

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ERIC E. HOYLE,

Plaintiff,

vs.

FREDERICK DIMOND, ROBERT DIMOND,
and MOST HOLY FAMILY MONASTERY,
a New York Not-for-Profit Corporation,

Defendants.

**SUPPLEMENTAL
RESPONSE TO
DEFENDANTS' FIRST
AND SECOND SETS OF
INTERROGATORIES
TO PLAINTIFF**

Index No. 08-cv-00347-JTC

Plaintiff, Eric Hoyle ("Plaintiff"), hereby supplements his response and objections to Defendants' First and Second Sets of Interrogatories to Plaintiff (the "Interrogatories").

RESERVATION OF RIGHTS

1. Plaintiff reserves all objections to the use of these responses in connection with these proceedings. Plaintiff may object to the use of these responses at any time including at trial.
2. Plaintiff reserves the right to amend, supplement, modify, or correct these responses and objections as additional information or documents are identified or become available.
3. Plaintiff does not admit, adopt, or acquiesce in any factual or legal contention, assertion, or characterization that is contained in the Interrogatories.
4. The inadvertent production of any document or disclosure of any information in response to the Interrogatories shall not waive any privilege, right, or obligation of Plaintiff, and

Plaintiff reserves its rights to demand that Defendant return to Plaintiff any such document and all copies thereof. Insofar as the inadvertent production of any documents or disclosure of information by Plaintiff in response to the Interrogatories may be found to be a waiver of any privilege or right, such waiver shall be a limited waiver solely with respect to that particular document.

5. Plaintiff reserves the right to redact non-responsive material from any otherwise responsive documents that might be produced as part of Plaintiff's responses to the Interrogatories.

GENERAL OBJECTIONS

6. Plaintiff objects to the Interrogatories to the extent that they seek information, documents, or other materials that are neither relevant to the subject matter of this action, nor reasonably calculated to lead to the discovery of admissible evidence.

7. Plaintiff objects to the Interrogatories to the extent that they seek information, documents, or other materials protected by the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity.

8. Plaintiff objects to the Interrogatories to the extent that they seek documents generated by or at the direction of Plaintiff's counsel.

9. Plaintiff objects to the Interrogatories to the extent that they seek Plaintiff to produce information or to provide documents not within Plaintiff's possession, custody, or control.

10. Plaintiff objects to the Interrogatories to the extent that they seek to impose obligations extending beyond those imposed or authorized by the Federal Rules of Civil Procedure or any other applicable rule, law, or order.

11. Plaintiff objects to the Interrogatories to the extent that they are vague, ambiguous, overly broad, or unduly burdensome. In particular, Plaintiff objects to these Interrogatories as unduly burdensome to the extent that they request information that can be gleaned from documents produced in this litigation.

12. These General Objections are continuing and are incorporated by reference in answer to each of the Interrogatories set forth below. Any objection or lack of objection to any portion of the Interrogatories is not an admission.

13. Plaintiff objects to Instruction A on the grounds that the instruction is vague, ambiguous, overly broad, or unduly burdensome.

14. Plaintiff objects to that portion of any Interrogatory which seeks “the legal bases” of any allegation or denial, on the ground that such interrogatories seek the disclosure of the mental impressions, conclusions, opinions, or legal theories of a party’s attorney which constitute the work product of Plaintiff’s attorney and that such a request is outside the scope of discovery permitted by the Federal Rules of Civil Procedure.

Subject to and without waiver of these General Objections, Plaintiff responds as follows:

**RESPONSES TO DEFENDANTS' FIRST SET
OF INTERROGATORIES TO PLAINTIFF**

Interrogatory 1. Identify every religious organization of which you have been a member, a supporter, or with which you have been otherwise affiliated since 2000, and the reason, if any, why you decided to disaffiliate from that organization.

Response:

Home Moravian Church, Winston-Salem, NC

Augsburg Lutheran Church, Winston-Salem, NC

Wesley Foundation, Chapel Hill, NC

Church of the Good Shepherd, Durham, NC

Cresset Baptist Church, Durham, NC

Grace Community Baptist Church, Richmond, VA

Holy Trinity Lutheran Church, Chapel Hill, NC

University Methodist Church, Chapel Hill, NC

Campus Crusade for Christ, P.O. Box 628222, Orlando, FL 32862 – \$25 donation on 5/23/2003

Stand to Reason, Greg Koukl, California - \$120 total donations in 2003

The Institute on Religion and Public Life - \$60 gift on 12/24/2003

Mepkin Abbey, Moncks Corner, SC – various contributions totaling \$1000 + \$290 contribution
on 2/10/2004

First Things Magazine – \$60 donation

Pro-Life Action Ministries, St. Paul, MN - \$20 donation

St. Thomas More Catholic Church, Chapel Hill, NC

Cathedral of the Sacred Heart, Raleigh, NC

St. Mary's Parish, Annapolis, MD

St. Alphonsus Church, Baltimore, MD

Catholic Medical Mission Board – \$50 contribution on 1/23/2004

St. Francis de Sales Church - \$250 contribution on 2/9/2004

St. Athanasius Church, Vienna, VA – approx. \$500 total donations in 2004

St. Dominic School, Post Falls, ID - \$100 contribution on 3/18/2004

Our Lady of Guadalupe Monastery, Silver City, NM - \$5000 contribution on 8/30/2004

St. Joseph's Church, Richmond, MI - \$300 contribution on 11/18/2004

St. Anthony Chapel, Mt. Holly, NC

Biblical Foundations International, Dunmore, PA – \$20,000 total donations in 2005

The Fatima Center, Rev. Nicholas Gruner – \$300 donation on 11/8/2004, \$33,899.92 donation on
12/20/2004

Holy Redeemer Catholic Church, Wake Forest, NC – \$150 donation on 2/17/2005

Old St. Mary's Catholic Church, Goldsboro, NC

Most Holy Family Monastery

Supplemental Response: Up to the year 2003 I supported and/or attended various Protestant organizations. With many of them, I had no tie except as an occasional donor or attendee, so there was not a specific time that I disaffiliated from them. In fall 2003 or

thereabouts, I came to believe that Protestantism was a false religion, and for this reason I ceased to be a supporter or a member of any Protestant organization. I believe I had been a member at one or both of Home Moravian Church and Augsburg Lutheran Church, and I canceled whichever of these memberships was/were active because of my religious disagreement with Protestantism.

Protestant organizations

Home Moravian Church, Winston-Salem, NC

Augsburg Lutheran Church, Winston-Salem, NC

Wesley Foundation, Chapel Hill, NC

Church of the Good Shepherd, Durham, NC

Cresset Baptist Church, Durham, NC

Grace Community Baptist Church, Richmond, VA

Holy Trinity Lutheran Church, Chapel Hill, NC

University Methodist Church, Chapel Hill, NC

Campus Crusade for Christ, P.O. Box 628222, Orlando, FL 32862 – \$25 donation on 5/23/2003

Stand to Reason, Greg Koukl, California – \$120 total donations in 2003

Pro-Life Action Ministries, St. Paul, MN – \$20 donation

My separation from Protestantism was motivated by an interest in the Roman Catholic Church, in which I hoped to find the true religion. I began to be an attendee and supporter of various organizations that presented themselves as Catholic. These organizations fall into two

categories: Group 1 that generally embraced the Second Vatican Council, the New Mass of 1969, and related changes, and Group 2 that expressed reservations about the Second Vatican Council, the New Mass of 1969, and related changes.

Group 1

The Institute on Religion and Public Life – \$60 gift on 12/24/2003

Mepkin Abbey, Moncks Corner, SC – various contributions totaling \$1000 + \$290 contribution on 2/10/2004. I also visited Mepkin Abbey for roughly three weeks in early 2002. I was a Protestant then and was advised to visit Mepkin Abbey by Rev. Bill Gattis of University Methodist Church in Chapel Hill, NC.

First Things magazine – \$60 donation

St. Thomas More Catholic Church, Chapel Hill, NC

Cathedral of the Sacred Heart, Raleigh, NC

St. Mary's Parish, Annapolis, MD

St. Alphonsus Church, Baltimore, MD

Catholic Medical Mission Board – \$50 contribution on 1/23/2004

Group 2

St. Athanasius Church, Vienna, VA – approx. \$500 total donations in 2004

St. Dominic School, Post Falls, ID – \$100 contribution on 3/18/2004

St. Jude Shrine, Eddystone, PA

St. Thomas Aquinas Seminary, Winona, MN

Our Lady of Guadalupe Monastery, Silver City, NM – \$5000 contribution on 8/30/2004

St. Joseph's Church, Richmond, MI – \$300 contribution on 11/18/2004

St. Anthony Chapel, Mt. Holly, NC

The Fatima Center, Rev. Nicholas Gruner – \$300 donation on 11/8/2004, \$33,899.92 donation on 12/20/2004

Holy Redeemer Catholic Church, Wake Forest, NC – \$150 donation on 2/17/2005

Old St. Mary's Catholic Church, Goldsboro, NC.

