

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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ERIC E. HOYLE,

Plaintiff,

v.

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

Defendants.

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**MOTION FOR ORDER  
COMPELLING DISCOVERY**

Civil Action No. 08-CV-347C

PLEASE TAKE NOTICE that Defendants Frederick Dimond, Robert Dimond, and Most Holy Family Monastery will move this Court, before the Honorable John T. Curtin, United States District Judge, at the United States Courthouse, 68 Court Street, Buffalo New York 14202, at a date and time to be set by this Court, for an order pursuant to Fed. R. Civ. Proc. Rule 37(a) for an Order compelling Plaintiff Eric E. Hoyle to: **(i)** provide meaningful responses to Interrogatories 1, 2, 5, 6 and 7 of Defendants' First Set of Interrogatories dated September 10, 2009, **(ii)** provide certain documents requested in Defendants' Notice to Produce, dated September 10, 2009, **(iii)** produce sound recordings of telephone conversations made by Plaintiff in the weeks following his departure from Most Holy Family Monastery, between and among Plaintiff, Defendants, Joseph Myers and other unknown persons regarding Plaintiff's allegations against Defendants, **(iv)** produce Plaintiff's writings, apparently intended to serve as transcriptions of the conversations between Plaintiff, Joseph Myers and Michael Lipscomb during their hotel stay immediately following their departure from Most Holy Family Monastery, and **(v)** produce a privilege log for the documents Plaintiff has withheld from production claiming privilege.

Dated: August 19, 2010

DUKE, HOLZMAN, PHOTIADIS & GRESENS LLP

By: */s/ Charles C. Ritter, Jr.*

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Charles C. Ritter, Jr., Esq.  
*Attorneys for Defendants*  
1800 Main Place Tower, 350 Main Street  
Buffalo, New York 14202  
(716) 855-1111

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