

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ERIC E. HOYLE,

Plaintiff,

vs.

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

Defendants.

**RESPONSE TO
DEFENDANTS' FIRST
NOTICE TO PRODUCE
TO PLAINTIFF**

Index No. 08-cv-00347-JTC

Plaintiff, Eric Hoyle ("Plaintiff"), hereby responds and objects to Defendants' First Notice to Produce to Plaintiff as follows:

RESERVATION OF RIGHTS

1. Plaintiff reserves all objections to the use of these responses in connection with these proceedings. Plaintiff may object to the use of these responses at any time including at trial.

2. Plaintiff reserves the right to amend, supplement, modify, or correct these responses and objections as additional information or documents are identified or become available.

3. The inadvertent production of any document or disclosure of any information in response to the Notice to Produce shall not waive any privilege, right, or obligation of Plaintiff, and Plaintiff reserves his rights to demand that Defendants return to Plaintiff any such document and all copies thereof. Insofar as the inadvertent production of any documents or disclosure of

unduly burdensome to the extent that it requests information that can be gleaned from documents produced in this litigation.

10. These General Objections are continuing and are incorporated by reference in answer to each of the demands in the Notice to Produce set forth below. Any objection or lack of objection to any portion of the demands in the Notice to Produce is not an admission.

Subject to and without waiver of these General Objections, Plaintiff responds as follows:

**RESPONSES TO DEFENDANTS' FIRST
NOTICE TO PRODUCE TO PLAINTIFF**

1. Copies of all communications between and among the parties.

Response: Documents are produced.

2. Documents in your possession concerning the defendants.

Response: Plaintiff objects to this demand to the extent that it: seeks documents protected by the attorney-client privilege and/or the work product doctrine; seeks documents generated by or at the direction of Plaintiff's counsel; seeks information, documents, or other materials that are neither relevant to the subject matter of this action, nor reasonably calculated to lead to the discovery of admissible evidence; and is vague, ambiguous, overly broad, or unduly burdensome. Without waiving said objections, non-privileged and/or non-exempt documents are produced.

3. Documents concerning your religious views created by you between January 2005 and present, including those written under a pen-name.

Response: Plaintiff objects to this demand as it seeks documents that are neither relevant to the subject matter of this action, nor reasonably calculated to lead to the discovery of admissible evidence, and is vague, ambiguous, overly broad, or unduly burdensome.

4. Documents concerning any contracts, arrangements, or agreements between you and any of the defendants.

Response: Documents are produced.

5. Documents concerning donations made by you to any religious organization from December 31, 2003 to present.

Response: Plaintiff objects to this demand with respect to all religious organizations except for defendant Most Holy Family Monastery as it seeks documents that are neither relevant to the subject matter of this action, nor reasonably calculated to lead to the discovery of admissible evidence. Documents responsive to this demand with respect to defendant Most Holy Family Monastery are produced.

6. Documents concerning the donations made by you to MHFM including, but not limited to, cancelled checks, title transfers, annual statements from your brokerage account(s), and bank account statements.

Response: Plaintiff objects to this demand as it is vague, ambiguous, overly broad, or unduly burdensome. Without waiving said objections, documents are produced.

7. Documents that support your claim that MHFM is not a Benedictine monastery of the traditional Catholic faith.

Response: Documents are produced.

8. Documents that support your claim that the defendants made false representation concerning their affiliation with the Order of St. Benedict.

Response: Documents are produced.

9. Documents concerning the requirements for becoming a Benedictine monk of the traditional Catholic faith.

Response: Documents are produced.

10. Documents referred to in your Rule 26(a) disclosures.

Response: Documents are or have previously been produced.

11. Documents referred to in preparing responses to defendants' first set of interrogatories.

Response: Documents are produced.

Dated: January ²⁵__, 2010



K. Wade Eaton, Esq.
CHAMBERLAIN D'AMANDA
OPPENHEIMER & GREENFIELD LLP
Attorneys for Plaintiff
1600 Crossroads Building
Two State Street
Rochester, New York 14614
Tel: (585) 232-3730

RUPP, BAASE, PFALZGRAF,
CUNNINGHAM & COPPOLA LLC
Lisa A. Coppola, Esq.
Attorneys for Defendants
1600 Liberty Building
Buffalo, New York 14202