I also made a \$250 contribution to St. Francis de Sales Church on 2/9/2004. I don't remember where this was or whether it falls into group 1 or group 2.

In late 2003 and early 2004 I began to develop some awareness of differences in religious doctrine and practice among organizations presenting themselves as Catholic, and this led me to shift my involvement to organizations known as “traditional Catholic” because I believed that their religious doctrines and practices were more authentic and correct. In so doing, I ceased to attend or support the organizations listed in group 1.

In mid-April of 2005, I decided not to attend or support any organization listed in group 2 because they disagreed with the religious beliefs I had come to adopt as a consequence of my recent studies. These were generally the same religious beliefs that were promoted by MHFM. My main points of disagreement with the organizations in group 2 were about sedevacantism and no salvation outside the Catholic church.

In early 2005, I donated \$20,000 to Biblical Foundations International of Dunmore, PA. I

ceased to support Biblical Foundations International in summer 2005 because Frederick and Robert Dimond told me that they did not believe that Gerry Matatics, its founder and president, made a clear and accurate public profession of Catholic doctrine. I wrote a letter to Mr. Matatics around that time seeking to resolve any religious differences that might exist between us, but this was unsuccessful.

The course of events leading to my separation from MHFM began with a \$1,000.00 donation to MHFM in mid-December that I handled as part of my duties. The donor commented that he prefers the MHFM position on making judgments and the Richard Ibranyi position on the salvation dogma. I was surprised at the donor's apparent friendliness to both MHFM and Mr. Ibranyi because I knew that Mr. Ibranyi was a former member of MHFM who was vehemently denounced on the MHFM website. I showed the comment to Frederick Dimond and asked what he thought, and he told me that he didn't know if he could call Mr. Ibranyi a heretic. I was quite surprised at this and made a mental note to investigate Mr. Ibranyi's beliefs.

On December 30, 2007, I began to read articles from Mr. Ibranyi's website titled *Against the Dimonds* and *Supplement to Against the Dimonds*. These articles accused Frederick and Robert Dimond of heresy for teaching that Catholics may attend certain liturgies celebrated and attended by heretics in order to receive the sacraments. I was persuaded by Mr. Ibranyi's argument on this matter. I saw from the article that Mr. Ibranyi discussed this with the Dimonds many years before, and from their replies quoted in the articles I concluded that they were obstinate about their false position on the matter.

The Dimonds' position, as best I understand it, is that a Catholic who rejects the Second Vatican Council, the New Mass, and related changes in religious doctrine and practice, and who rejects the papal claimants responsible for same, may receive communion at the liturgy at some churches that accept these religious changes and that recognize and obey these papal claimants. The Dimonds say that nearly all the priests and people at such churches are heretics, but as long as they are not especially vocal about their heresies, and as long as attendees are not required to specifically profess any false doctrine, to attend and receive communion at such a liturgy does not constitute joining in prayer or holding religious communion with the people there, nor with the papal claimant that they acknowledge and obey. The Dimonds add that it is strictly forbidden to make a donation to such a church, but they specify that it is a Catholic church, not a meeting house of heretics. I believe the Dimonds have held and defended this position for ten years or more, continuing to the present time.

Mr. Ibranyi also wrote that the claims of Frederick Dimond and MHFM to belong to the Order of St. Benedict were false, and that there was no documentation of Joseph Natale becoming a Benedictine monk or MHFM being founded as a Benedictine monastery. I could not verify this at the time, but as Mr. Ibranyi had been in a position to have first-hand knowledge of these matters, I suspected that what he said was true, as indeed it proved to be.

I also examined the 1917 Code of Canon Law from a bookshelf at MHFM, and I found that according to this law Frederick Dimond was ineligible for election in 1995 as a Benedictine superior because he did not meet the requirements for age and for years professed as a monk.

This Code of Canon Law said that in order to be eligible for valid election as a major superior of a Catholic religious institute, one must be at least thirty years old and a professed religious for ten years. I understood that Mr. Dimond was 22 years old and had only been at the monastery for three years at his supposed election in 1995. I concluded that his election was null and void.

I realized that my religious vows were worthless because Frederick Dimond was never a lawful Benedictine superior, and also because I believed his view on Mass attendance was heresy. I wanted no part in an organization that promoted false religious doctrine, so I resolved to depart MHFM as soon as possible.

Interrogatory 2. When did you first decide that you wanted to become a Benedictine monk, and which teachings of the Order of St. Benedict influenced your decision to try to become a Benedictine monk?

Response: I began to consider becoming a Benedictine monk in approximately April 2005.

Supplemental Response: I began to consider becoming a Benedictine monk in approximately April 2005, soon after I came to agree with the religious beliefs of MHFM. I had already decided, around May 2004, to pursue a religious vocation, as a priest if possible. The life of a priest is characterized by celibacy, obedience, and frequent prayer, as is the life of a Benedictine monk.

Around April 2005, on the advice of MHFM, I began to read *The True Spouse of Jesus Christ*, by St. Alphonsus de Liguori. This book is written for religious women, and has a section

describing the advantages of religious life. Some of these advantages are:

1. Retirement from the world and its temptations and vanities.
2. Consecrating one's whole life to God, keeping one's attention upon Him, and making one's works more meritorious.
3. Assistance of regular religious observances, and encouragement from one's fellow religious, to help one's spiritual progress, and to keep one from falling into or remaining in sin.
4. The opportunity to renounce one's own will and to accept the greater security and merit of obedience to a superior.

These are the main reasons why I wanted to enter a religious community. I suppose these are what are meant by the term “teachings” in the question. In my visits to MHFM and conversations with Frederick Dimond, I got some idea of the religious life at MHFM as regards prayer, work, sleep, food, and recreation, which I understood to be an acceptable adaptation of the Benedictine way of life, and I decided that I wanted to pursue it.

Interrogatory 3. State the basis for your claim that MHFM is not a Benedictine monastery of the traditional Catholic faith.

Response: MHFM claims to have been founded by Joseph Natale, a Benedictine monk of St. Vincent Archabbey in Latrobe, Pennsylvania, with the permission of its former Archabbot Dennis Strittmatter. The reason why MHFM is not a Benedictine monastery is that the facts supporting its claim to this status are false.

Upon information and belief, Joseph Natale came to St. Vincent in 1960 as a postulant for the lay brotherhood, stayed there for several months, but departed of his own accord before professing vows. Natale never became a Benedictine monk at St. Vincent Archabbey and thus was unable to found a Benedictine monastery.

Interrogatory 4. Describe in detail the investigations you undertook and all the information you obtained relating to your decision to join MHFM, including the identities of anyone with whom you spoke or communicated, and what information you learned and obtained.

Response: I first heard about MHFM through Gerry Matatics, head of Biblical Foundations International in Dunmore, PA. Mr. Matatics is a public speaker on religious matters, and, although I did not know it until November 2009, he spoke at a conference in June 1993 at MHFM in Berlin, NJ. I met Mr. Matatics in person near his home in Dunmore, PA in late January 2005. We discussed matters of religious doctrine and practice, and he recommended that I read the website of Most Holy Family Monastery. He commended the MHFM articles in support of “sede vacantism,” the opinion that the papacy is legally vacant because its purported occupant (John Paul II at the time) does not lawfully hold the office.

In the early months of 2005, I read practically all the pages that were on the MHFM website at the time. This includes the page titled “Our Benedictine Community,” which describes MHFM as a Benedictine monastery founded by Joseph Natale, who became a Benedictine monk at St. Vincent Archabbey in Latrobe, PA and received permission from Archabbot Strittmatter to found a Benedictine monastery.

I communicated many times in 2005 with Frederick Dimond, by email, by telephone, and in person. Frederick Dimond informed me that in order to become a Benedictine monk at MHFM, there was a two-year probationary period: one year as a postulant, and one year as a novice. He also said that the monastery would need to hold my money and assets during that time, but that I could choose an amount that would be refunded to me in the event of my departure. Frederick Dimond indicated that this was a rule that MHFM observes as a matter of course. Given my situation of needing to pay a large amount of tax in 2006, Mr. Dimond allowed me to enter MHFM while keeping sufficient assets in my name to pay my 2006 taxes.

