

## Summary

**Divorce** – *Rule 43* – marriage out of COP incorporating accrual system – request for contribution towards costs – determination of excluded assets – at issue is whether applicant requires contribution to reasonably prosecute her case – applicant bearing onus of establishing value of respondent's estate at date of divorce – respondent bearing onus of establishing assets to be excluded from calculation and the reason thereof – applicant must be in position to identify all respondent's assets and their value at trial – further, applicant must be able to deal with evidence from respondent's experts concerning excluded assets – while married parties lived lifestyle commensurate with high income earned by the respondent – applicant unemployed and financially dependent on respondent – scale upon which applicant is entitled to litigate must be measured against parties' financial circumstances, where parties are wealthy applicant is entitled to litigate upon basis reasonably expected rich people litigate – the obligation to make payment is a function of the maintenance obligation of the respondent – quantum of the maintenance obligation will be established by the ability of the respondent to make payment of the reasonable need of the applicant – contributions claim for experts allows applicant to have sufficient information to prepare a case properly and ensure presence of experts at court – respondent is well able to pay and does not dispute this – methodology of determining respondent's excluded assets proposed by applicant's expert is accepted.