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4	Page, Line	Description
5	116 11	Your entire journal, from the date you started keeping it through today
6	126 7	Your entire journal, from the time you started keeping it until your last entry. That includes wherever they are, spiral notebooks, whatever
7		
8		
9	138 8	Notes on loose pieces of paper as opposed to ones in a spiral binder
10		
11	141 8	Any pages during the intervening months that it appears to jump, from September, '07 to December 30th, '07
12		
13	162 10	Check your computer to see if you've had any correspondence to or from e-mail address embase-exchange@yahoo.com
14		
15	208 14	Fax that was put together jointly that went out to some sort of law enforcement
16	250 1	Information from the website from before you joined or while you were at the monastery, and in particular a copy of the info on Our Benedictine Community section that was in effect in the summer of '05 through the time that you left in December of '07
17		
18		
19		
20	250 11	Any copy of the info on Our Benedictine Community pages of the website that you reviewed prior to joining the monastery or you're aware of that you had at the time you were there
21		
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1 INDEX TO DOCUMENT REQUESTS
2
3

1 APPEARANCES:
2 CHAMBERLAIN D'AMANDA,
By K. WADE EATON, ESQ.,
3 1600 Crossroads Building,
Two State Street,
4 Rochester, New York 14614,

Appearing for the Plaintiff.

DUKE, HOLZMAN, PHOTIADIS & GRESENS, LLP,
By CHARLES C. RITTER, JR., ESQ.,
and ELIZABETH A. KRAENGEL, ESQ.,
1800 Main Place Tower,
Buffalo, New York 14202,
Appearing for the Defendants.

PRESENT: Brother Michael Dimond
Brother Peter Dimond

(The following stipulations were entered
into by both parties.)

It is hereby stipulated by and between counsel
for the respective parties that the oath of the
Referee is waived, that filing and certification
of the transcript are waived, and that all
objections, except as to the form of the
questions, are reserved until the time of trial.

(Whereupon, an Amended Complaint was then
received and marked as Exhibit 1,
an Answer and Counterclaims was then

a Supplemental Response to Defendants' First
and Second Sets of Interrogatories to Plaintiff
was then received and marked as Exhibit 5,
a Package of Redacted Copies of Handwritten
Notes was then received and marked as Exhibit 6,
a two-page E-mail Printout was then received
and marked as Exhibit 7,
a four-page Letter to William Pastille from
Eric Hoyle dated March 23, 2004 was then received
and marked as Exhibit 8,
a two-page E-mail Printout was then received
and marked as Exhibit 9,
a three-page Letter to Rev. Father John
Fullerton from Eric Hoyle dated May 11, 2004 was
then received and marked as Exhibit 10,
a one-page E-mail Printout was then received
and marked as Exhibit 11,
a six-page E-mail Printout was then received

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received and marked as Exhibit 2,
a Reply to Answer and Counterclaims was then
received and marked as Exhibit 3,
a RICO Case Statement was then received and
marked as Exhibit 4,

and marked as Exhibit 12,
a two-page E-mail Printout was then received
and marked as Exhibit 13,
and a sixteen-page E-mail Printout was then
received and marked as Exhibit 14, for
identification.)

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ERIC EFIRD HOYLE,
207 Lawndale Drive,
Winston-Salem, North Carolina, 27104,
after being duly called and sworn,
testified as follows:

EXAMINATION BY MR. RITTER:

Q. Good morning, Mr. Hoyle. My name is Charles Ritter. I'm the attorney for Most Holy Family Monastery and the other Defendants in this case. I'm going to ask you some questions today. Have you ever been deposed before?

A. No.

Q. Okay. Just explain a few things. The court reporter here is going to take down my questions

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and your answers and we're going to try to have a clear record. In order to have a clear record, we can't talk at the same time, which means when you're answering a question I will try not to ask another one on top of your answer. It also means that if you think you know an answer, let me finish the question before you start to answer it. Okay?

A. Yes.

Q. One of the other things is, since it's not videotaped, it's typed, I'll call it, you have to

give a verbal response. Sometimes instinctively an answer may be obvious and you'll say uh-huh or nod. You actually have to verbalize it, yes or know or explain yourself. Okay?

A. Yes, that's fine.

Q. And one last thing. Because we're taking this down, the objective here is to get responsive answers, correct and complete answers to the questions that I ask. And in that regard, if you answer my question, I'm going to assume you understood it. If at any point in time I ask you a question and you don't understand it or you

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need clarification, please point that out to me.

Okay?

A. Yes, I will.

Q. Okay. Could you tell me, the address that you gave the court reporter, is that where you've resided since 2008?

A. No.

Q. Okay. Could you tell me where you've resided since you left Most Holy Family Monastery on or about December 31st, 2007?

A. Beginning when I returned to Winston-Salem, there have been three addresses.

Q. Okay. Let me stop you there. When did you return to Winston-Salem?

A. In mid January.

Q. Is that after leaving the hotel you stayed at briefly?

18 A. Yes.

19 Q. Okay. Can you tell me the addresses in

20 Winston-Salem?

21 A. One was at Thales Road, but I don't remember the

22 street number.

23 Q. Anyone else reside there?

Sue Ann Simonin Court Reporting

11

1 A. No.

2 Q. Did somebody else own the property?

3 A. It was a rental apartment.

4 Q. How long did you reside there?

5 A. From January, 2008 until May, 2008.

6 Q. Did you reside there by yourself?

7 A. Yes.

8 Q. Were there any others that resided at the

9 premises while you were there?

10 A. No one except a guest.

11 Q. And who was the guest?

12 A. Mary Scott.

13 Q. And how long was she there?

14 A. I don't recall.

15 Q. Days, weeks, months, hours?

16 A. Roughly two weeks, perhaps a little less.

17 Q. And where does she usually reside that she was

18 visiting you from?

19 A. She came from New York State.

20 Q. Okay. Where did you reside after May of '08?

21 A. 111 South Spruce Street, apartment A.

22 Q. Is that also in Winston-Salem?

23 A. Yes.

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12

1 Q. Also a rental?

2 A. Yes.

3 Q. Were you the tenant?

4 A. Yes.

5 Q. Did you pay the bills for the rent?

6 A. I did.

7 Q. Did anyone else reside there?

8 A. No.

9 Q. Did you have any guests while you were living

10 there?

11 A. No.

12 Q. How long did you reside there?

13 A. Until May, 2010.

14 Q. So you lived there for two years?

15 A. Yes.

16 Q. You never had any house guests or visitors?

17 A. Well, I had people come in other than myself for

18 brief times, but never any -- never anyone

19 staying the night I don't believe.

20 Q. And where did you move to in May of 2010?

21 A. To my present address.

22 Q. Which is what, the one you gave the court

23 reporter?

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13

1 A. Yes.

2 Q. Do you live there alone?

3 A. Yes.

4 Q. Have you ever had any overnight guests at that
5 residence?

6 A. Not that I recall.

7 Q. Is it a property you own or you rent?

8 A. I own it.

9 Q. And when did you buy it?

10 A. May, 2010.

11 Q. Where did you get the money to buy it?

12 A. From a mortgage and from my own accounts and
some

13 from my parents.

14 Q. When you say your own accounts, are those

15 accounts in your name or in the name of a trust

16 or both?

17 A. What I was referring to was accounts in my own

18 name.

19 Q. At any point, at any time in your life, have you

20 ever seen or been treated by a psychiatrist or

21 psychologist?

22 A. Could you clarify what you mean by seen?

23 Q. Had an appointment with.

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1 A. Yes, I've had an appointment with a psychiatrist

2 or psychologist, I'm not sure which, but not in

3 regard to myself.