In April 2005, when I was thinking of making a somewhat large donation to MHFM, Frederick Dimond told me that lack of finances was the principal obstacle to MHFM's ability to reach large numbers of people with its religious materials and message. He encouraged me to make a large and speedy donation for the good of souls. This led to my donation of \$65,000.00 on May 12, 2005.

Frederick Dimond often spoke to me about Joseph Natale, the founder of MHFM. This was a main topic in what he said in the car after he picked me up from the airport on my first visit. Mr. Dimond said that Natale was crippled in his legs from childhood, and that for many years he was confined to a bed. He was not able to attend school, and perhaps never learned to read. Mr. Dimond also told me that Mr. Natale had miraculous gifts: that on several occasions he read Mr. Dimond's thoughts and told him what they were, and that he prophesied various things: a massive Chinese invasion of the USA with millions of paratroopers, a massive rise in sea levels

that would put the Berlin, NJ location of MHFM under water, that John Vennari would be the Judas of MHFM, that these are the times shortly preceding the Second Coming of Christ, that MHFM will be the last Catholic religious institute in the world and the only beacon of light in regard to true Catholic doctrine, that all the treasures of the Church would be kept at MHFM, and that the property at 4425 Schneider Road will be supernaturally protected through times of war, chaos, etc. Mr. Dimond told me other stories intended to show the hand of God in the establishment of MHFM, such as Joseph Natale seeing the land at 4425 Schneider Road in a vision and searching for it for many years, then finding it upon his visit to a prospective donor who refused to give the land and died from a heart attack, and finally his wife's decision to give the land.

In reply to my asking how the Dimonds came to the *sedevacantist* position they said it was from reading St. Robert Bellarmine, specifically his book *De Ecclesia Militante*.

Frederick and Robert Dimond told me that Gerry Matatics, who originally told me about MHFM, had compromised his religious beliefs while speaking publicly at the 2004 St. Joseph's Forum. The Dimonds said that Gerry said Cardinal Kasper should be respected as a true Catholic authority, after Gerry had told them privately that he rejected or gravely doubted this position.

In my visits to MHFM, I was shown the "chapel" – actually a walk-in closet in Frederick Dimond's bedroom – where what appears to be the Holy Eucharist is reserved in a tabernacle on a small table, along with a variety of relics, including a relic of the true Cross. I took this as

evidence of MHFM's Benedictine lineage, because I thought it very difficult for the Dimonds to have otherwise obtained such a collection of relics. The fact that they had the Holy Eucharist also implied the legitimacy of their Benedictine claims, because it is a grave violation of Church law to keep this Sacrament in a private home. Such a thing is unheard of. I had no suspicion that the Dimonds would be so brazen as to unlawfully keep the Holy Eucharist, which I believe is a sacrilege.

I mentioned MHFM's teaching of a religious doctrine in an email to Dr. David Allen White on April 19, 2005, and asked for his comments. Dr. White was a professor of English at the U.S. Naval Academy, with whom I often spoke between January and May of 2004, when I lived in Annapolis, MD and attended the same church that Dr. White attended, St. Athanasius Church in Vienna, VA. Dr. White is a frequent public speaker at traditional Catholic conferences, and, although I did not know it at the time, he was a speaker at a conference held at MHFM in Berlin, NJ in December 1992. The text of my email is as follows:

Dear Doc,

I looked at *Paradiso XX*, and although I don't know enough history to puzzle through exactly who is depicted in the eye of the eagle, it seems that you are right about Dante teaching a way into heaven under the New Covenant that bypasses the waters of Baptism.

I found the statement of Pope Benedict XV concerning Dante (attached). Amid a general commendation of Dante's learning, he mentions that Dante was particularly a disciple of St. Thomas Aquinas. Thus it might be expected that Dante would hold some form of "Baptism of Desire," since St. Thomas did.

The pope does not state that Dante, as a whole or in any particular work, is free of theological error. His only statement that could be construed this way is the following:

There breathes in Alighieri the piety that we too feel; the Faith has the same meaning for us; it is covered with the same veil, “the truth given to us from on high, by which we are lifted so high.”

Considering the generality of the terms, and the fact that this statement is made in a letter addressed to professors and students of literature, one can hardly assert that Pope Benedict XV has applied his imprimatur to Dante. If the line quoted above could be applied to Dante, then a fortiori to St. Thomas, Dante’s guide; yet St. Thomas did make a few errors.

Finally, I doubt that the charism of infallibility can be exercised in an imprimatur on a secular work. To speak infallibly, a Pope must propose a doctrine (positively, as a statement, or negatively, as a condemnation) to be believed by the Church. If a pope said that a piece of literature is without error, what specific doctrine would he propose or condemn? Would the piece of literature go into the Church’s compendia of official teaching wholesale? This is not the way Church teaching is done.

I have been trying to pull my ideas together as well as possible before speaking about them, and I think it’s time I spoke, at least to you, about what I am finding. For starters, I am finding that Baptism of water is an absolute necessity since the Gospel was promulgated. This comes from studying the Most Holy Family Monastery / Bro. Peter Dimond book on Extra Ecclesiam Nulla Salus. The book shows and refutes the “desire” error of St. Thomas and this more than responds to the point in Dante. The discussion of this point begins on page 68 of the attached pdf file; for good measure, read from there to page 78.

I’d like to hear your response, of course, and I will wait for that before introducing any other ideas.

Thanks,
Eric

Some time later, probably still in April 2005, I spoke by phone with Dr. White, and asked him for information about MHFM. Dr. White refused to critique the doctrinal views of MHFM, which were opposed to his own, but suggested that I contact Christopher Ferrara and John Vennari, who would tell me bad things about the history of MHFM. Dr. White said that he did not know the details, and he chose not to tell me any solid facts.

I had little regard for the personal integrity of Mr. Ferrara or Mr. Vennari at the time, because I found their religious positions and writings to be false and disingenuous, so I did not try to contact them.

Also in spring 2005, probably in April or May, I spoke on the phone with Rev. Ronald Ringrose, of St. Athanasius Church in Vienna, VA, who baptized me and heard my first confession in May 2004. I mentioned Br. Peter Dimond by name, and said that I find his argument against “baptism of desire” to be convincing. Rev. Ringrose said that neither he nor I nor the Dimonds was competent to interpret the church’s authoritative texts, and that we should follow the approved theologians.

On April 9-10, 2005, I spent many hours in the company of Gerry Matatics, who gave some public talks in my hometown of Winston-Salem, which I attended. I rode with him that evening to Atlanta, GA, where he spoke again the next day. During our time together we talked about various issues of Catholic doctrine and practice, and probably spoke a little about MHFM, although I cannot recall any details on that point.

I sent an email to Gerry Matatics on April 26, 2005, including the following:

I would be interested to hear how well you know the Dimond brothers and whether you can vouch for their personal character. I asked a “connected” friend about their IDEAS, and he referred me to two public personalities who have some horrific personal attack against them. I smell evil behind this, and I have no desire to investigate it.

I am hoping to make a 2-week trip to Most Holy Family Monastery next month. I may join them if God smoothes the way (and I cooperate).

My “connected” friend was Dr. David White; the conversation with him is described above. Mr. Matatics never replied to my question about the personal character of the Dimonds.

Although one may say I “joined” MHFM when I became a postulant, this was by no means an irrevocable commitment, so the appropriate level of scrutiny for taking this step is far lower than it would be at later stages of the process toward becoming a full-fledged Benedictine monk with perpetual vows. I was told that upon becoming a postulant I was not relinquishing my financial assets, and my personal property was treated in word and deed as belonging to me after I joined MHFM, so I expected there to be little difficulty returning to my former life were I to choose to leave MHFM.

While I lived as a postulant and a novice at MHFM, I was in frequent communication with people who disagreed with and opposed MHFM, often vehemently. For the majority of 2006 and 2007, I was responsible for answering telephone and some written inquiries without active supervision or screening by Frederick or Robert Dimond. Amid the various arguments against MHFM, I almost never heard anyone dispute that Joseph Natale indeed became a

Benedictine monk at MHFM, and indeed founded MHFM with lawful permission. As far as I know, the truth on this matter was unknown to almost everyone who had contact with MHFM.

On two occasions I heard this claim challenged: the first, in late October 2006, involved Michael Pierce calling in to the Frank Whalen radio show when Frederick Dimond was a guest; the second, sometime in 2007, involved a YouTube message from Thomas Choi quoting a few paragraphs under the heading “You are not Benedictines,” which I believe were written by Richard Ibranyi. I don’t think I knew at the time that Ibranyi was the author of this text. I simply thought both these accusations were unfounded.

