

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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ERIC E. HOYLE,

Plaintiff,

v.

Civil Action No. 08-CV-347C

FREDERICK DIMOND, ROBERT DIMOND,  
and MOST HOLY FAMILY MONASTERY,

Defendants.

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**AFFIDAVIT**

STATE OF ALABAMA     )  
                                  )  
COUNTY OF Shelby    )     ss:

**GARY MUEHLBAUER**, being duly sworn, deposes and says:

1.     I am a resident of the State of Alabama and presently reside at  
165 Pinewood Lane, Montevallo, AL 35115.

2.     Prior to December 31, 2007 I visited the website for the Most Holy Family  
Monastery (“MHFM”) at [www.mostholymonastery.com](http://www.mostholymonastery.com). Prior to that date, I also had  
occasion to purchase materials from MHFM and was a supporter of the organization. During

those occasions, I spoke and/or dealt with an individual by the name of "Brother Edmund" who represented himself to be a monk at MHFM.

3. In the course of purchasing materials from MHFM or visiting the organization's website, I provided my personal address, telephone number, and e-mail address. This information was provided to MHFM as part of the ordering and purchasing process. I understood the site to be secure and my personal contact information to be transmitted in a secure fashion to MHFM only, and for use by MHFM only.

4. In January of 2008, I received a telephone call from Eric Hoyle. At that time, Mr. Hoyle informed me that he was formerly associated with MHFM and while there was known as Brother Edmund. Prior to receiving this telephone call, I did not know Mr. Hoyle, nor was I aware that he was Brother Edmund at MHFM. During my dealings with MHFM, I never gave my personal contact information to Mr. Hoyle for his personal use.

5. When Mr. Hoyle contacted me by telephone, he informed me that he left MHFM because of a dispute he had with certain beliefs espoused by the organization. In particular, Mr. Hoyle stated that he left because Brother Michael (Frederick Dimond) and Brother Peter (Robert Dimond) attended Mass and received the Sacraments at a certain church. Mr. Hoyle told me he believed this constituted heresy and suggested that I visit his personal website which opposed the teachings and beliefs of MHFM. During the course of this conversation, Mr. Hoyle also insisted that Brothers Michael and Peter were not real monks, that

their legal names were Frederick and Robert Dimond, and that MHFM was not a legitimate monastery.

6. Mr. Hoyle told me that in addition to me, he intended to personally contact every single person he communicated with while he was at MHFM to inform them of his new beliefs and his position that Brothers Michael and Peter are heretics. He also told me that he was intending to write and publish an article about MHFM and what he believed to be the organization's heretical beliefs, but that he had to wait until after certain "legal proceedings" were completed.

7. Mr. Hoyle directed me to his website at [www.genesis49.com](http://www.genesis49.com). He recommended that I visit the website to learn more about his new beliefs. Subsequent to this, I visited Mr. Hoyle's website and observed a link to an account through which donations to Mr. Hoyle could be made. The link was in the form of a PayPal button on the website.

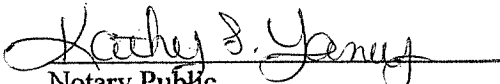
8. In addition to me, I also know that Mr. Hoyle has contacted my son, Ethan Muehlbauer who had visited the MHFM website prior to December 31, 2007. My son also did not know of Mr. Hoyle until he was personally contacted by him in 2008. Though my son gave his name, address, telephone number, and e-mail address to MHFM prior to

December 31, 2007, like me, he gave that information to and for use by MHFM only, not to Mr. Hoyle.



\_\_\_\_\_  
Gary Muehlbauer

Sworn to before me this  
5 day of June, 2008.

  
\_\_\_\_\_  
Kathy S. Yenny  
Notary Public

**MY COMMISSION EXPIRES MAY 5, 2010**

6/3/08  
Gary Muehlbauer  
165 Pinewood Lane  
Montevallo, AL 35115  
205-665-5140

Stephanie G. Elliott  
1600 Liberty Building  
Buffalo, NY 14202  
716-854-3400 \*242

Dear Ms. Elliott,

The following information is provided as an addendum to the affidavit "Gary Muehlbauer" associated with *File no. 1876.4048*.

After review of the affidavit, I have two comments:

- 1. (Reference ¶ 4 – "Prior to receiving this telephone call, I did not know Mr. Hoyle, nor was I aware that he was Brother Hoyle"

G. Muehlbauer – I did not know him specifically, i.e., as an individual, I did, however, know of the postulant Eric Hoyle and that he later took his "vows" and assumed the name Brother Edmund.

G. Muehlbauer – The remainder of ¶ 4 is succinct especially the issue pertaining to "personal information".

G. Muehlbauer – Could it be that Mr. Hoyle has my credit card information which was used to purchase materials and make donations?

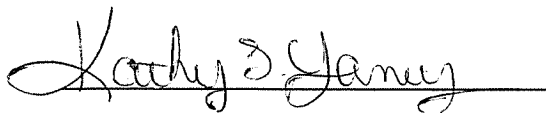
- 2. (Reference ¶ 6 – "My son also did not know...")

G. Muehlbauer – The comments made in #1 above apply to this sentence also. Both my son and I had knowledge of an individual "Eric Hoyle" who later, after vows, assumed the name "Brother Edmund"



Gary Muehlbauer

Sworn to before me this 3 day of June, 2008



Notary Public