

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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ERIC E. HOYLE

Plaintiff,

vs.

FREDERICK DIMOND, ROBERT DIMOND,  
and MOST HOLY FAMILY MONASTERY,  
a New York Not-for-Profit Corporation

Defendants

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**AFFIDAVIT OF  
ERIC E. HOYLE**

**Index No. 08-cv-00347-JTC**

ERIC E. HOYLE, being duly sworn, hereby affirms under the penalties of perjury:

1.I am the plaintiff in the above-referenced action. I submit this Affidavit to report my efforts and success in complying with the Order of this Court dated July 23, 2008 and to clarify a matter of personal concern.

Report on Compliance

2.In a good faith effort to comply with the Order, I have provided to my attorney and he has returned to defendants' counsel all confidential and proprietary documents of Most Holy Family Monastery ("MHFM") which remained in my possession. I have destroyed or securely erased my electronic storage devices that contained such information. My procedure was as follows:

3.I set aside for delivery emails between myself and the defendants concerning MHFM business, confidential, or proprietary matters; between myself and MHFM customers, supporters, or inquirers whom I did not know before entering MHFM, if sent during my residence at

MHFM; and between myself and MHFM customers, supporters, or inquirers whom I did know before entering MHFM, if sent during my residence at MHFM and related to MHFM business.

4. Of my other electronic files, I set aside for delivery those of the types listed above and other MHFM confidential or proprietary material, including my translations of MHFM publications, and two discs with pre-publication copies of videos published by MHFM, but not produced by MHFM. In some cases, I delivered segments of data containing a portion of material needing delivery, from which other material was impractical to remove.

5. I securely deleted or destroyed files containing organized contact information for MHFM-related persons assembled by myself after departing MHFM. I did not deliver these files, as they are not MHFM records. The vast majority of this information was not assembled from MHFM records, but from my own memory and public records. The portion that arguably came from MHFM records was email addresses formerly in my electronic address book. Most or all of these addresses should appear in Paypal emails now entered as evidence in this case.

6. I securely wiped all affected hard disks and removable disks with at least four passes of random data.

7. I requested and obtained deletion of affected files stored in private areas of my web hosting accounts, on the personal computer of a family member, and at the office of attorney Raymond L. Sciarrino in Mount Morris, NY.

8. I used reasonable diligence to locate all documents pertinent to the Order, but it is possible that other such documents may come to the surface, and if this occurs, I will deal with them as has been ordered.

9. I have not engaged in any conduct prohibited by the Order. In response to callers with whom I am ordered not to communicate, I have stated: "I am presently prohibited by a court order from communicating with customers of Most Holy Family Monastery. I apologize for the inconvenience." I intend to respond this way in the future if contacted by such persons.

#### Clarification

10. The Memorandum of Law filed on my behalf in opposition to the defendants' motion to dismiss on First Amendment grounds stated that the universally recognized Order of Saint Benedict organization is that in which the defendants have fraudulently claimed membership. As a matter of conscience, I would like to clarify this statement in relation to my own religious beliefs and the facts of this case.

11. The defendants have stated publicly that their legitimacy as members of the Order of Saint Benedict traces back to the entrance of Joseph Natale, now deceased, into St. Vincent's Archabbey of Latrobe, Pennsylvania, and his departure therefrom with permission to found a Benedictine monastery. It is manifest that the said St. Vincent's Archabbey is and has been part of the publicly recognized Order of Saint Benedict organization; therefore, any claim that the defendants belong to some other "Order of Saint Benedict" would be a novelty and would assist in demonstrating fraud by the defendants.

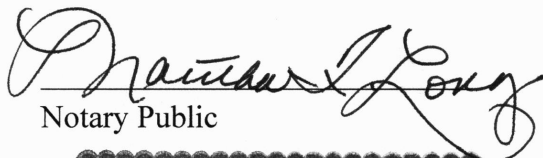
12. My own belief is that the publicly recognized Order of Saint Benedict organization has in recent decades departed from authentic Catholic religious doctrine on certain matters, and that this undermines its Benedictine legitimacy. I understand that the defendants share this belief, which they have stated publicly since before my entrance into Most Holy Family Monastery.

13.I believe that the element of fraud in the defendants' claims to membership in the Order of Saint Benedict is entirely separate from questions of religious doctrine. It concerns false statements of fact regarding the defendants' entry through normal channels into the publicly recognized Order of Saint Benedict, prior to or aside from any dispute on religious matters.

14.Although the doctrinal beliefs held by the publicly recognized Order of Saint Benedict organization and its members are not an issue in this case, I consider it my duty in conscience to clarify my personal beliefs on this matter.

  
ERIC E. HOYLE

Sworn to before me this  
8<sup>th</sup> day of August, 2008

  
Notary Public