Interrogatory 5. Identify the monasteries that you consider to be legitimate members of the Order of St. Benedict.

Response: Upon information and belief, all monasteries of the Order of St. Benedict, i.e., those monasteries founded in accordance with the Order’s applicable rules and procedures, are listed in two annual publications: *The Official Catholic Directory* and *The Catalogus of the Benedictine Federation*.

Supplemental Response: I consider monasteries to be legitimate members of the Order of St. Benedict (OSB) if their foundation and operations follow the procedures of the Order. My conception of these procedures is not expert and has been developing in the years since I departed MHFM.

When I was under the influence of MHFM, I believed that one could lose his membership in the OSB by openly departing from the Catholic faith. I believed, and still believe, that such a departure from Catholic faith has generally occurred in the monasteries whose membership in

the OSB dates back to the times before the Second Vatican Council and the New Mass.

I have firmly resolved not to belie this religious belief in the course of the present lawsuit.

To avoid any appearance of doing so, I said the following in my affidavit of August 8, 2008:

12. 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.

The lack of clarity in the word “undermines” reflects my puzzlement at the time about how to describe the persons and monasteries that are now publicly recognized as the OSB. Now, after further consideration, I consider these to be legitimate members of the OSB in contradistinction to persons or groups who falsely claim to have been admitted into the OSB or who simply declare themselves Benedictine monks. The essential element to their legitimacy is their adherence to the procedures of the Order. This agrees with my reply to Interrogatory 22.

Because I lack personal knowledge of the circumstances surrounding each monastery's founding and operations, my testimony regarding their membership in the OSB would be secondhand. I can only assume that documents published by the OSB give an accurate record of the persons and monasteries that have followed the procedures set forth by the OSB to become its members.

This should serve to clarify my previous response, which was as follows:

Upon information and belief, all monasteries of the Order of St. Benedict, i.e., those monasteries founded in accordance with the Order's applicable rules and procedures, are listed in two annual publications: *The Official Catholic Directory* and *The Catalogus of the Benedictine Federation*.

Interrogatory 6. Is St. Vincent's Archabbey in Latrobe, PA a legitimate Benedictine monastery at present, and was it a legitimate Benedictine monastery in 2005, at the time you entered Most Holy Family Monastery?

Response: Upon information and belief, St. Vincent Archabbey in Latrobe, Pennsylvania, is listed in the aforementioned works as a monastery of the Order of St. Benedict.

Interrogatory 7. Identify the experiences, research, and conversations, as alleged in paragraph 27 of the amended complaint, which led you to set aside your pursuit of priestly training.

Response: Plaintiff objects to this interrogatory as the information sought is neither relevant to the subject matter of this action, nor reasonably calculated to lead to the discovery of admissible evidence.

Supplemental Response: I had a conversation with Gerry Matatics in late January 2005. We discussed matters of religious doctrine and practice, and he recommended that I read the website of Most Holy Family Monastery. He commended the MHFM articles in support of "sedevacantism," the opinion that the papacy is legally vacant because its purported occupant (John Paul II at the time) is a notorious heretic. I had heard of sedevacantism before, but I had not met anyone who believed in it, and I had read little if anything explaining or defending it. Before this conversation with Mr. Matatics, I had thought to pursue priestly training in the Society of St. Pius X (SSPX), a group that was strongly opposed to sedevacantism. My introduction to what is loosely called "traditional Catholicism" happened at St. Athanasius

chapel in Vienna, VA in 2004, a chapel with friendly relations with the SSPX, so that led me to think of the SSPX as the right place for priestly training.

In February 2005, I attended Mass at Old St. Mary's church in Goldsboro, NC. It was offered by Fr. Dreher, whom I believe was in charge at that time of the humanities year at the SSPX seminary in Winona, MN – the only SSPX seminary in the United States. I was not impressed by Fr. Dreher and had serious reservations about apprenticing myself to him.

In February 2005, following the advice of Mr. Matatics, I began to read the website of MHFM, including articles in defense of sedevacantism. In the following months I continued to study a large amount of material on matters of religious doctrine, from various sources including MHFM, the SSPX, traditio.com, Christopher Ferrara, Thomas Woods, John Vennari, Fr. Nicholas Gruner, Catholic Family News, The Remnant newspaper, Michael Davies, Gerry Matatics, Mario Derksen, Bp. Donald Sanborn, Bp. Daniel Dolan, Jim Condit, and probably others. I also had conversations with friends and acquaintances about sedevacantism and/or other religious matters that I was studying. Some such people are Frederick Dimond, Robert Dimond, Dr. David White, Gerry Matatics, Jim de Piante, Gregory Gresko, Jason Barone, Amy Sweitzer, Gyula Mago, and Sanjay Rajagopal.

By March 2005 I had come to accept the sedevacantist position, which made me set aside the idea of pursuing priestly training in the SSPX.

I do not recall precisely why I set aside my pursuit of priestly training in general. I never communicated with a sedevacantist seminary, and I never seriously considered the idea of

studying for the priesthood outside of an organized seminary. Sometime in the spring of 2005 I decided that MHFM was doing excellent work, and I began to think of becoming a Benedictine monk there, which meant setting aside the idea of entering a seminary.

Interrogatory 8. State the factual and legal bases for the allegations in paragraph 47 of the amended complaint that Frederick Dimond “was not a member of the Order of St. Benedict and that MHFM was neither founded nor operated in accordance with the requirements of the Order of St. Benedict.”

Response: The basis for this statement is that MHFM was not founded in accordance with the requirements of the Order of St. Benedict, in that Joseph Natale, the founder of MHFM, was not a Benedictine monk and did not have permission from St. Vincent Archabbey to found a new Benedictine monastery.

The requirements of the Order of St. Benedict are found in the rules and regulations observed in that part of the Order of St. Benedict from which MHFM claimed to derive its Benedictine lineage, namely, the American-Cassinense Congregation within the Roman Catholic Benedictine Federation, to which St. Vincent Archabbey belonged at the time of MHFM’s alleged founding. To the best of my knowledge, these are the Rule of St. Benedict, the *Constitutions or Declarations to the Rule* of the American-Cassinense Congregation, and the Code of Canon Law of the Catholic Church.

I believe that the pertinent rules and regulations do not allow an unaffiliated person or organization to gain membership in the Order of St. Benedict by merely declaring it, without

following the customary procedures and being associated with existing members of the Order. This was my understanding at the time I entered MHFM, and I have always believed it since that time.

Natale was not a member of the Benedictine Order, nor was MHFM a Benedictine monastery, so Frederick Dimond was unable to become a Benedictine monk by entering MHFM or by professing vows to Joseph Natale.

Interrogatory 9. Identify the “false representations made by defendants” as alleged in paragraph 57 of the amended complaint, and state the factual and legal bases for your belief that those representations were false.

Response:

1. MHFM was a Benedictine monastery.
2. Frederick Dimond was a member of the Order of St. Benedict.
3. Upon entering MHFM, and while a postulant and novice there, the Benedictine regulations required that my assets be held by MHFM.

Factual basis of the falsehood of this claim is that the applicable regulations do not require this. In fact, the Code of Canon Law prescribes that a person entering a religious institute retains proprietary rights to his property until he professes solemn vows, and explicitly defends him against having to give his assets to his monastery upon professing the vow of poverty. Here are the applicable canons (from English translation by Dr. Edward Peters):

Canon 568

In the course of the novitiate, if a novice renounces his benefices or goods in any manner or encumbers [them], the renunciation or obligation is not only illicit, but by the law it is invalid.

Canon 569

1. Before profession of simple vows, whether temporary or perpetual, a novice must for the whole time in which he is bound by simple vows cede the administration of his goods to whomever he wishes, and, unless the constitutions provide otherwise, he freely disposes of their use and fruit.
2. If this cession or disposition was omitted because of a lack of goods and later [the novice] comes into property, or if it was done and [the novice] later obtained goods by another title, [the cession or disposition] shall be repeated according to the norm established in (1) notwithstanding having given simple profession.
3. A novice in a religious Congregation before profession of temporary vows shall freely produce a will concerning present goods and those perhaps to be acquired.

Canon 570

1. Nothing for the expenses of postulancy or novitiate can be required except for food and the religious habit that in the constitutions or in express contract has been indicated will be owed upon entering postulancy or the novitiate.
2. Whatever the aspirant brought and has not consumed by use shall be restored to him if he leaves the religious [institute] without having given profession.