4 Q. What was it in regard to?

5 A. A family member.

6 Q. Your relationship with your mother?

7 A. Could you clarify the question?

8 Q. Was the reason for you visiting the psychologist,

9 was it due to issues concerning your relationship

10 with your mother?

11 A. I don't know if that is a precise

12 characterization of the reason.

13 Q. Okay. Then you help me out. You tell me why you

14 went. Why did you go see the psychologist?

15 A. The psychologist or psychiatrist was seeing my

16 mother and wanted to speak with me.

17 Q. About what?

18 A. About my mother.

19 Q. What about your mother?

20 MR. EATON: Let's go off the record.

21 (Discussion off the record.)

22 BY MR. RITTER:

23 Q. Mr. Hoyle, you identified that you had an

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15

1 appointment or a visit with a psychologist or

2 psychiatrist. Was that only on one occasion or

3 multiple occasions?

4 MR. EATON: You can answer.

5 THE WITNESS: Could you repeat the question, please?

6 BY MR. RITTER:

7 Q. You indicated that you were seen by or had an

8 appointment with a psychologist or psychiatrist.

9 We were talking about the subject matter having

10 something to do with your mother. And I asked

11 you how many times you had appointments or

12 meetings with that psychologist or psychiatrist.

13 A. One time.

14 Q. Only one time?

15 A. Exactly.

16 Q. And when was it?

17 A. I don't recall precisely. I perhaps could give

18 you a guess of what year it was.

19 Q. Was it before you -- was it before September,

20 2005?

21 A. Yes.

22 Q. Are you on any medication today?

23 A. No.

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16

1 Q. Have you ever been prescribed any sort of

2 medication during your life other than

3 antibiotics?

4 A. I don't recall.

5 Q. Have you been prescribed any medications within

6 the last two years?

7 A. Could I correct my answer?

8 Q. Sure.

9 A. I do recall. When I visited Honduras I was

10 prescribed some type of medication to protect

11 against some sort of tropical disease, but I

12 don't remember.

13 Q. Have you ever been prescribed any medications to

14 treat depression?

15 A. No.

16 Q. To treat schizophrenia?

17 A. No.

18 Q. To treat any other sort of mental health disorder

19 or issue?

20 A. No.

21 Q. Have you ever been prescribed sleeping pills?

22 A. No.

23 Q. Have you ever been prescribed narcotics?

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17

1 A. I'm not clear on exactly what that means.

2 Q. Painkillers.

3 A. Yes.

4 Q. And when were you prescribed painkillers?

5 A. After my hernia surgery in around the year 2001.

6 Q. Okay. In the last three years since December

7 31st, 2007, have you taken any of the type of

8 drugs I just identified, antidepressants, drugs

9 to treat schizophrenia, narcotics, painkillers of

10 any sort?

11 A. Aside from Tylenol and such things, no.

12 Q. Have you consumed any alcohol this morning?

13 A. No.

14 Q. Okay. I have in front of you the Complaint --

15 the Amended Complaint that you filed in this

16 case. Do you see that document?

17 A. Yes.

18 Q. Okay. You're familiar with that document, you

19 reviewed it before it was filed?

20 A. Yes.

21 Q. Take a look at paragraph twenty-three.

22 Twenty-two and twenty-three. This is under the

23 caption, the Order of Saint Benedict. Do you see

Sue Ann Simonin Court Reporting

1 that?

2 A. Yes.

3 Q. Okay. In part, in paragraph twenty-two, you
4 allege, members of the Order of Saint Benedict
5 are permitted to use the suffix OSB after their
6 names. Do you see that?

7 A. Yes.

8 Q. And just before that it says, the Benedictine
9 Confederation is the international governing body
10 of the order. Do you see that?

11 A. Yes.

12 Q. Next paragraph says, new Benedictine monks and
13 monasteries come into being by permission of and
14 in association with existing Benedictine monks
15 and monasteries. Do you see that?

16 A. Yes.

17 Q. And just so that we're clear on the record about
18 certain terms, if I use the phrase post Vatican
19 Two Catholic church, do you understand what that
20 means?

21 MR. EATON: Why don't you explain what it means so
22 that we all understand.

23 THE WITNESS: I would prefer that you clarify what

Sue Ann Simonin Court Reporting

1 you mean by that.

2 BY MR. RITTER:

3 Q. I'm going to ask you to explain some things for
4 me. There's this fellow over in Rome who uses
5 the term pope. Do you recognize him to be the

6 pope?

7 A. No.

8 Q. Why not?

9 A. I believe that he does not profess the Catholic
10 faith.

11 Q. All right. And he has a bunch of cardinals that
12 he works with, right?

13 BROTHER PETER DIMOND: Alleged.

14 BY MR. RITTER:

15 Q. People who call themselves cardinals, is that
16 correct, Eric?

17 A. I believe it is.

18 Q. Okay. And they are part of an organized
19 religion, are they not?

20 A. Yes.

21 Q. And what would you call that organized religion?

22 A. I call it the Vatican Two church.

23 Q. And do you profess to follow that religion?

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1 A. No.

2 Q. What religion do you profess to follow?

3 A. What I believe to be the Roman Catholic religion
4 as it has been practiced throughout the
5 centuries.

6 Q. How do you define the Roman Catholic religion?

7 A. It is the doctrines and practices that have been
8 prescribed and followed by the Catholic popes,
9 councils, doctors and saints since apostolic
10 times.

11 Q. What you refer to as the Vatican Two church, was
12 that at one point in time an organization that
13 adhered to or followed the Roman Catholic
14 religion?

15 A. Could you clarify that question?

16 Q. Well, you had referred to as the Vatican Two
17 church the people who call themselves pope and
18 cardinals in Rome and all those who fall under
19 their governance. Was there a point in time
20 where that body of governance, that religious
21 hierarchy, was or adhered to the Roman Catholic
22 religion as you just defined it?

23 A. I'm sorry. It's difficult for me to understand

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21

1 exactly what you asked in order to answer it
2 correctly.

3 Q. The Roman Catholic religion that you identified,
4 does it have any organizational hierarchy?

5 A. The Roman Catholic religion that I identified has
6 a hierarchy of offices such as pope and bishops,
7 which are part of its construction, but these
8 offices are not always filled.

9 Q. Are any of them filled at the present time?

10 A. I don't know.

11 Q. Can you identify anybody who you believe to be a
12 pope or bishop within the Roman Catholic religion
13 today?

14 A. No.

15 Q. Can you identify anyone who you believe to be a
16 pope or bishop within the Roman Catholic religion

17 as of December 31st, 2007?

18 A. No.

19 Q. Can you identify anyone that you believe to be a
20 pope or bishop of the Roman Catholic religion as
21 of September 1st, 2005?

22 A. No.

23 Q. Can you identify anyone that you believe to be a

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1 pope or bishop of the Roman Catholic religion as
2 of January 1st, 2005?

3 A. No.

4 Q. Was there a point in time when you yourself
5 professed to follow and practice the religion you
6 identified as the Vatican Two church?

7 A. Could you repeat the question again?

8 MR. RITTER: Go ahead if you can do it.

9 (Whereupon, the above-requested question was
10 then read back by the reporter.)

11 THE WITNESS: Could you clarify the question so that
12 I can answer it more precisely? If I were to say
13 yes or no, it would be unclear.

14 BY MR. RITTER:

15 Q. Was there ever -- the person in Rome who calls
16 himself the pope today, who is that?

17 A. Joseph Ratzinger.

18 Q. Okay. Did you ever, at any point in time,
19 believe or recognize him to be the pope?

20 A. As far as I recall, no.

21 Q. If I refer to an individual who used to call

22 himself Pope John Paul the Second, do you know
23 who that is?

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1 A. Yes.

