CASE NO.

## VOL. NO.

## IN THE SUPREME COURT OF NOVA SCOTIA Cite as: Lamb v. Hoffman, 2000 NSSC 66

**BETWEEN:** 

**CAROLYN JANE LAMB (HOFFMAN)** 

**PETITIONER** 

- and -

**BENJAMIN RALPH HOFFMAN** 

RESPONDENT

| Justice J. Edward Scanlan               | Truro, Nova Scotia Prothonotary's No. 1205-001641 |
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| HEARD: <b>Before The</b>                | Honourable Justice J. E. Scanlan                  |
|                                         |                                                   |

DECISION: March 2nd, 2000 (Orally)

SUBJECT: <u>Divorce</u> - Corollary Issues; custody, access, child and spousal

maintenance, division of matrimonial property and assets.

## **SUMMARY:**

<u>Custody</u> awarded to Petitioner mother. <u>No access</u> to father. Father definite flight risk living in different countries around the world and possibly having access to millions of dollars. Refused to disclose his whereabouts to family or counsel.

<u>Child Maintenance</u> - non custodial father had net income of at least \$300,000.00. Left employment after separation but Court deemed his income or income earning ability to be \$300,000.00. Applied table amount using Nova Scotia tables even though it is not clear where the Respondent is living.

<u>Spousal Maintenance</u> - order \$10,000.00 per month until Petitioner receives her share of division of matrimonial property and assets. Upon receipt of those assets she will be self-sufficient. Petitioner's share of assets could exceed \$10,000.000.00. In determining maintenance considered lifestyle, dependency, career enhancement of Respondent, career opportunities lost by the Petitioner and all other issues relevant under the **Divorce Act**.

<u>Division of Matrimonial Assets and Property</u> - Respondent refused to disclose

his whereabouts and did not give evidence. Respondent has been ordered not to dispose of any assets and the Court proceeded on the assumption that the assets were still retained by the Respondent even though there was clear evidence that the order freezing the assets had not been complied with.

Majority of assets and liabilities determined to be matrimonial in nature and divided equally. Respondent risked all the matrimonial assets to invest in shares which might now be worth in excess of \$120,000,000.00. Although the order directing transfer of assets to the Petitioner was made effective immediately, it was interim in nature to the extent that the Court orders the Respondent is entitled to come before the Court at a future date to argue the division should be other than ordered. There is a "sunset" date at which time the division is final.

THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION. QUOTES MUST BE FROM THE DECISION, NOT FROM THIS COVER SHEET.