Canon 580

1. Anyone professed by simple vows, whether perpetual or temporary, unless otherwise provided in the constitutions, maintains proprietary rights over his goods and the capacity of acquiring other goods, except for those that are prescribed in Canon 569.

2. Whatever he acquires by effort or by reason of the religious [institute], he acquires for the religious [institute].

3. A professed can change the cession or disposition [of goods] mentioned in Canon 569 (2), but not by his own judgment, unless the constitutions allow it, but with the permission of the supreme Moderator or, if it concerns nuns, with the permission of the local Ordinary and, if a monastery is subject to regulars, [of] the regular Superior, providing the change of at least a notable part of the goods is not done in favor of the religious [institute]; and upon leaving the religious [institute], a cession or disposition of this sort has no force.

Canon 581

1. One professed by simple vows cannot validly before, but within sixty days before solemn profession must, renounce all goods that he actually has, in favor of whomever he wants, subject to the condition of profession [actually] following, with due regard for any particular indulgences granted by the Holy See.

2. Upon profession, everything that is necessary for the renunciation to have effect in civil law must be done immediately.

I believe the regulations of the American-Cassinense Congregation also do not require a monastery to hold the assets of a postulant or novice, and do not require him to give to his monastery when he divests himself of assets for his vow of poverty. I don't have a copy of the Constitutions and Declarations in force when MHFM claims to have been founded, but this description is true of the 1989 Constitutions and Directory of the American-Cassinense Congregation of Benedictine Monasteries:

CHAPTER III - THE GROWTH AND FORMATION OF THE MONASTIC COMMUNITY

Article 1 - THE NOVITIATE AND THE FORMATION OF NOVICES

C 36. Each independent monastery may have its own novitiate, which shall observe the established norms of universal law and the proper law of the Congregation. The abbot of the founding monastery, with the consent of the monastic chapter, may establish a novitiate in a dependent priory.

D 36.1. If a monastery of the Congregation chooses to have a period of formation prior to the novitiate, the norms established in the proper law of the Congregation are to be observed.

D 36.2. 1. When a suitable candidate seeks admission to the monastery, the abbot, after consulting the council of seniors or other appropriate body, may admit him to the postulancy. The length of the postulancy and its circumstances are to be decided by the abbot.

D 36.2. 2. The purpose of the postulancy is to ensure that the candidate has reached a degree of human and spiritual maturity that will enable him to enter the novitiate profitably.

D 36.2. 3. The postulant is to be under the care of the master of novices or another capitular of the monastery deputed by the abbot.

D 36.2. 4. According to the custom of the local monastery, a postulant wears either ordinary secular clothes or distinctive garb, which must be different from that of the monks.

D 36.2. 5. Before beginning postulancy, the candidate may be asked to sign an agreement not to demand pay for any work done. This agreement is to be drawn up in such a way as to conform to civil law (see Appendix 2).

D 36.2. 6. The postulant is free to leave the postulancy at any time and may be asked to do so.

C 37. The abbot of a monastery in which, for serious reason, novices cannot be properly formed may, with the consent of the chapter, send a novice to the novitiate of any monastery of the Congregation.

C 38.1. The abbot, with the consent of the monastic chapter, may admit a suitable candidate to the novitiate.

C 38.2. No candidate shall be admitted to the novitiate who does not possess the requisites for valid and licit admission as determined in universal law (CIC 643).

D 38.1. The prescriptions of CIC 644 and 645 are to be observed. No additional impediments to or conditions for admission have been established in the proper law of the Congregation.

D 38.2. The candidate is to be received according to the Rite for the Reception of Novices approved by the Congregation.

D 38.3. The custom of the local monastery determines the appropriate garb for novices, which is to be different from that of the professed.

D 38.4. Before beginning the novitiate, the candidate is to sign an agreement not to demand pay for any work done. This agreement is to be drawn up in such a way that it is binding in civil law (see Appendix 2).

C 39.1. After consulting with the council of seniors, the abbot appoints a solemnly professed monk of the monastery as master of novices.

C 39.2. The master of novices is to have full responsibility for the administration of the novitiate and the program of formation, always under the abbot's direction.

D 39.1. Since it is the responsibility of the master of novices to provide for the monastic formation of the novices and to assist them in the discernment of their vocation, he must be free enough from other responsibilities to serve in this position.

D 39.2. No one except the abbot and master of novices and those specifically designated by them may impose tasks on the novices (cf. also C 56).

C 40. During the novitiate the novices are to be assisted in developing human and Christian virtues. They are to receive a thorough formation in the elements of the monastic life, instruction on the history of monastic life, on the Rule of Saint Benedict and the proper law of the Congregation, on the obligations of monastic profession, and the traditions and works of their own monastery. Also, they are to be

introduced to the common life as lived in their own monastery. Their entire formation is to be animated by the Scriptures and the liturgical life of the Church.

D 40. Approximately six months after the beginning of the novitiate the master of novices is to present a report on each of the novices to the chapter.

C 41. A novice may freely leave the monastery at any time; he may also be dismissed by the abbot.

C 42. The novitiate is to last twelve months. Absence from the monastery that lasts more than three months, continuous or interrupted, renders the novitiate invalid. An absence of more than fifteen days must be made up. The abbot may allow first profession to be anticipated, but not by more than fifteen days.

C 43.1. Prior to the end of the novitiate the master of novices is to present a report to the chapter on each of the novices.

C 43.2. The abbot, with the consent of the monastic chapter, may admit a novice who has completed the novitiate to first profession. If a novice is judged suitable by the monastic chapter and by the abbot, he is to be admitted to first profession in accordance with the proper law of the Congregation.

C 43.3. If a doubt exists concerning the novice's suitability for profession, the period of probation may be prolonged by the abbot, after consultation with the council of seniors, but not for longer than six months. Otherwise the novice is to be dismissed.

Article 2 - MONASTIC PROFESSION

C 44. In the monasteries of the Congregation profession is made according to this formula:

In the Name of our Lord Jesus Christ. Amen.

I, Brother N., of (city, state), Diocese of N.,
promise with vows valid for ____ year(s),
before God and his saints,
in the presence of our Father in Christ, Abbot N.,
and the monks of this monastery,
stability in this community,

conversion through a monastic way of life,
and obedience according to the Rule
of our Holy Father Benedict
and the law proper to our Congregation.

In witness whereof I have prepared this document
and signed it here at N. (abbey/priory)
in the year of our Lord _____,
on the _____ day of _____ (month), the feast of _____.

D 44. Profession is made according to the Rite of Profession approved
by the Congregation.

C 45. The entire period of temporary profession, to be determined by
the abbot after consulting the monastic chapter, is never to be less than
three years nor normally more than six years.

C 46. If the first profession is made for a period of less than three years,
when the time for which it was made has elapsed, the abbot, after
consultation with his council, may admit the candidate to a further period
of temporary profession, with due regard for the provisions of CIC 689.1.

C 47. When the entire period for temporary profession as determined
in accordance with C 45 has elapsed, the abbot, with the consent of the
chapter, may admit a suitable candidate to solemn profession; or, after
consulting the council of seniors and with due regard for C 48, he may
admit the candidate to a further period of temporary profession;
otherwise the candidate is to leave the monastery.

C 48. To extend the period of temporary profession beyond six years the
consent of the monastic chapter is required. The entire time that a monk
is bound by temporary vows must not in any case exceed nine years (CIC
657.2), with due regard for the provisions that are contained in the proper
law of the Congregation regarding transfer of temporarily professed
monks (cf. D 88.4.1-6).

C 49. Solemn profession may be anticipated for a just cause, but not by
more than three months.

C 50. For solemn profession the monk is to use the formula presented in
C 44, substituting “with solemn vows” for the clause “with vows valid
for _____ year(s).”

C 51. As a sign of their consecration, the monks of the monasteries of our Congregation wear a monastic habit.

D 51. The cuculla, given at solemn profession, is worn according to the customs of the house.

Article 3 - THE OBLIGATIONS OF MONASTIC PROFESSION

C 52. The Rule of Saint Benedict prescribes that “before the entire community and in the presence of God and his saints the novice is to promise stability, conversion through a monastic way of life, and obedience” (RB 58: 17 18). The three elements contained in this promise are not meant to exhaust the full range of the monk’s self offering. Rather, they are mutually related aspects of the one total commitment of the monk to prefer nothing to Christ by taking up the monastic way of life.