2 Q. And he was publicly identified as a pope of the
3 Vatican Two church that you referred to, is that
4 right?

5 A. Yes.

6 Q. Did you ever believe or recognize Pope John Paul
7 the Second to be the pope?

8 A. Yes.

9 Q. And when was that?

10 A. Until sometime in roughly the spring of 2005.

11 Q. And referring back to the Complaint you have in
12 front of you, at paragraph twenty-two, the
13 capitalized term Benedictine Confederation, is
14 that an organization that exists under the
15 authority of what you identified as the Vatican
16 Two church?

17 A. Could you repeat the question?

18 Q. Your Complaint in paragraph twenty-two, you refer
19 to the Benedictine Confederation. Do you see
20 that?

21 A. Yes.

22 Q. Okay. And I'm asking you if that confederation
23 is a body that exists under or within the Vatican

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1 Two church.

2 A. To the best of my knowledge, the organization

3 with that name does exist under the Vatican Two
4 church.

5 Q. So it would not be an organization that adheres
6 to the Roman Catholic religion, then?

7 A. In regard to its official representatives that
8 are generally recognized nowadays, it is part of
9 the Vatican Two church.

10 Q. That wasn't the question I asked you. I asked
11 you whether they adhere to, follow or practice
12 the Roman Catholic religion, they being the
13 Benedictine Confederation and its members.

14 MR. EATON: Let me ask a question. Do you mean all
15 of its members?

16 MR. RITTER: It's his term. He says it's the
17 international governing body of the order.

18 MR. EATON: But your question says -- requests a
19 response with regard to the Benedictine Order or
20 its members. I'm asking whether you mean all of
21 its members.

22 MR. RITTER: I'm asking about -- let's break it up.
23 The confederation.

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1 THE WITNESS: Could you repeat the question?

2 MR. RITTER: Could you read it back, please?

3 (Whereupon, the above-requested question at
4 page 24, line 5, was then read back by the
5 reporter.)

6 BY MR. RITTER:

7 Q. I want to understand your testimony. The

8 Benedictine Confederation does not adhere to or
9 practice, in your view, the Roman Catholic
10 religion?

11 MR. EATON: Is that a question?

12 MR. RITTER: Yes.

13 THE WITNESS: I don't believe I have the specific
14 knowledge to answer that question --

15 BY MR. RITTER:

16 Q. Really?

17 A. -- precisely.

18 Q. You said they're part of the Vatican Two church,
19 though.

20 A. I believe that the officials who speak before the
21 world for the Benedictine Confederation are in
22 obedience to the authorities of the Vatican Two
23 church, but the status of their subjects or

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1 inferiors would not necessarily follow the same
2 religion.

3 Q. I want to take that apart. You said the public
4 what of the Benedictine Confederation? The
5 public speakers, the public heads, what did you
6 call it? The public officials?

7 A. The people who are generally recognized as the
8 authorities or officials of the Benedictine
9 Confederation.

10 Q. Okay. And you yourself, Eric Hoyle, would
11 consider those individuals to be heretics?

12 A. On the assumption that they adhere to the Vatican
13 Two religion, yes.

14 Q. Which they publicly profess to do?

15 A. Yes.

16 Q. And to the extent that they have people within
17 their organization that adhere to their teachings
18 and follow their leadership, those individual
19 members of the Benedictine Confederation would
20 also be heretics in your view?

21 A. I believe that question requires some inquiry
22 into the knowledge and intentions of the
23 individuals in the organization.

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1 Q. Would you agree with me that it's your view that
2 an individual who knowingly and openly accepts
3 and adheres to the Vatican Two church is a
4 heretic?

5 A. I believe that knowingly -- knowing adherence --
6 if you mean knowing as in knowing that the
7 Vatican Two religion is a substantial departure
8 from the Roman Catholic religion throughout the
9 centuries, then yes, people who are knowingly and
10 willfully following the new religion, yes, are
11 heretics.

12 Q. And when you say new religion, you mean the
13 Vatican Two church?

14 A. I do.

15 Q. And you put a lot of emphasis on knowing. Would
16 you agree with me that anyone who is a member of
17 the Benedictine Confederation or the Vatican Two
18 church is a non-Catholic?

19 A. I'm not willing to agree with such a bold
20 statement of the matter because I believe that
21 individual beliefs and intentions can affect the
22 judgment of who has become a heretic.

23 Q. I didn't ask you about heretics. I asked you
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1 about being Catholic.

2 A. Pardon me for not remembering your question.

3 Q. Okay. I asked you whether or not someone who is
4 a member of the Vatican Two church -- in your
5 view those individuals are non-Catholics, is that
6 correct?

7 A. As I was trying to say before, the matter can't
8 be stated in my opinion so bluntly as that.

9 Q. So you believe, then, it's your belief that
10 someone could be a member of the Vatican Two
11 church and be a Catholic?

12 MR. EATON: I think you need to define what member of
13 the Catholic church is. That might be the
14 difficulty here.

15 MR. RITTER: I'm having a lot of difficulty
16 understanding his answers. If he would like to
17 explain that, go for it.

18 BY MR. RITTER:

19 Q. How do you become a member of the Catholic
20 church?

21 A. My understanding is that to become a member of
22 the Catholic church requires a profession of
23 Catholic faith and a unity with the organization

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1 of the Catholic church.

2 Q. Okay. And if an individual attends mass
3 regularly at a church that associates with and
4 adheres to the Vatican Two church or religion
5 that you referred to, is such an individual
6 Catholic?

7 A. I believe that the judgment of that matter cannot
8 be made on the basis of the simple fact that they
9 attend a certain church.

10 Q. What if they attend a church and take communion
11 and have the sacraments at a Vatican Two church,
12 does that make them non-Catholic?

13 A. I believe it depends on their knowledge and
14 intentions and that it would be possible for such
15 a person to be Catholic.

16 Q. How?

17 A. If the person were intending to practice the
18 Catholic religion of tradition of -- that's been
19 the same through the centuries and had not
20 realized that the buildings of the -- of this
21 true Catholic religion had been, so to speak,
22 taken over from the top of the organization by
23 people who meant to institute a new religion in

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1 the once-Catholic buildings.

2 Q. In other words, if they were ignorant of the
3 truth that you just described?

4 A. Yes. The truth about how a new religion was

5 being put in place in the Catholic buildings.
6 Q. Okay. And if they did have that knowledge, then
7 those individuals who attended such services
8 would be heretics?

9 A. Yes, if they have the knowledge and intention to
10 make a departure from the traditional Catholic
11 religion and to accept the new Vatican Two
12 religion.

13 Q. I'm going to do a parallel track to that now. If
14 an individual is presented with information about
15 the Roman Catholic religion, the true Roman
16 Catholic religion you've identified, and they
17 choose not to practice it, does that make them a
18 heretic?

19 A. That's not enough information to judge the
20 matter, because a heretic is a person who accepts
21 some truths of the Catholic religion and rejects
22 others on his own choice.

23 Q. What do you call somebody who just is presented

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1 with information about the Roman Catholic
2 religion as you identified it and decides not to
3 adopt or follow it knowingly?

4 MR. EATON: Off the record.

5 (Discussion off the record.)

6 MR. EATON: Back on the record.

7 THE WITNESS: Such a person could be an infidel, that
8 is a person who never had the Catholic faith and
9 never professed any type of Christian belief, or
10 could be a heretic, in which case the person does

11 profess some sort of Christian belief but rejects
12 the Roman Catholic religion.

13 BY MR. RITTER:

14 Q. So an infidel is someone who doesn't recognize
15 any part of Jesus Christ being an important
16 religious figure, is that right? I'm trying to
17 understand in laymen's terms what you just
18 described.

