

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ERIC E. HOYLE,

Plaintiff,

-vs-

08-CV-347-JTC

FREDERICK DIMOND, et al.,

Defendants.

The court conducted a telephone conference with counsel on November 15, 2010 for the purpose of discussing outstanding cross motions to compel. In response to plaintiff's request for documents relating to any agreement or acknowledgment of the defendants' obligation to return to plaintiff any monetary or other assets upon his departure from the Most Holy Family Monastery ("MHFM"), defense counsel asserted that there are no responsive documents in existence. Defendants have agreed to provide a written acknowledgment of this position. Based on plaintiff's satisfaction with the defendants' response, the plaintiff's motion to compel (Item 50) is dismissed.

Additionally, in response to defendants' motion to compel, plaintiff agreed to provide partial tax returns indicating the tax treatment of his monetary gifts. Defense counsel also acknowledged the receipt of a privilege log and audio recordings. The last remaining issue concerns answers to interrogatories that defendants deem inadequate. The court has reviewed the interrogatories and plaintiff's responses thereto. Plaintiff provided an answer to all interrogatories, with the exception of Interrogatory 7 which asked plaintiff to "[i]dentify experiences, research, and conversations . . . that led you to set aside your pursuit of priestly training." Defendants found plaintiff's responses to Interrogatories 1, 2, 5, and 6

either incomplete or unresponsive. For example, in Interrogatory 1, defendants asked plaintiff to identify any religious organization with which he was affiliated since 2000 and the reason, if any, he decided to disaffiliate from the organization. Plaintiff identified 30 organizations, but did not specify his reasons for disaffiliating from any. With regard to Interrogatory 7, plaintiff contends that defendants seek information that is irrelevant to the subject matter of the action, whether the defendants falsely represented themselves as being affiliated with the Order of St. Benedict.

The court finds that the information sought in the disputed interrogatories is relevant and material to his claim for fraud and the defendants' affirmative defense that plaintiff was aware that the MHFM was not recognized by the Order of St. Benedict. While plaintiff will have the opportunity to clarify his responses to the interrogatories at his deposition, the court finds that a supplemental response to the interrogatories is warranted. Accordingly, plaintiff shall provide a supplemental response to defendants' interrogatories within two weeks of the filing of this order. The response shall include the reasons plaintiff may have disaffiliated with any of the 30 religious organizations of which he was a member (Interrogatory 1), what teachings of the Order of St. Benedict influenced his decision to try to become a Benedictine monk (Interrogatory 2), a clarification whether he considers the monasteries listed in *The Official Catholic Directory* and *The Catalogus of the Benedictine Federation* to be legitimate (Interrogatory 5), and the experiences, research, and conversations that led him to set aside his pursuit of priestly training (Interrogatory 7). The court finds that plaintiff's response to Interrogatory 6 is adequate and responsive. Accordingly, defendants' motion is granted in part.

The parties have agreed to complete discovery by March 14, 2011. The court will

conduct a telephone conference on Monday, March 14, 2011 at 2:00 pm, to set a further schedule.

So ordered.

_____\s\ John T. Curtin_____
JOHN T. CURTIN
United States District Judge

Dated: 11/22, 2010
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