C 53. By his profession of stability the monk commits himself to perseverance in the monastic community of his profession until death (cf. RB 4:78; Prol 50). This commitment binds the monk not only to the community of a particular locality but especially to the monastic way of life of that community. By strengthening the monk’s resolve to remain in loving service of his Lord and his brothers within the concrete circumstances of his own monastic family, such stability fosters his abiding in the love of Christ (cf. Jn 15:10,12).

C 54. By his profession of conversion through a monastic way of life (*conversatio morum*), the monk commits himself to the persevering exercise of monastic discipline and self denial that school him for growth towards the fullness of love (cf. RB Prol 45 49; 7:67). The ascetical labor of sharing in Christ’s passion by dying to sin and by leaving unchosen many things of great value for the sake of the Kingdom leads to the life and freedom of the resurrection (cf. RB Prol 50). This paschal character of the monastic way of life shines forth in the monk’s following of Christ in his poverty and celibate love.

C 54.1. The poverty that the monk embraces in the monastic way of life has its source in Christ’s total dispossession of himself for love of his Father and the world and finds its model in the first Christian community, “where all things were held in common” (cf. Phil 2:6 8; Acts 4:32; RB 33). Benedictine poverty directs the monk towards a spiritual dependence on Christ as represented by the abbot, towards a radical interdependence among the brothers by a mutual sharing of goods, and towards a reverent

and responsible use of material things so that in everything glory be given to God (cf., e.g., RB 31 34; 53:15; 57:8 9). **To this end, in accordance with the proper law of the Congregation, the monk renounces, by his temporary profession, the free use and administration of his property; by his solemn profession he renounces his property absolutely and loses the capacity to acquire and possess property (CIC 598.1; 600).**

D 54.1. 1. Before his temporary profession a novice is to sign a document, valid in civil law, ceding the administration of his temporal goods to whomever he chooses and making disposition for their use and their revenues (CIC 668.1; see Appendix 3). He is likewise to make provision for the disposition of any income that may accrue to him by way of pension, subsidy, or insurance in any way whatever (cf. CIC 668.3).

D 54.1. 2. With the consent of the abbot, the person of the administrator and the terms of administration may be changed during the period of temporary profession.

D 54.2. 1. Before his solemn profession a monk is to sign a document, valid in civil law and effective on the date of his solemn profession, giving his property to whomever he chooses.

D 54.2. 2. He is also to sign a document of renunciation (see Appendix 4) and a last will and testament, both documents valid in civil law and contingent upon his solemn profession, determining that whatever he may acquire after solemn profession is acquired for and in the name of his monastic community. The current abbot and his successors in the office of abbot are to be named as the executor of the last will and testament (cf. CIC 668).

C 54.2. In foregoing marriage and family in order to enter into the life of his monastic community, the monk responds to the God who loved him first and calls him to prefer absolutely nothing to the love of Christ (RB 4:21). The monk's commitment to a celibate life of total continence (CIC 599) serves as a sign that a new age has dawned with Christ and as a means of transforming all his human powers of loving into a living sacrament of God's love.

C 55. By his profession of obedience the monk seeks to enter more fully into that mystery of loving obedience whereby Christ, fulfilling his Father's will, laid down his life for all and opened for the future the hope of the resurrection. Through his listening for and heeding of God's will as it is mediated to him both by his abbot and by the needs of his

brothers, the monk seeks to express the lordship of Christ over his entire life (cf. RB 5:12-13). It is in this spirit that the monk binds himself to obey his superiors, including the Supreme Pontiff (CIC 590.2), in accordance with the Rule of Saint Benedict and the proper law of the Congregation (CIC 598.1; 601).

Article 4 - THE FORMATION OF MONKS

C 56. All members of the community are to be conscious of their responsibility in the formation of their junior brothers, particularly by their prayer and example of fidelity. They are to cooperate with the master of novices and the master of junior monks and their programs of formation. Likewise, they are to respect the established nature and measure of contact with the novices and junior monks.

C 57.1. During the time of temporary profession, a monk is under the special care of the master of junior monks, who must be a capitular of the monastery, appointed by the abbot after consulting the council of seniors.

C 57.2. It is the primary responsibility of the master of junior monks, under the direction of the abbot, to ensure that an adequate program of formation is provided for the junior monks whereby their personal growth is stimulated and their theological development is fostered. Likewise, they are to be provided with the opportunity to deepen their awareness of and appreciation for the basic elements of the monastic life and the life of their own community. The master of junior monks is to take care that the activities of the junior monks are in accord with their program of formation.

D 57. Each year the master of junior monks is to present a report on each of the junior monks to the chapter.

C 58. Each monk has the personal responsibility of continuing his own spiritual, doctrinal, and practical formation throughout his entire life. The abbot is to take care that the resources and time are available for this pursuit.

C 59. Spiritual conferences are to be given to the community regularly by the abbot or, on occasion, by another whom he appoints to do so. In addition, occasional conferences on theological, monastic, scriptural, and liturgical subjects should be provided.

C 60. Each year a retreat is to be given at the monastery. The abbot is to ensure that all monks have the opportunity to make an annual retreat.

C 61.1. The same Lord who calls a person to the monastic life may also call a monk to the diaconate or the priesthood. Discernment of a vocation to Holy Orders takes place throughout the period of monastic and theological formation. After appropriate consultation, it is the abbot who presents a monk for ordination to the diaconate or priesthood.

C 61.2. Monks preparing for Holy Orders are to follow a course of studies approved by competent Church authority. Their theological and pastoral formation must be firmly rooted in their specifically monastic vocation.

4. The money would be returned to me, in an amount I specified, upon my departure.

The defendants refused to return any money to me on December 31, 2007, upon my departure from MHFM.

Interrogatory 10. State the factual and legal bases for the allegations in paragraph 60 of the amended complaint that “the relationship between the plaintiff and the Dimond defendants had taken on the attributes of a fiduciary, confidential, or ‘special’ relationship based on their superior knowledge of essential facts related to the plaintiff’s desire to become a Benedictine monk.”

Response: The Dimond defendants presented themselves and MHFM as members of the Order of St. Benedict, and offered me the opportunity of becoming a Benedictine monk under their tutelage. Thinking them to be what they claimed, I placed great confidence in the defendants' integrity, and I revealed to them private information about myself, including my financial status. I trusted the defendants to act in my best interest, and not to treat me as a simple

customer or take advantage of me as a source of money and labor. I expected them to train me and to make me a Benedictine monk, trusting them to know what work this involves and to be competent, willing, and authorized to perform it. I did not know what in particular was necessary, so I placed myself in a dependent and obedient position in relation to the defendants. This was obvious to them.

Interrogatory 11. State the factual and legal bases for the allegations in paragraph 62 of the amended complaint that defendants were without authority or power to confer upon you the status of Benedictine monk.

Response: The factual bases are that MHFM was not a Benedictine monastery, as explained in the answer to question #3, and that Frederick Dimond was not a member of the Order of St. Benedict, as explained in the answer to question #8.

The legal bases are the regulations observed by Benedictine monasteries of the kind MHFM claimed to be, as explained in the answer to question #8.

Interrogatory 12. State the factual and legal bases for the allegations in paragraph 64 of the amended complaint that “[t]he Dimond defendants knew that the plaintiff was acting on the basis of the mistaken belief that Frederick Dimond possessed the authority to confer upon plaintiff the status of Benedictine monk.”

Response: Frederick Dimond presented himself as the Superior of MHFM, which the defendants said was a Benedictine monastery founded by Joseph Natale, a monk of St. Vincent

Archabbey, with permission of its Archabbot Dennis Strittmatter. The defendants claimed that Frederick Dimond had been elected superior of MHFM after Mr. Natale's death, implying that Benedictine rules and regulations are observed at MHFM, and that Frederick Dimond received certain powers attached to the office of Superior of a Benedictine monastery.

The defendants represented to me that as Superior, Frederick Dimond had authority to create new members of the Order of St. Benedict by admitting them to MHFM and receiving their profession of religious vows, in accord with Benedictine procedure. This was conveyed by the defendants in various ways:

1. Robert Dimond set an example by his manner of becoming a Benedictine monk: he entered MHFM, vows professed to Frederick Dimond, and practiced obedience to Frederick Dimond.
2. Only Frederick Dimond dealt with me regarding the arrangements for my becoming a postulant at MHFM, and regarding my religious vows.
3. The text of my religious vows, which was provided by Frederick Dimond, refers to him as "the Right Reverend Lord and Father in Christ, Bro. Michael Dimond, Superior of this monastery," and understands him to be a competent authority to receive my profession of vows in the Order of St. Benedict, including the vow of obedience to him.

