Tribunal (2011-07-25)</p> <p>L.S.T. No. 2272 2011NSLST30</p>	<p>Kathy Baker, Appellant In Person</p> <p>Dale A. Darling for the Respondents LST and AGNS</p>	<p style="text-align: center;">Thursday, February 2, 2012</p> <p style="text-align: center;">10:00 am</p>	502
<p>CA 348448 Preston Snow v. Tammy Parsons</p> <p><u>Panel members:</u></p> <p>MacDonald, C.J., Oland, J.A., Bryson, J.A.</p> <p>Decision Under Appeal: Appellant challenges order to pay child support and to disclose certain financial information.</p>	<p style="text-align: center;">Supreme Court (2011-04-13)</p>	<p>Dorianne Mullin, for the Appellant</p> <p>Kent McNally, for the Respondent</p>	<p style="text-align: center;">Monday, February 6, 2012</p> <p style="text-align: center;">10:00 am</p>	502

Nova Scotia Court Of Appeal Docket January/February 2012 Term

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CASE	CASE BEING APPEALED	COUNSEL	DATE / TIME	COURT ROOM
<p>CAC 344966 Her Majesty The Queen v. Shawn Kenneth Banfield</p> <p><u>Panel members:</u></p> <p>Saunders, J.A., Oland, J.A., Beveridge, J.A.</p> <p>Decision Under Appeal: Crown appeal from sentence following guilty pleas to possession for the purpose of trafficking.</p>	<p>2011 NSSC 56</p> <p>Supreme Court (2011-02-03)</p>	<p>Shaun O'Leary for the Appellant</p> <p>Ronald Pizzo for the Respondent</p>	<p>Tuesday, February 7, 2012</p> <p>10:00 am</p>	502
<p>CA 343902 G.E.H. v. Her Majesty The Queen</p> <p><u>Panel members:</u></p> <p>Saunders, J.A., Oland, J.A., Hamilton, J.A.</p> <p>Decision Under Appeal: Appeal from conviction for assault and sexual assault.</p>	<p>Provincial Court (2010-12-20)</p>	<p>Roger Burrill for the Appellant</p> <p>Kenneth W. F. Fiske, Q.C. for the Respondent</p>	<p>Wednesday, February 9, 2012</p> <p>10:00 am</p>	502

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CASE	CASE BEING APPEALED	COUNSEL	DATE / TIME	COURT ROOM
<p>CA 342242 Cindy Mae Godin v. Marc Kenneth Godin</p> <p><u>Panel members:</u></p> <p>Saunders, J.A., Oland, J.A., Beveridge, J.A.</p> <p>Decision Under Appeal: Appeal from finding of contempt and suspended sentence of imprisonment for 90 days upon conditions.</p>	<p style="text-align: center;"><u>2010 NSSC 365</u></p> <p style="text-align: center;">Supreme Court (2011-05-25)</p>	<p>David A. Grant for the Appellant</p> <p>LouAnn Chiasson, Q.C. for the Respondent</p>	<p style="text-align: center;">Monday, February 13, 2012</p> <p style="text-align: center;">2:00 pm</p>	502
<p>CA 347495 Thomas Arthur Baker v. Joyce Marie Baker</p> <p><u>Panel members:</u></p> <p>Oland, J.A., Fichaud, J.A., Farrar, J.A.</p> <p>Decision Under Appeal: Appeal concerning the setting aside of a 2005 separation agreement.</p>	<p style="text-align: center;"><u>2011 NSSC 272</u></p> <p style="text-align: center;">Supreme Court (2011-03-24)</p>	<p>Daniel J. MacIsaac for the Appellant</p> <p>M. Louise Campbell, Q.C. for the Respondent</p>	<p style="text-align: center;">Tuesday, February 14, 2012</p> <p style="text-align: center;">10:00 am</p>	502

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CASE	CASE BEING APPEALED	COUNSEL	DATE / TIME	COURT ROOM
<p>CA 352806 Mor-Town Developments Limited v. David MacDonald</p> <p><u>Panel members:</u></p> <p>MacDonald, C.J., Saunders, J.A., Fichaud, J.A.</p> <p>Decision Under Appeal: Appeal from the decision of a Chambers judge which reversed the earlier judgment of a Small Claims Court adjudicator with respect to the taxation of a solicitor's account.</p>	<p>2011 NSSC 281</p> <p>Supreme Court (2011-11-17)</p>	<p>John Kulik, Q.C. for the Appellant</p> <p>David MacDonald, Respondent In Person</p>	<p>Tuesday, February 14, 2012</p> <p>2:00 pm</p>	502
<p>CAC 237588 Steven Gerald Gareau v. Her Majesty The Queen</p> <p><u>Panel members:</u></p> <p>MacDonald, C.J., Fichaud, J.A., Farrar, J.A.</p> <p>Decision Under Appeal: Appellant appeals from his conviction for first degree murder and conspiracy to commit murder.</p>	<p>Supreme Court (2004-11-19)</p>	<p>Fergus J. (Chip) O'Connor for the Appellant</p> <p>James A. Gumpert, Q.C. for the Respondent</p> <p>William L. Mahody for Christopher Manning</p>	<p>Wednesday, February 15, 2012</p> <p>10:00 am & 2:00 pm</p> <p>and</p> <p>Thursday, February 16, 2012</p> <p>10:00 am & 2:00 pm</p> <p>2 Full Days</p>	502

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CASE	CASE BEING APPEALED	COUNSEL	DATE / TIME	COURT ROOM
<p>CA 357076 S. R. v. Minister of Community Services</p> <p><u>Panel members:</u></p> <p>Beveridge, J.A., Farrar, J.A., Bryson, J.A.</p> <p>Decision Under Appeal: Appeal from judge's decision and order placing a child in the permanent care and custody of the Minister.</p>	<p>Family Court (2011-09-01)</p>	<p>Oliver Janson for the Appellant</p> <p>Peter C. McVey for the Respondent</p>	<p>Friday, February 17, 2012</p> <p>10:00 am</p>	<p>502</p>