

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.

SECOND NOTICE TO PRODUCE

Pursuant to Rule 34 of the Federal Rules of Civil Procedure, defendants hereby request that the plaintiff produce the following materials within thirty (30) days at the offices of Duke, Holzman, Photiadis & Gresens, LLP, 1800 Main Place Tower, 350 Main Street, Buffalo, New York, 14202.

DEFINITIONS

A. The term "document(s)" is defined to be synonymous in meaning and equal in scope to the usage of this term in Federal Rules of Civil Procedure Rule 34(a) including without limitation electronic or computerized data compilations. A draft or non-identical copy is a separate document within the meaning of this term.

B. "Communication" means the transmittal of information (in the form of facts, ideas, inquiries, or otherwise).

C. The term "concerning," as used herein, means relation to, referring to, describing, evidencing, or constituting.

D. The terms "all" and "each" shall be construed as all and each.

E. The connectives "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request or response that which might otherwise be construed to be outside of the scope.

F. The use of the singular form of any work includes the plural and vice-versa.

G. Reference to "you," "your," or "plaintiff" shall mean Eric E. Hoyle.

H. Reference to "defendants" shall mean Frederick Dimond, Robert Dimond, and Most Holy Family Monastery.

I. Reference to "MHFM" shall mean defendant Most Holy Family Monastery.

INSTRUCTIONS

A. In responding to defendants' notice to produce, you must furnish not only such documents and material as are available in your files, but also such documents as are in the possession, custody, or control of any employee, representative, or agent.

B. If any of the documents requested cannot be produced in full, provide, to the extent possible, your reasons for your inability to produce the remainder and state whatever information, knowledge, or belief you have concerning the unproduced portion.

C. If any documents are no longer in your possession, custody, or control because of destruction, loss, or any other reason, then do the following with respect to each and every document:

1. describe the nature of the document, its contents, and number of pages;
2. state the date the document was prepared and/or transmitted to a recipient;
3. identify the person(s) who prepared or authored the document and the

person(s) who sent and received the original and, if applicable, a copy of the document; and

4. specify the date on which the document was lost or destroyed and, if destroyed, the reasons for such destruction and the person(s) requesting and performing the destruction.

D. Where a claim of privilege is asserted in objecting to any means of discovery or disclosure and an answer is not provided on the basis of such assertion,

1. the attorney asserting the privilege shall identify the nature of the privilege (including work product) which is being claimed and, if the privilege is governed by state law, indicate the state's privilege rule being invoked; and

2. the following information shall be provided in the objection, unless divulgence of such information would cause disclosure of the allegedly privileged information:

a. for documents: (i) the type of document, *e.g.*, letter or memorandum; (ii) the general subject matter of the document; (iii) the date of the document; and (iv) such other information as is sufficient to identify the document for a subpoena duces tecum, including, where appropriate, the author of the document, the addresses of the document, and any other recipients shown in the document, and, where not apparent, the relationship of the author, addresses, and recipients to each other;

b. for oral communications: (i) the name of the person making the communication and the names of the persons present while the communication was made, and where not apparent, the relationship of the persons present to the person making the communication;

c. where a claim of privilege is asserted in response to discovery or disclosure other than a deposition, and information is not provided on the basis of such assertion,

the information set forth in paragraph (a) above shall be furnished in writing at the time of the response to such discovery or disclosure, unless otherwise ordered by the court.

E. Unless otherwise specific, all demands seek materials from January 2005 to present.

F. These demands are continuing in nature. If any responsive information is obtained after the date of this demand, it is to be furnished immediately to us. If you fail to comply, we shall move for preclusion of all discovery materials requested herein.

DEMANDS

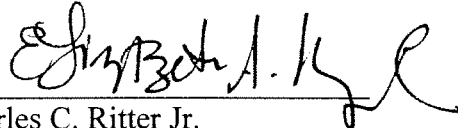
1. Plaintiff's federal and state tax filings for 2003 thru 2008, including all gift tax returns;
2. All documents to or from Richard Ibranyi, R.I., or any of his followers, including but not limited to those Plaintiff reviewed or exchanged in December, 2007 or thereafter;
3. All documents exchanged between Plaintiff and Will Norris, David White, or Gerry Matatics;
4. A complete copy of the contents of the "Genesis" website created by Plaintiff that was on-line in or about February 2008 and for a period of time thereafter;
5. Recordings of all conversations referencing or involving any defendant, Plaintiff, Joseph Myers, and/or Richard Ibranyi/his followers;
6. All documents prepared or signed by Plaintiff or any defendant concerning the monies transferred to MHFM by Plaintiff, whether these monies were gifts, donations, loans, etc., and/or whether Plaintiff expected any of these monies to be returned to him, including any of the documents relating to the allegations at paragraphs 44 and/or 45 of the Amended

Complaint.

These demands are continuing in nature. If any responsive information is obtained after the date of this demand, it is to be immediately furnished to us. If you fail to comply, we shall move for preclusion of all discovery materials requested herein.

Dated: August 10, 2010

**DUKE, HOLZMAN, PHOTIADIS &
GRESENS LLP**
Attorneys for Defendants

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