My compliance with the procedures that Frederick Dimond prescribed in order to become a Benedictine monk demonstrated to the defendants my belief that Frederick Dimond had the authority to make me a Benedictine monk.

Also, the defendants knew that I believed their claims about Joseph Natale and the history of MHFM, because I repeated these claims on the telephone. When callers asked about the founding of MHFM, apparently in order to verify its legitimacy, I told them the story about Joseph Natale becoming a monk at St. Vincent Archabbey and founding MHFM with its permission.

Once, a caller to MHFM asked me about the history of the monastery, and after I told what I had learned from the defendants, she asked for the exact year of MHFM's founding. I had never been told this by the Dimonds, and as it happened that Frederick was nearby (we were in the basement work area), I placed the caller on hold and asked him for the exact year. I believe he replied that it was 1967, although I'm not sure of that.

Interrogatory 13. State the factual and legal bases for the allegations in paragraph 65 of the amended complaint that “[t]he Dimond defendants were under a duty to disclose to the plaintiff that they were without the authority and power to confer upon the plaintiff the status of Benedictine monk.”

Response: I came to live at MHFM, transferred money and assets to it, practiced obedience to Frederick Dimond, all with the understanding that these were steps in becoming a Benedictine monk. The defendants knew that my reason for these actions was that I understood them to be steps to become a Benedictine monk through MHFM. The particular and extraordinary nature of my actions demonstrates my intention to become a monk at MHFM, especially my practice of complete personal obedience to Frederick Dimond, which no adult

undertakes as a matter of friendship, agreement, support, or even employment. This practice makes perfectly clear my intention of becoming a monk.

The defendants had a duty to inform me that their Benedictine claims were false, and not to accept my assets and obedience given in reliance on their false claims.

Interrogatory 14. State the factual and legal bases for the allegation in paragraph 72 of the amended complaint that “[d]efendants Frederick Dimond and Robert Dimond thereafter failed and refused to instruct the plaintiff in the path to becoming a Benedictine monk.”

Response: Soon after I took up residence at MHFM, I asked Frederick Dimond what rules I should follow. I expected a detailed description of my monastic duties. Mr. Dimond replied that he would tell me what to do and what not to do as we went along.

I supposed that formal instruction would begin when I became a novice, but this did not happen. In particular:

1. The defendants never taught me the Rule of St. Benedict.
2. The defendants never taught me or showed me any Constitutions, Declarations, or Statutes of any Benedictine Congregation.
3. The defendants never taught me or instructed me to read the Code of Canon Law, especially its provisions on consecrated religious.
4. The defendants never taught me or showed me any of MHFM's governing documents in civil law.
5. The defendants never gave me any formal religious instruction.
6. The defendants never trained me in praying the Divine Office.

7. The defendants did not instruct me to make spiritual retreats before entering the novitiate and before professing vows.
8. The defendants never conducted me through a novitiate. My life at MHFM was essentially the same as a “novice” as it had been as a “postulant.”

Interrogatory 15. State the factual and legal bases for the allegations alleged in paragraphs 99 and 102 of the amended complaint that the “deceptive acts of the Dimond defendants” and the “false advertising committed by the Dimond defendants” affected the public at large.

Response: The defendants have contacted large numbers of people under the pretense of being Benedictine monks and a Benedictine monastery, offering materials for sale as well as spiritual and personal advice. The defendants’ claim as to their religious status is essential to their public credibility, because it implies that they are well-educated, live a regular life of prayer and work, and practice extraordinary personal virtue including the evangelical counsels of poverty, chastity, and obedience. It also implies that their establishment draws its members from various different natural families, and that its community life is governed by Benedictine rules and regulations.

In fact, as is mentioned in the answers to other questions, the defendants make a false claim to be a Benedictine monastery in attempting to draw their Benedictine lineage from St. Vincent Archabbey through Joseph Natale. Joseph Natale did not become a Benedictine monk at St. Vincent Archabbey, and he did not have its permission to found a new monastery.

Also, for most of its years in New York, MHFM has consisted of only two individuals, Frederick and Robert Dimond, who are biological brothers. Upon information and belief, their highest levels of formal education are less than four years of college, and they have never received formal religious or monastic training. Their daily lives are largely independent, and their schedules are very irregular.

These are some of MHFM's means of contacting the public at large:

- Upon information and belief, MHFM has distributed around 100,000 copies of its magazine referred to as Issue 1.
- Frederick Dimond has been a guest on the radio program Coast to Coast AM on three occasions: July 10, 2006, May 5, 2007, and May 25, 2009. This syndicated program has over 500 radio affiliates. According to Wired magazine on Feb. 15, 2006, the show has an estimated 4.5 million nightly listeners.
- Frederick Dimond, sometimes with Robert Dimond, has been a guest on some less-popular radio shows, hosted by Frank Whalen, Mark Dankof, and others.
- Frederick Dimond appeared on a History Channel program in Fall 2009.
- MHFM has operated a website since March 28, 2002, and based on my recollection of internet traffic reports while I lived at MHFM, I believe the website has had hundreds of thousands of visitors over the years.
- MHFM sent a direct mailing to approximately 90,000 people in spring 2007.
- MHFM has attracted a large number of visitors to its website, probably over 100,000, with online advertising through Google ads.

- MHFM has advertised on the Alex Jones radio show.

In consequence of the defendants' presentation of themselves as Benedictine monks and a Benedictine monastery, they have sold a large volume of material, mostly DVDs, videos, and books. They have also received a large amount of donated money. I do not know the total monetary values, but I would guess based on my first-hand knowledge of MHFM operations in 2005 to 2007, and based on second-hand reports, that MHFM after leaving New Jersey has done at least \$50,000.00 worth of sales and has received at least \$200,000.00 in donations, not including the money I transferred to MHFM as a postulant and a novice. These are conservative estimates.

Interrogatory 16. State the factual and legal bases for your second affirmative defense that "statements attributed to the plaintiff in the defendants' counterclaims and which are alleged to have been false, if made, were true."

Response: The defendants received money from me under false pretenses. They falsely claimed to be a Benedictine monastery, and said it was a necessary Benedictine procedure for the money to be held by the monastery, to be returned to me in the event of my departure. When I did depart, I requested that money be returned to me, and the defendants refused my request. Because the defendants gained and kept possession of my money by fraud and dishonesty, it is reasonable to say they "stole the money."

Interrogatory 17. State the factual and legal bases for your third affirmative defense that “[t]his Court lacks subject matter jurisdiction over one or more of the defendants’ counterclaims.”

Response: The representations of which the defendants complain in their Second Counterclaim were not made “in commerce” and did not constitute “commercial advertising or promotion.”

Interrogatory 18. Set forth an itemized statement of damages which you will seek to recover from the defendants upon trial of this action.

Response:	Total transfers to MHFM	\$ 1,606,789
	Interest to December 31, 2009	<u>289,222</u>
	Basic damages	1,896,011
	RICO multiplier	<u> x 3</u>
	RICO damages	5,688,033
	Attorney’s Fees (approx.)	<u>100,000</u>
	Total Liability	\$ 5,788,033

Interrogatory 19. State the factual and legal bases for your denial of the allegation contained in paragraph 115 of the defendants’ counterclaims that “[a]t no time did defendants hide any information from plaintiff regarding their community’s status.”

Response: Two witnesses who knew Joseph Natale personally, John Maffei and Rev. Leonard Giardina, have told me that Natale did not claim to have become a monk at St. Vincent Archabbey, nor to have received its permission to found a monastery, and that this was common knowledge among those who had dealings with MHFM in New Jersey under Natale’s headship. If this is true, it appears that Frederick Dimond must have knowingly and willfully invented the false claims of MHFM having been founded within the Order of St. Benedict as described above.

Interrogatory 20. State the factual and legal bases for your denial of the allegation contained in paragraph 121 of defendants' counterclaims that "[a]ny donation the plaintiff made to MHFM was made unconditionally."

Response: Certain moneys transferred by me to MHFM were not unconditional donations, but were to be held by the monastery as a matter of Benedictine procedure, and were to be returned to me upon my departure from MHFM.

In spring 2006, Frederick Dimond directed me to specify in writing the amount of my transfer to MHFM made in November 2005 that would be owed to me upon my departure from MHFM. He had previously said I should do that upon entering MHFM and making the transfer, but it was not done at that time. I believe I chose \$750,000.00, and I am quite certain that I put this in writing. I believe the paper stating this amount was located in a desk drawer in Frederick Dimond's room when I departed MHFM on December 31, 2007.