19 A. That is the general idea.

20 Q. Whereas a heretic could be someone like a Mormon
21 or a Methodist or a Lutheran or even a Vatican
22 Two church participant who accepts certain parts
23 of the Bible and its teachings or certain

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1 versions of the Bible but not the entire Roman
2 Catholic religion as you identified it, is that
3 right?

4 A. Yes.

5 Q. Okay. So by that definition, your sister,
6 Elizabeth Hoyle, she's a heretic, is that right?

7 A. Yes.

8 Q. And by that definition, your mother is a heretic?

9 A. Yes.

10 Q. And by that definition, your father is a heretic?

11 A. Yes.

12 Q. Okay. Now, if you're a heretic, does that mean
13 you're possessed by Satan?

14 A. No, not as a necessary consequence.

15 Q. Does it mean you're full of Satan?

16 A. I don't believe so, although that is strange
17 terminology that is unclear.

18 Q. How does one become a child of Satan?

19 A. Could you be more specific?

20 Q. Well, sure. You have made a claim in this case
21 that money that you inherited was given to the
22 Most Holy Family Monastery and you want it back,
23 right, under a variety of theories, correct?

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1 A. Yes.

2 Q. And who did you inherit that money from?

3 It's not a trick question. It's one point
4 six million dollars. Do you remember where you
5 got it?

6 A. I don't recall the name of the trust it was in
7 when it came to me.

8 Q. Was it something your grandparents set up for
9 you? Was it a trust or some sort of inheritance
10 that your grandfather or grandmother set up for
11 you?

12 A. I believe some of it was from my grandfather and
13 some from my mother.

14 Q. Okay. And I was asking you questions about child
15 of Satan, and you said you didn't understand that
16 phrase, is that right?

17 A. I believe I said it was a vague or unclear
18 phrase.

19 Q. Okay. In April of 2005, do you recall that you
20 referred to your grandmother as a child of Satan?

21 A. No, I don't recall it.

22 Q. You don't recall that. Do you recall saying that
23 about your grandmother in October of 2005?

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1 A. I don't specifically recall saying it, although
2 you may have it in a document.

3 Q. Okay. And as you sit here today -- and I believe
4 I saw reference to this, I believe your
5 grandmother passed away. Is that right, some
6 years ago?

7 A. Yes.

8 Q. As you sit here today, do you believe she was a
9 child of Satan?

10 A. In the sense that she was not a member of the
11 Roman Catholic church and using the analogy or
12 the figure that there are two kingdoms in the
13 world, the kingdom of Christ and the kingdom of
14 Satan, yes.

15 Q. And how is someone fortunate enough to be a
16 member of the kingdom of Christ?

17 A. By having supernatural faith, hope and charity.

18 Q. Do they have to follow the Roman Catholic
19 religion?

20 A. Yes.

21 Q. So following the logic, then, if one does not
22 follow the Roman Catholic religion, then they're
23 a member of the kingdom of Satan?

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1 A. Yes.

2 Q. So that would include your grandmother, your
3 mother, your father and your sister, is that
4 right, as being members of the kingdom of Satan?

5 A. Based on the last information I have received
6 about the matter, yes.

7 Q. Don't you have a younger brother too?

8 A. Yes.

9 Q. What's his name?

10 A. John.

11 Q. And how old is John?

12 A. Twenty-one.

13 Q. Is John a member of the kingdom of Satan?

14 A. In the sense you're using it here, yes.

15 Q. I'm using your phrase as you explained it, Eric,

16 okay? I want to be real clear on that. I want
17 to know what you believe, because that's part of
18 what this case is about; money you gave, things
19 you believed.

20 So is any member of your family that's alive

21 today not a member of the kingdom of Satan?

22 A. Not that I'm aware of.

23 Q. How many people do you know that are not members

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1 of the kingdom of Satan?

2 A. I don't know.

3 Q. Can you name any people other than -- are you a
4 member of the kingdom of Satan or the kingdom of
5 Christ?

6 A. I can't say that with certainty because

7 supernatural faith, hope and charity are not

8 known for certain, but I hope I am.

9 Q. You're trying to adhere to the principles and the
10 religious beliefs that would allow you to become
11 a member of the kingdom of Christ, is that a fair
12 statement?

13 A. Yes, to be one.

14 Q. Do you know anyone else who adheres to the same
15 principles and beliefs as you that are necessary
16 to hopefully become a member of the kingdom of
17 Christ?

18 A. Yes.

19 Q. Okay. How many people?

20 A. I don't know.

21 Q. Can you name -- give me any names?

22 A. Barons Weber.

23 Q. Anyone else? Anyone else?

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1 A. I don't know based on my own knowledge.

2 Q. Okay. I've seen -- in this case you produced a
3 bunch of documents where you've been
4 corresponding with people. How about a gentleman
5 by the name of Keith McKay, is he in your view,
6 based on his practices, a member of the kingdom
7 of Satan?

8 A. I don't know and I don't have sufficient
9 information to try to make a judgment like that.

10 Q. Does he adhere to the Roman Catholic religion as
11 you defined it, Mr. McKay?

12 A. I don't know.

13 Q. Are you aware that he has certain practices or
14 beliefs that are inconsistent with the Roman
15 Catholic religion?

16 A. As far as I understand it, yes, he does.

17 Q. Have practices and beliefs that are inconsistent
18 with the Roman Catholic religion?

19 A. Yes.

20 Q. And based on what we discussed before, that would
21 tend to make him a member of the kingdom of
22 Satan, would it not?

23 A. In his case, not necessarily, because the issue

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1 of knowledge and intention comes into play, and I
2 don't have information about what he is doing as
3 we speak, or believing or intending. I believe
4 he could be honestly mistaken about some things
5 and that honest mistake --

6 Q. What things might he be honestly mistaken about
7 that you're aware of?

8 A. The propriety of attending mass at certain
9 places.

10 Q. That's the issue that -- the reason why you claim
11 you left the Most Holy Family Monastery, isn't
12 it?

13 A. Yes. It was about mass attendance.

14 Q. And in fact, shortly after you left, you put up
15 what I'll refer to as a Genesis website, where
16 you published to the world your writings and
17 analysis of mass attendance issues, correct?

18 A. Yes.

19 Q. And actually, you sent a draft of that to Mr.
20 McKay to read through, didn't you?

21 A. I don't recall.

22 Q. You discussed the writing that was on the Genesis
23 webpage with Mr. McKay, correct?

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1 A. Yes.

2 Q. You had e-mail correspondence with him as well
3 about it, correct?

4 A. I don't recall.

5 Q. Did he, in fact, tell you after reading it that
6 he wanted to reflect on it?

7 A. Yes.

8 Q. And did he, in fact, after that tell you that he
9 didn't agree with it?

10 A. Yes.

11 Q. So he's knowingly rejecting your position on mass
12 attendance, correct? He doesn't agree with it?

13 A. He is -- at that time was knowingly disagreeing
14 with me, yes.

15 Q. And if he was knowingly disagreeing with you,
16 that's not an honest mistake? I'm asking you to
17 explain that. You used the term honest mistake
18 as giving somebody like shelter from the kingdom
19 of Satan. I'm trying to understand that.

20 A. It could be an honest mistake.

21 Q. So he reads your well-reasoned and well-analyzed
22 position on mass attendance being heretical in
23 certain circumstances, right?

1 A. Could you say that again?

2 Q. Your Genesis website -- when you were talking
3 about mass attendance, could you explain to me
4 what you mean by the propriety of attending mass
5 at certain locations? I wrote down exactly what
6 you said, okay? What did you mean by that, the
7 propriety of attending mass at certain locations?

8 A. Do you mean what did I mean just now by it?

9 Q. Yes.

10 A. I meant that my understanding of the Roman
11 Catholic religion is that it does not allow mass
12 attendance at the masses of notorious heretics or
13 at masses offered by priests who have not
14 received the church's permission to offer the
15 mass.

