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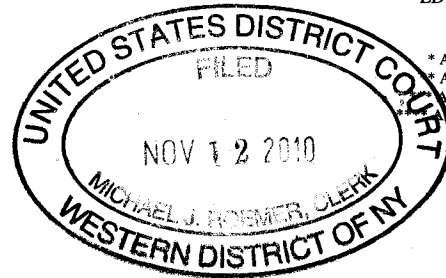
November 10, 2010

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Hon. John T. Curtin
United States District Court,
Western District of New York
Part 1, Sixth Floor, 65 Court Street
Buffalo, New York 14203

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

Dear Judge Curtin:

There is presently before the Court a motion to compel by defendants and a court telephone conference scheduled for November 15, 2010. In reviewing the filings which occurred before I was substituted as counsel, I became aware of information already part of the docket in this case which is germane to the pending motion.

Plaintiff has filed a RICO case statement which summarizes his claim as follows: defendants committed fraud against plaintiff by making false representations "that they are and have been members of the Order of St. Benedict and that MHFM was a Benedictine community." (Document No. 54, paragraph 2, 5(B)-(C)). As a result, what Hoyle understood and believed about the Order of St. Benedict and defendants' relationship thereto is a core issue for discovery which defendants have requested but plaintiff has objected to.

Notably, however, Hoyle admits that he and defendants share the belief that the "publicly recognized" Order of Saint Benedict is not legitimate:

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. (Document No. 30, paragraph 12) (emphasis added).

Elsewhere, plaintiff Hoyle maintains that he does not know of any person anywhere in the world whom he considers to be a legitimate member of the Order of Saint Benedict. (Document No. 47, paragraph 153).

Since Hoyle admits to having a common understanding with defendants about the Order of Saint Benedict it is difficult to understand how there can be a claim of misrepresentation/fraud let alone reliance thereon. A claim of fraud cannot stand unless a party relies on an alleged

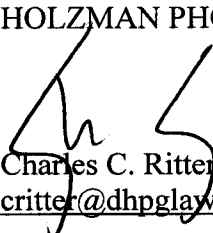
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misrepresentation and can demonstrate reasonable diligence. Based on these apparent inconsistencies by plaintiff Hoyle as to what he knew and believed about defendants, the Order of Saint Benedict, and the relationship of defendants to the Order, discovery on these issues is reasonable and necessary to prepare a defense in this matter. At the very least, such discovery is warranted as it is relevant to plaintiff's credibility.

Accordingly, it is respectfully requested that defendants' motion to compel be granted.

Very truly yours,

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