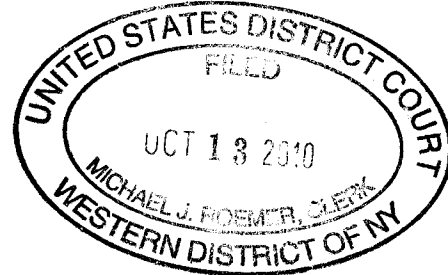


October 12, 2010

Via fax and mail

Honorable John T. Curtin
United States District Judge
U.S. Courthouse
68 Court Street
Buffalo, NY 14202



Re: Hoyle v. Dimond, et al.
08-CV-00347-JTC

Dear Judge Curtin:

I write in response to your Order of September 30, 2010 in the above-referenced matter, specifically regarding the status of my motion to compel production of documents which was filed on May 6, 2010.

Subsequent to the filing of that motion, defendants' new counsel electronically produced approximately 2,615 pages of documents, including copies of monthly statements from several bank accounts and two investment accounts owned by defendant Most Holy Family Monastery.

We are of the opinion that additional documents responsive to demands #3 and #5 of Plaintiff's First Request for Documents, dated July 10, 2009, have not been produced. These documents would include:

- *any document pertaining, relating or referring to any agreement, understanding, commitment or acknowledgement of the defendant's obligation to return to the plaintiff any monetary or other assets upon plaintiff's departure from Most Holy Family Monastery (demand #3)*
- *any document pertaining, relating or referring to any agreement, understanding, commitment or acknowledgement of the defendant's obligation to return to the plaintiff any monetary or other assets upon plaintiff's departure from Most Holy Family Monastery (demand #5)*

Honorable John T. Curtin

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Under these circumstances, the plaintiff will not withdraw his motion to compel. We look forward to productive discussions with defendants' counsel this week in the hope that at least some of the current disagreements can be resolved without further intervention by the Court.

Respectfully,

Wade Eaton / DB

K. Wade Eaton

cc: Elizabeth A. Kraengel, Esq.
(via fax and mail)