16 Q. All right. That's sounds really well-reasoned.
17 Let's take that apart. Priests without the
18 church's permission to give mass. Do you know of
19 any priests in the Catholic -- Roman Catholic
20 religion you identified today?

21 A. No.

22 Q. So there's none that you're aware of?

23 A. I'm not aware of any.

1 Q. All right. Now, let's -- this is a little
2 hypothetical here. Let's say that you did find a
3 priest in what you identified as the Roman
4 Catholic religion. How would that priest get the

5 church's permission to give mass?

6 A. I don't know.

7 Q. Because there is no hierarchy in place currently
8 within the Roman Catholic religion? The seats
9 are all vacant, in other words?

10 A. I don't know that. All I know is the facts that
11 I'm aware of.

12 Q. That's what I'm asking you about, the facts that
13 you're aware of. To your knowledge, all of the
14 seats within the hierarchy of what you identified
15 as the Roman Catholic religion, the body of
16 governance, they are all vacant presently, to
17 your knowledge?

18 A. I don't like the way that's phrased. I would say
19 that to my knowledge, I -- I would say that I
20 don't know anyone who holds a position of
21 authority in the Roman Catholic church.

22 Q. Okay. So to your knowledge, to your knowledge
23 today, there are not any priests with authority

1 to provide mass, to your knowledge?

2 A. I don't like the way you've changed the phrasing
3 slightly, because it implies that I am saying
4 that I believe that there are none.

5 Q. I'm asking you to your knowledge. You're not
6 aware of any, are you?

7 A. As far as I am aware, no one known to me has a
8 position of authority in the Roman Catholic
9 church.

10 Q. So there is nowhere anyone can go to attend mass
11 within the Roman Catholic church today, to your
12 knowledge?

13 A. Could you find a different way to say that?

14 Because I don't agree with the way that that's
15 put. I find it to be -- to imply things that I
16 don't believe.

17 Q. When was the last time you attended mass?

18 A. I don't know.

19 Q. When was the last time you attended a religious

20 service that at the time you believed it to be a

21 mass?

22 A. Sometime shortly before I left Most Holy Family

23 Monastery.

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1 Q. So you have not attended any sort of religious

2 service that purports to be a mass within the

3 last three years and three months?

4 A. No.

5 Q. And if you became aware that a mass was offered

6 within the Roman Catholic religion, would you

7 seek to attend it?

8 A. Yes, if the circumstances were appropriate.

9 Q. Now I want to kind of go back to Keith McKay. We

10 got off on a tangent here. When you were trying

11 to explain the propriety of attending mass, you

12 said I believe, correct me if I'm wrong, it would

13 be against the Roman Catholic religion to attend

14 a mass offered by a notorious heretic or priests

15 without the church's approval. Is that right?

16 A. I believe I said priests without the church's

17 permission to offer mass, or words to that

18 effect.

19 Q. Okay. So it would be -- would it be -- it would

20 be against the Catholic -- Roman Catholic

21 religion you identified to attend a mass offered

22 by a notorious heretic or a priest acting without

23 the church's permission?

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1 A. Yes, I believe so.

2 Q. And that's what Keith McKay does, right, to your

3 knowledge?

4 A. I believe that he has done so in the past and to

5 my knowledge has not changed his mode of acting.

6 Q. Now, before you said you thought that that might

7 be an honest mistake. He's been presented with

8 all the facts, writings and analysis on the issue

9 that you published on the website, and he's had

10 the benefit of follow-up telephone conversations

11 and e-mails with you on the subject, correct?

12 A. Yes.

13 Q. Okay. So how then, Eric Hoyle, as you sit here

14 today, could you characterize the decision by Mr.

15 McKay to attend such masses as being an honest

16 mistake?

17 A. It could be so because my arguments may not have

18 been very persuasive because of their own

19 deficiency. And I have no authority or

20 substantial education to be someone who commands

21 the respect or assent of Mr. McKay, so his having
22 spoken with me about it does not constitute
23 something that would require that he agree with

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1 me or else be of bad will.

2 Q. I've read a lot of your stuff, Eric. You were --
3 what was the name of that school you attended for
4 graduate studies? Saint John's, is that the name
5 of it?

6 A. Yes, Saint John's College.

7 Q. And you withdrew from there because you were, for
8 lack of a better phrase, fed up with their style
9 of teaching? I'll withdraw the question. You
10 left there because you felt that there should be
11 in study the pursuit of one truth, is that right?

12 A. That was part of my motivation.

13 Q. And you were frustrated by the fact that the
14 school was having its students read different
15 scholars and theologians who contradicted and
16 argued against one another, right?

17 A. That in itself was not the thing I objected to as
18 much as it was the presentation of a variety of
19 conflicting views as if they all deserved respect
20 or consideration in such a way that students
21 could adopt the views of a variety of
22 contradicting authors and hold a praiseworthy
23 opinion. Also that the elder tutors, which is

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1 their name for teachers, at Saint John's College

2 made a point of saying that their studies had led
3 them to no firm conclusions on matters that the
4 curriculum treated.

5 Q. Let's talk about when you argued your point about
6 mass attendance and Keith McKay. You said that
7 your arguments might not be persuasive, right?

8 A. Yes.

9 Q. You also said you have no authority to make or
10 decide those issues, correct? To tell Mr. McKay
11 what the right answer is?

12 A. Yes, in the sense that I have no right to command
13 him to obey me.

14 Q. And if your arguments are not persuasive, that
15 means that they could be wrong, does it not?

16 A. I believe those are separate issues, but yes, I
17 admit that my arguments, viewed from a
18 perspective that leaves aside their content for
19 the moment, are certainly capable of error.

20 Q. Does that mean your arguments regarding mass
21 attendance might be wrong? Yes or no?

22 A. If they fail to comport with Roman Catholic
23 religion, yes. And it's possible that I could

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1 mistake what the Roman Catholic religion teaches,
2 in which case I could be wrong.

3 Q. When you met Mr. McKay, you were -- became
4 acquainted with him while you were living at the
5 Most Holy Family Monastery, correct?

6 A. No, I did not meet him. But yes, I became

7 acquainted with him through telephone and e-mail
8 correspondence.

9 Q. And you were aware based on your dealings with
10 him that he generally followed the teachings and
11 beliefs of Brother Michael and Brother Peter,
12 correct?

13 A. Yes.

14 Q. And up until at least December 31st, 2007, you
15 also followed the teachings and beliefs of
16 Brother Michael and Brother Peter, is that
17 correct?

18 A. Do you mean in regard to --

19 Q. The Roman Catholic religion.

20 A. I followed the beliefs of Frederick and Robert
21 Dimond --

22 Q. Okay.

23 A. -- in respect to religious matters that they

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1 believed were not of the sort that Catholics
2 could disagree with each other about.

3 Q. I don't know what that means. I have to tell
4 you, I have no idea what that answer means. So
5 let's break it down into simple things, okay?

6 Did they publish books while you were there, at
7 the Most Holy Family Monastery?

8 A. Yes.

9 Q. Did you proofread them?

10 A. Yes, some of them, perhaps all of them.

11 Q. Did you translate them into other languages?

12 A. Sometimes.

13 Q. Did you, at the time you were there, disagree
14 openly with the content of any of the materials
15 that they published either on paper or on the
16 Internet?

17 A. I don't recall doing so.

18 Q. Did you internally conceal from them that you had
19 while you were there a disagreement with the
20 religious teachings and beliefs that were
21 contained in the information that they published
22 in print on paper and on the Internet?