Interrogatory 21. State the manner in which you believe that defendants defrauded UPS.

Response: When Frederick Dimond first taught me how to fill orders for MHFM books and other materials, he instructed me to round down the exact weight of packages to be shipped by UPS, and to enter this rounded number on the UPS Worldship computer program. He told me to round up the exact weights of packages to be sent by USPS. This was around June 2005.

Later, when Michael Lipscomb and I were both present in the room where orders were filled, Frederick Dimond instructed us to round down the UPS weights, and asked me whether I had been doing this. He emphasized that we were to round down the UPS weights; he did not

just mention it in passing. This must have been in October 2006 or later, because Mr. Lipscomb entered MHFM in that month.

In fact, UPS requires its shippers to round up the weight for pricing purposes. I did not know this for a fact while I lived at MHFM, but I suspected it, and I tried to find it written on the UPS website. Some time after leaving MHFM, I called UPS and told them that MHFM was rounding down the weights, and their representative thanked me for reporting this.

I do not know the state of the defendants' knowledge in regard to UPS policies. I believe I asked Frederick Dimond once, while I lived at MHFM, if he was sure that UPS weights should be rounded down. I reported MHFM's procedure to UPS because I believed that, having been involved in MHFM's shipping operation, it was my duty in conscience to do so.

Interrogatory 22. Define the term "Benedictine monk" as it is used in your amended complaint.

Response: "Benedictine monk" is to be taken as this term is used and understood in the Order of St. Benedict to which MHFM claimed to belong in its communications with Eric Hoyle, and to which it has claimed to belong by statements at the MHFM website since 2002 or before. This is the Roman Catholic Order of St. Benedict, specifically the American-Cassinense Congregation of the Benedictine Federation.

I believe this term "Benedictine monk" in its full and proper sense applies to a person who has entered a legitimate Benedictine monastery, completed a postulancy and a novitiate, and professed religious vows, all in accordance with the Rule of St. Benedict, the regulations of the

Congregation (in this case, the American-Cassinese Congregation), and the Roman Catholic Code of Canon Law. Once a man fulfills these requirements, he remains a Benedictine monk until he removes himself or is lawfully removed from that state.

It is possible that the term “Benedictine monk” is sometimes used to describe a novice in a Benedictine monastery. My understanding is that this would be a loose usage, because a novice is preparing to become a Benedictine monk, and is free to leave the monastery at any time.

The term “Benedictine monk,” as used in the amended complaint, is synonymous with “member of the Order of St. Benedict.”

Interrogatory 23. Identify the people to whom you stated that defendants teach heresy and/or that MHFM is not a legitimate monastery of the traditional Catholic faith.

Response:

Patrick Michael Lipscomb

Joseph George Myers

John Pontrello

Bridget Burrows

Richard Ibranyi

William Norris

Daniel A. Capodilupo

Stu Ingraham

John Maffei

Christy Awana

Howard and Joan Williams

Francis and Kelle Pagnanelli

Nathanial Pizzo

Gary Craft

Keith McKay

Robert Mann

Sam de Stefano

Rev. Pasley, Mater Ecclesiae, 261 Cross Keys Rd., Berlin, NJ

Rosemary Andreotti

Mary Scott

Dave Burrow, DPS Video, Buffalo, NY

Stephen Hand

Maria Chouinard

Steve Margala

Gerald C. Matatics

John Vennari

anonymous woman, Maine, USA

Gary Muehlbauer

Ethan Muehlbauer

Matt Laski

John Jones, Denver, CO

Robert and Jen Hansen

Ken Bird

Gloria Howard

Wayne Lang

Najla Zager

Michael Creighton

Steve Weigand

Dennis Pacelli, mrschiro@yahoo.com

Judy Deffenbaugh

Rev. Leonard Giardina

Baron Zweber

Jean Vail

Raymond L. Sciarrino, Mt. Morris, NY

Ron and Cindy Reinert

Salvatore Montesano

Archabbot Douglas Nowicki

Jan Shipp

anonymous, vitw@charter.net

Dr. Hill, New Zealand

Al Kosten

Philip White

George Nordmann

Jim de Piante

Rev. William Stetson

Peter de Niese

Joseph Godlewski

Robert Sissons

Robbie Compton

anonymous, perhaps Tom Brophy, calltoconversion@gmail.com

Aaron and Khristen Duffy

Jamie Pagnanelli

Henrik V. Granli

Don and Katie Kaylor

Denny Pettee

anonymous, fatima_e_news@lastmilenet.ca

Ivy Spera

anonymous, ppratt@waterburyvt.com

Steve Beard, Annapolis, MD, sbeard@stmarysannapolis.org

Jim Condit, Jr., jconditjr@fuse.net

Mike Cotter, mike_cotter@hotmail.com

anonymous, dr_gribb@yahoo.no

anonymous, elata117@yahoo.com

anonymous, edenhrac@yahoo.com

anonymous, emmy1162003@yahoo.com

Rev. Richard Rohrer, Cary, NC, donriccardo@nc.rr.com

Rev. William Stetson, wstetson@wyoave.net, wgs@wyoave.net

Ron Arcia, arciafam5@yahoo.com

Gyula Mago, NC

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Peter Hansen, shankshansen@hotmail.com

Rich Pizzo, rpizzo@c21hecht.com

J. Valkering, jjvalkering@quicknet.nl

Terry Hicks, Winston-Salem, NC

Jerry Salyer, jdsalyer59@yahoo.com

Rhonda Ortiz, rhondacolleen@yahoo.com

anonymous, ldo94818@bigpond.net.au

anonymous, mes4754@aol.com

Stephen Shone, New Zealand, stephenshone@clear.net.nz

anonymous, probably Serge Kirsanow, sk254802@ohio.edu

Dr. David White

anonymous, probably Josef Svitek, josifeks@seznam.cz

anonymous, colree@murray-ky.net

John Ogaz, cellphoneped@sbcglobal.net

Sanjay Rajagopal, srajagopal@montreat.edu

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Bryan Castellucci, Durham, NC, pianorules20@yahoo.com

Kathryn Chapman, kathryn_m_chapman@hotmail.com

Chris Reid, chrisr@morebv.com

Paul Ellwanger, origins@peoplepc.com

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anonymous, megan@bellsouth.net

anonymous, mamell@transvideo.net

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anonymous, inmanfeedmill@alltel.net

anonymous, b.w@prodigy.net

anonymous, lfoncjo@hotmail.com

anonymous, vili@wrestlingalert.com

Kathryn Holloway, Richmond, VA, openmystry@hotmail.com

Eric N. and Grace Hoyle, Winston-Salem, NC

Elizabeth Hoyle, Winston-Salem, NC

John Hoyle, Durham, NC

Angelus Press, Kansas City, MO

Lindsey Carroll, Angelus Press, Kansas City, MO

Ivy Spera, New York, NY

anonymous, butchforce6@earthlink.net

Helen Roque

American Catholic Lawyers Association, Fairfield, NJ, www.acla-inc.org

Rev. Bernard Champagne, Connecticut

Livingston County Social Services, Mt. Morris, NY

William DeTucci

Michael Trawick, Winston-Salem, NC

**RESPONSE TO DEFENDANTS' SECOND SET
OF INTERROGATORIES TO PLAINTIFF**

Interrogatory 1. Identify the persons you contacted concerning the defendants after you left MHFM including but not limited to those persons to whom/which you stated that defendants teach heresy and/or that MHFM is not a legitimate monastery of the traditional Catholic faith and/or that defendants stole your money.

Response: Each of the individuals identified in response to interrogatory 23 of the Defendants' First Set of Interrogatories, plus New York State Trooper Larry A. LaRose.

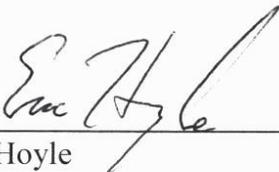
Dated: December 1, 2010

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

VERIFICATION

STATE OF NORTH CAROLINA)
) ss.:
COUNTY OF FORSYTH)

ERIC E. HOYLE, being duly sworn, states as follows: I am the plaintiff in the within action. I have read the foregoing Supplemental Response to Defendants' First and Second Sets of Interrogatories to Plaintiff and know the contents thereof; the same is true to my own knowledge, except as to the matters stated to be alleged upon information and belief, and as to those matters I believe them to be true.



Eric E. Hoyle

Sworn to before me this
3 day of December, 2010.



Notary Public

Severius Eli Bradley
Notary Public
Forsyth County, NC
My Commission Expires Mar. 7, 2011