

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ERIC E. HOYLE,

Plaintiff,

v.

Civil Action No. 08-CV-347C

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

Defendants.

AFFIDAVIT

COUNTRY OF AUSTRALIA)
) ss:
CITY OF MELBOURNE)

PETER de NIESE, being duly sworn, deposes and says:

1. I am a resident of Melbourne, Australia and presently reside at 16 Terrigal Street, Chadstone, Victoria 3148.

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

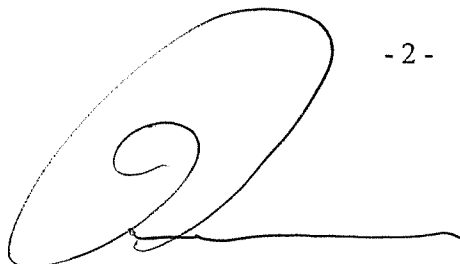


those occasions, I dealt with an individual by the name of "Brother Edmund" who represented himself to be a monk at MHFM. Brother Edmund handled the processing of the order I placed for materials from MHFM. That order was placed through the MHFM website.

3. In the course of purchasing materials from MHFM, I provided my personal e-mail address to the organization. This information was provided to MHFM only, and only as part of the ordering and purchasing process. I did not intend for it to leave MHFM or to be used by someone outside of MHFM. Likewise, in providing my personal e-mail address to MHFM, I did not authorize it to be used by anyone not affiliated with the organization.

4. On February 10, 2008, I received an e-mail from Eric Hoyle. This e-mail was sent to my personal e-mail account. At that time, Mr. Hoyle informed me that he was formerly a monk at MHFM and while there was known as Brother Edmund. Prior to receiving this e-mail, 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 own use. As such, I was surprised and disturbed that Mr. Hoyle had my personal e-mail address and that he used it to contact me directly and without my consent.

5. When Mr. Hoyle contacted me, 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

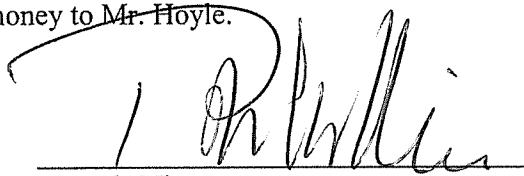
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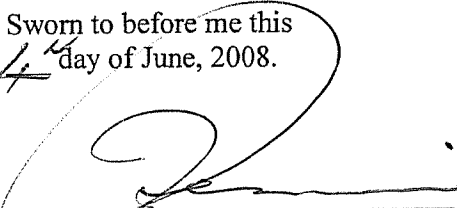
me he believed this constituted heresy and suggested that I visit his personal website which opposed the teachings and beliefs of MHFM.

6. In his e-mail, Mr. Hoyle also indicated that 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.

7. At that time, Mr. Hoyle directed me to his website at www.genesis49.com. 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. That was in the form of a PayPal button that I (or anyone else) could click on and transfer money to Mr. Hoyle.


Peter de Niese

Sworn to before me this
4th day of June, 2008.


Notary Public

MELBOURNE
AUSTRALIA