23 A. I don't recall doing so.

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1 Q. So as you sit here today, it would be fair to
2 say, then, that you have no recollection of any
3 disagreement with Brother Michael or Brother
4 Peter about Catholic religious beliefs and
5 teachings up until December 31st, 2007?

6 A. I don't recall having a disagreement with them
7 about Catholic religious beliefs and teachings.

8 Q. All right. But on December 31st, you claim that
9 you had an inspiration or realization that there
10 was something about what they were doing or
11 teaching that was wrong, is that right?

12 A. Yes, I had a realization on or about that day
13 that was a serious conflict with what they
14 believed.

15 Q. And with what you had believed until that day,
16 correct?

17 A. Yes.

18 Q. And what was that realization that you had?
19 A. The realization I had was that attending a mass
20 or liturgy offered by a priest in the Eastern
21 Rite -- or, in an Eastern Rite of the Vatican Two
22 church was wrong.
23 Q. Actually heretical, according to you?

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1 A. Yes.
2 Q. Okay.
3 A. At the time I used the term heretical.
4 Q. Now, how did you become aware of that? Was it
5 divine inspiration, you woke up and lifted your
6 head off the pillow and it suddenly occurred to
7 you or did you read something? How did you come
8 to this realization?
9 A. I read some articles by Richard Ibranyi,
10 I-B-R-A-N-Y-I.
11 Q. Okay. Now, I have read some of the transcripts
12 of phone calls you had with people where you have
13 characterized some of the positions taken by Mr.
14 Ibranyi as being ridiculous. Are some of the
15 positions -- religious positions taken by Mr.
16 Ibranyi ridiculous, would you agree?
17 A. Yes.
18 Q. And in fact, when did you first read these
19 articles? Excuse me. Let's back up a sec.
20 While you were at Most Holy Family Monastery --
21 you entered in September of '05, correct?
22 A. Yes.
23 Q. And you had visited twice before that in the

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1 summer of '05, correct?
2 A. Yes.
3 Q. Once you flew there, once you drove there, right?
4 A. Yes.
5 Q. And prior to that, you had had numerous telephone
6 conversations with Brother Michael, correct?
7 A. I don't recall how many, but it was several, so
8 yes.
9 Q. And you ordered many, many copies of their
10 materials, did you not, their written materials
11 and their CD's?
12 A. Yes, I ordered many copies.
13 Q. And you read them multiple times before you
14 joined the monastery in September, right?
15 A. There was some items -- at least one item that I
16 read multiple times.
17 Q. And you were very impressed by those materials,
18 right?
19 A. Yes.
20 Q. And you also read their website many, many times,
21 correct?
22 A. I don't recall reading it many times, but I do
23 believe I read all of it at least once.

Sue Ann Simonin Court Reporting

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1 Q. All of the content?
2 A. That's what I tried to do.
3 Q. Okay. And in fact, once you started living at

4 the monastery in September of '05, you assisted
5 Brother Peter and Brother Michael with updating
6 the website, correct? Maintaining the website, I
7 should say, and updating it.

8 A. Yes.

9 Q. And you participated in on-air or radio
10 discussions and debates about the Catholic
11 religion with Brother Peter and Brother Michael,
12 correct?

13 A. No, I didn't participate, but I was involved in
14 the production work.

15 Q. That's what I meant. You were aware of the
16 content of what was being discussed, correct?

17 A. Yes.

18 Q. Now, you said that despite the fact that you gave
19 Mr. McKay your written analysis of the mass
20 attendance issue and despite that you discussed
21 it with him, that his decision not to adopt or
22 follow it could be an honest mistake, right?

23 A. Yes.

Sue Ann Simonin Court Reporting

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1 Q. And you even said that it's possible that your
2 arguments on mass attendance could be wrong,
3 correct?

4 A. Yes, meaning not that I think they're wrong or
5 have significant doubts about that myself, but
6 that as a simple matter of fact they are
7 fallible.

8 Q. Now, and you not only discussed those writings
9 that you put on the Genesis website with Mr.

10 McKay, you discussed them with other people as
11 well, right?

12 A. Yes, I believe so.

13 Q. And in point of fact, did you not take the
14 entire, what I'll call, contact or mailing list
15 of the Most Holy Family Monastery with you when
16 you left?

17 A. No.

18 Q. Substantial parts of it?

19 A. No.

20 Q. All right. What did you take, Eric? What did
21 you take as far as the names and addresses and
22 telephone numbers and e-mail addresses? What did
23 you take?

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1 A. When I left, I took my Apple Macintosh computer,
2 and on it were stored in the e-mail address book
3 many addresses of people with whom I had
4 corresponded while at MHFM, and those departed
5 with me. In addition, I had contact information
6 of customers of MHFM in my e-mail archives,
7 particularly the PayPal receipt, e-mails, of
8 which there were in the hundreds I believe. And
9 aside from that, I don't recall whether I took,
10 or I should say departed with, anything else.

11 Q. And you literally contacted all of those people
12 with your information or argument about mass
13 attendance, correct?

14 A. No.

15 Q. No? How many did you contact?
16 A. I contacted the ones whose e-mail addresses were
17 in my mail address -- e-mail address book.
18 Q. And how many people was that?
19 A. I don't know.
20 Q. So you sent the -- your writings and analysis on
21 mass attendance issues to those people who we
22 will identify here, you sent it to them, right?
23 A. I don't recall.

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1 Q. You referred them to your Genesis website?
2 A. I don't recall with certainty whether I referred
3 them to the website, but I did send an e-mail to
4 them.
5 Q. Your e-mail referred to your website, did it not,
6 that you sent them?
7 A. I don't recall. It may have.
8 Q. Okay. And please explain to me what steps you
9 took -- oh, actually, back up. Strike that.
10 Richard Ibranyi, now, you had heard that name
11 many times before December of '07, had you not?
12 A. Yes.
13 Q. And in fact, you were very familiar with written
14 responses by Most Holy Family Monastery on its
15 websites to arguments and accusations made by Mr.
16 Ibranyi, correct?
17 A. Could you restate that, please?
18 Q. You had heard the name many times before December
19 31st, '07, correct?
20 A. Yes.

21 Q. And you were familiar you said with the content
22 of the monastery's website, correct?
23 A. Yes.

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1 Q. And that content included several arguments or
2 responses by the monastery to arguments or
3 accusations against it by Mr. Ibranyi, correct?
4 A. Yes.
5 Q. And in fact, you would answer the phone at the
6 monastery when people would call, wouldn't you?
7 A. For much of the time I was there, yes.
8 Q. And one of the things you would seek to do is
9 have religious discourse or provide guidance to
10 people on religious issues while they were on the
11 phone, correct?
12 A. Yes.
13 Q. And you had many callers who brought up the issue
14 of Richard Ibranyi with you on the phone, didn't
15 you?
16 A. No.
17 Q. The issue came up well before December of '07 on
18 the phone with callers to the monastery, didn't
19 it?
20 A. I don't recall.
21 Q. You were familiar with Mr. Ibranyi's arguments on
22 mass attendance prior to December, '07, were you
23 not?

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1 A. No.

2 Q. Under oath before God, you're saying you were
3 unfamiliar with those arguments prior to December
4 of '07?

5 A. That's correct.

6 Q. Now, Most Holy Family Monastery was, I think you
7 would agree, a religious community?

8 A. Using that term in a broad sense, yes.

9 Q. Well, you sought out to join a religious
10 community, did you not?

11 A. Yes.

12 Q. And that's why you went to live at Most Holy
13 Family Monastery, because it was a religious
14 community, correct?

15 A. That was my belief at the time, yes.

16 Q. And part of being a member of a religious
17 community is to study and discuss religious
18 doctrine, correct?

19 A. Do you mean all religious communities would have
20 to do that?

21 Q. It's one of the basic or general purposes of a
22 religious community, to study and discuss
23 religious doctrine?

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1 A. I believe it depends on the particular religious
2 community.

