

Hot Topic – Family Law

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Court of Appeal rejects attempt to re-open divorce settlement

The Court of Appeal has rejected a husband's attempts to set aside the financial order made in his divorce due to the economic downturn.

Brian Myerson had agreed to give his ex-wife Ingrid 43% of his £25.8 million fortune, in return for hanging onto his stock in Principal Capital Holdings, an investment company of which he was Chief Executive. However, after a collapse in the share value of the company, he argued that he was left with only 14% of the matrimonial assets, and would have to borrow half a million pounds to pay his wife her share of the settlement.

The case has been watched with intense interest by divorce lawyers as if Mr Myerson was successful, it was expected that there would be a flood of similar applications launched by disgruntled former spouses.

However, the floodgates have been closed firmly by the Court of Appeal. Lord Justice Thorpe rejected the application on the ground that the order was not imposed on the parties, but was the product of the will of the parties. He added "*When a businessmen takes a speculative position in compromising his wife's claims, why should the court subsequently relieve him of the consequences of his speculation by re-writing the bargain at his behest?*"

Mr Myerson intends to appeal to the House of Lords.

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