3 Q. Let me clarify it. When you decided to join and
4 go live at the Most Holy Family Monastery, was
5 one of the reasons that you wanted to study and
6 discuss the Roman Catholic religion with Brothers

7 Michael and Peter?

8 A. Yes.

9 Q. All right. So when you became -- so if the
10 purpose -- one of the purposes of joining the
11 monastery -- one of your purposes was to study
12 and discuss the Catholic religion, can you tell
13 me how many discussions you had with Brother
14 Michael or Brother Peter about the mass
15 attendance issue before you decided to leave?

16 A. I had several discussions with them, probably at
17 least five. I don't remember the exact number.

18 Q. This is after you read Mr. Ibranyi's articles?

19 A. No. Before.

20 Q. Before. How many after you read --

21 MR. EATON: Off the record.

22 (Discussion off the record.)

23 BY MR. RITTER:

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1 Q. After you read Mr. -- what day did you read Mr.
2 Ibranyi's articles about this mass attendance
3 issue?

4 A. Either December 30th late or 31st.

5 Q. And what day did you leave?

6 A. I believe it was December the 31st, but I don't
7 recall the exact way those numbers fit together.

8 Q. Okay. Do you recall, though, that it was
9 sometime in the morning, like nine, ten, eleven
10 o'clock?

11 A. No.

12 Q. What time of day was it?
13 A. I believe it was roughly two p.m.
14 Q. Okay. And did -- you left at roughly two p.m.
15 That was in a taxi?
16 A. Yes.
17 Q. And it was either late on the evening of the 30th
18 or early in the morning on the 31st that you were
19 reading Mr. Ibranyi's articles, is that right?
20 A. Yes, I believe that's right.
21 Q. Okay. Did you call to the attention of Brother
22 Peter or Brother Michael the content of those
23 articles?

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1 A. No.
2 Q. Did you have any discussion with them before you
3 left about your decision to leave?
4 A. No.
5 Q. So you read Mr. Ibranyi's articles, decided he
6 was right, packed your bags and left, basically?
7 A. Yes.
8 Q. No religious discussion with Brother Peter or
9 Brother Michael about the issue?
10 A. No.
11 Q. As a Catholic, is it one of your religious
12 responsibilities to try to educate and persuade
13 others to adhere and follow the Catholic faith?
14 A. As a layman, I don't believe it's my duty to do
15 so, if that's what you mean by responsibility,
16 but I believe it's a good thing.
17 Q. To try to do that?

18 A. Yes.
19 Q. And as a member of the Most Holy Family
20 Monastery, was it one of your duties, I'll call
21 it, to try to educate and persuade others to
22 adhere to and follow the Roman Catholic religion?
23 A. Yes.

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1 Q. And as of the morning of December 30th, 2007, you
2 were of the belief that yourself as well as
3 Brother Peter and Brother Michael were practicing
4 the Roman Catholic religion, correct?
5 A. Yes.
6 Q. And did you come to a conclusion before you left
7 that Brother Michael and Brother Peter were not
8 practicing the Roman Catholic religion?
9 A. Yes.
10 Q. And was that a result of Mr. Ibranyi's articles?
11 A. Yes.
12 Q. And was it that conclusion on your part, was that
13 the reason why you left the monastery?
14 A. Yes.
15 Q. Was there any other reason why you left the
16 monastery, that motivated you on December 31st to
17 call a cab and leave?
18 A. Not that I recall.
19 Q. Now, the month of December, there were some
20 things that you had initiated with Brother
21 Michael regarding the monastery's financial
22 accounts. Do you recall that?

23 A. I don't recall what exactly we did in December.

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1 Q. Do you recall recommending to Brother Michael
2 that -- excuse me. The monastery's stocks were
3 held in an M and T Securities account for most of
4 the time that you were with Most Holy Family,
5 correct?

6 A. To the best of my knowledge, yes.

7 Q. And you approached Brother Michael in November,
8 December of '07 and suggested that he change
9 brokerage accounts, didn't you?

10 A. No, to the best of my recollection, I did not.

11 Q. Did you have a discussion with him about
12 transferring or moving the stocks and investments
13 from M and T Securities to a Scottrade account?

14 A. I don't recall, but I imagine, yes, we did at
15 some point talk about it.

16 Q. And in your discussions with him, you proposed
17 and requested that you be included as an
18 authorized person on behalf of the monastery on
19 the Scottrade account, correct?

20 A. I don't recall if I suggested it or if he did.

21 Q. But prior to the Scottrade account being opened,
22 you were not a person authorized to do
23 transactions on the M and T Securities account,

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1 were you?

2 A. No, I was not.

3 Q. And if we looked at those documents, would you

4 agree with me it's likely that it was in
5 December, '07 that the securities were moved from
6 M and T Securities to Scottrade?

7 A. Yes.

8 Q. And would you also agree with me that when that
9 Scottrade account was opened, it was the first
10 time that you, Eric Hoyle, had the authority to
11 move money in or out of the monastery's account?

12 A. Yes.

13 Q. And in fact, wasn't it -- when was the first day
14 that you, Eric Hoyle, actually had funds in the
15 Scottrade account, or stocks or bonds or
16 whatever, that you could engage a transaction on?

17 A. I believe it was the same day that I left.

18 Q. Really? So the same day that you have this
19 epiphany about mass attendance and Richard
20 Ibranyi also happens to be the very first day
21 that you, Eric Hoyle, can cause transactions to
22 be executed out of the Most Holy Family Monastery
23 account, correct?

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1 A. Apparently so.

2 Q. And in fact, when you decided to leave the
3 monastery, you took some of the monastery's
4 financial records with you, did you not?

5 A. Yes, they were with my things.

6 Q. And you attempted to transfer money out of the
7 monastery's account to yourself without ever
8 having discussed Ibranyi or transfers or any of

9 that with Brother Michael or Brother Peter,
10 correct?
11 A. I don't recall.
12 Q. Do you remember trying to make a transfer out of
13 the Scottrade account away from the monastery to
14 yourself?
15 A. Yes.
16 Q. And when did you do that?
17 A. In the morning of the day I left I tried to do so
18 online, and in the afternoon I tried to do so on
19 a telephone call.
20 Q. And when you say in the morning you tried to do
21 it, was that while you were still at the
22 monastery?
23 A. Yes.

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1 Q. When you tried to do that online, on the
2 monastery's computers or your Apple computer?
3 A. Yes, on some computer.
4 Q. And could you please describe the nature of the
5 transaction you attempted to initiate?
6 A. I attempted to transfer cash from the Scottrade
7 account to an account in my name.
8 Q. And where did you have an account in your name?
9 A. USAA Federal Savings Bank.
10 Q. How much cash did you try to transfer?
11 A. There is no number that I tried to transfer.
12 Q. You simply tried to transfer all the cash?
13 A. I tried to find how to make a transfer and that's
14 as far as I got.

15 Q. So you went online seeking to make a transfer,
16 but you didn't know how to use the online system
17 and were therefore unsuccessful?
18 A. No.
19 Q. Okay. Please explain. Why were you unsuccessful
20 in making the transfer?
21 A. The form that was provided by Scottrade to order
22 such a transfer required two signatures, one in
23 addition to my own, for a transfer to a personal

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1 account, and I chose not to speak to Frederick or
2 Robert Dimond about it.
3 Q. That's an online form you were viewing on the
4 computer?
5 A. Yes.
6 Q. So for the first time in the entire duration of
7 your affiliation with Most Holy Family Monastery,
8 on December 31st you're an authorized
9 representative of the monastery to engage in
10 transactions on the Scottrade account, right?
11 A. No.
12 Q. I'm sorry? That's not the first time you could
13 do transactions?
14 A. No. The account was opened before that day.
15 Q. When was the account funded, the Scottrade
16 account?
17 A. I believe on the 31st.
18 Q. Okay. So it was only in connection with the
19 Scottrade account that you had authority to

20 initiate transactions on behalf of the monastery?

21 A. Yes.

22 Q. All right. And you first attempted to do a

23 transfer that morning online and ran into a dead

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1 end because you needed another signature?

2 A. Yes.

3 Q. Okay. And then after you left the monastery, you

4 tried to initiate another transfer?

5 A. Yes.

6 Q. And you did that by telephone?

7 A. Yes.

8 Q. And who did you call?

9 A. The Scottrade office in Rochester.

10 Q. And did you talk to somebody there?

11 A. Yes.

12 Q. Do you know their name?

13 A. No.

14 Q. Man or a woman?

15 A. As best I recall, it was a man.

16 Q. And what did you discuss with this representative

17 of Scottrade?

18 A. I don't recall.

19 Q. Was the reason for your call to make a transfer

20 out of the monastery's account to your own?

21 A. I believe it was.

22 Q. And could you tell me how much money you wanted

23 to transfer out of the monastery's account? When

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1 I say money, I mean cash, stocks, bonds, any sort

2 of investment. How much were you attempting to

3 transfer out of the monastery's account into your

4 own?

5 A. I don't recall.

6 Q. Was it more than a million dollars?

7 A. No.

8 Q. Was it more than five hundred thousand dollars?

9 A. I don't recall.

10 Q. So it could have been more, you're not sure?

11 A. I'm not sure.

12 Q. Now, what were you told -- tell me what was said

13 by you during that phone call.

14 A. I don't recall.

15 Q. Can you tell me what the Scottrade representative

16 told you?

17 A. He told me that he was not permitted to discuss

18 the account with me.

19 Q. Did he tell you why?

20 A. I don't recall.

21 Q. Did you tell him that you were one of the

22 monastery's authorized users of the account?

23 A. I don't recall.

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1 Q. How long was this phone call?

2 A. Very brief.

3 Q. Now, when you left the monastery on that day, was

4 it your belief that they owed you an amount of

5 money?

6 A. Yes.

7 Q. Okay. And how much money did you believe, on
8 that day when you left the monastery, that they
9 owed you?

10 A. I don't recall.

11 Q. Well, was it -- as of December 31st, 2007, how
12 much money or stocks and bonds and value of those
13 had you given to the monastery?

14 A. Given in the sense of transferred, I had
15 transferred some amount in the neighborhood of
16 one point five million dollars.

17 Q. And when you left on the 31st, what percentage,
18 roughly, of that one point five million dollars
19 did you believe you were entitled to get back?

20 A. I believed I was entitled to get back, as a
21 matter of the agreement I had with Frederick
22 Dimond, the amount of money that was stated as
23 having been received by Most Holy Family

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1 Monastery from me. And if he were to break his
2 word on that agreement, I believed I had a right
3 to demand the return of the money that I gave
4 that was not acknowledged as a donation, which
5 was in the neighborhood of four hundred and
6 seventy thousand dollars or thereabouts.

7 Q. I want to break that apart a little bit. You
8 said that -- I think first you said you thought
9 you had a right to ask for it all back, all the
10 money you had transferred.

11 A. No, that's not what I said.

12 Q. Let me tell you what I thought you said and you
13 explain to me where I'm wrong. I thought what
14 you just said is you had a right to ask for it
15 all back, that you had an understanding with him,
16 and that if he didn't give it -- all of it back
17 to you, then you had the right to demand at least
18 that portion which was not acknowledged in
19 writing as a donation.

20 A. That's close to accurate. The part that I
21 believed I had the freedom to request to be
22 returned was the amount that was agreed upon in a
23 conversation that I had with Frederick Dimond in

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1 roughly April I believe, of 2006, when -- or
2 thereabouts, when at his bidding I made a
3 document stating how much the monastery received
4 from me personally that would be recorded in the
5 monastery's records as the amount I was to be
6 free to claim upon my departure.

7 Q. Was that one agreement or two?

8 A. It was one agreement.

9 Q. And that was based on a verbal discussion you had
10 with Brother Michael in April of '06?

11 A. There was a verbal discussion around that time.
12 Perhaps May. April or May I believe, following
13 which I made a written document.

14 Q. And so you're claiming you had a discussion with
15 him about how much you had the right to get back
16 from the monastery if you left?

17 A. Yes.

18 Q. And you're claiming that you reached some sort of
19 an agreement on that with him, as to the amount?

20 A. Yes.

21 Q. And you're claiming that amount is approximately
22 four hundred and seventy thousand dollars?

23 A. No. The amount was I believe seven hundred and

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1 fifty thousand dollars.

2 Q. That you were supposed to get back?

3 A. Yes.

4 Q. Take a look at your Complaint. I think it's

5 still in front of you there. Paragraph

6 forty-five.

7 Now, Eric, you've produced over ten thousand

8 pages of documents in this case. You're aware of

9 that, right?

10 A. No, I'm not aware of the number.

11 Q. Okay. Well, we have Bates numbered documents in

12 excess of ten thousand, okay? I'm just telling

13 you that. Now, I assume that you, correct me if

14 I'm wrong, saved and kept your records and

15 information on your computer. Is that right?

16 A. Which records do you refer to?

17 Q. E-mails.

18 A. In general, yes.

19 Q. And if you generated a document using, say,

20 Microsoft Word or you had a PDF, that would

21 reside on your laptop as well?

22 A. If it were saved there, yes.

23 Q. And in general, was your laptop the computer that

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1 you used most of the time when you were at the

2 monastery?

3 A. I used it more than any other, but I did also use

4 others a significant amount.

5 Q. Okay. And in this lawsuit, you have produced I'd

6 say at least fifteen unexecuted donation receipts

7 from the monastery acknowledging donations from

8 you. Are you aware of that?

9 A. No.

10 Q. Okay. Sometimes they're duplicative of each

11 other, but let's see if you remember these. Do

12 you remember a donation receipt that you typed up

13 on your computer for sixty-seven thousand five

14 hundred dollars?

15 A. Could you break your questions into single

16 questions?

17 Q. Do you remember a receipt, a donation receipt,

18 from Most Holy Family Monastery to you

19 acknowledging receipt of donations in the amount

20 of sixty-seven thousand five hundred dollars?

21 A. If you have in mind one that was dated roughly

22 summer of 2005, I recall in general that there

23 was such a document.

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1 Q. Okay. And that's a document that you typed up

2 and had on your computer?

3 A. As best I recall, no.

4 Q. All right. Let's just cut right to it. Your

5 testimony was that in April of '06 you reached

6 some sort of understanding with Brother Michael

7 about how much money you would get back if you

8 left?

9 A. Yes.

10 Q. And you claim that he then instructed you okay,

11 type up a document memorializing that?

12 A. No, he didn't instruct me to type it. And as it

13 happened, I didn't type it.

14 Q. Did he ask you to prepare it? Or how did it come

15 into being?

16 A. I don't recall what he said about it, if

17 anything, but it came into being by my writing it

18 with my hand.

19 Q. You wrote out an agreement that purports to

20 indicate you're supposed to get back seven

21 hundred fifty thousand dollars if you left the

22 monastery?

23 A. That was the import of the document. I don't

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1 know that it said that, but what it said was that

2 Most Holy Family Monastery had received from me

3 that amount. And I was given the understanding

4 that it was to be the official record of monies

5 received from me that, as a matter of policy,

6 would be refundable if I were to depart.

7 Q. Do you have a copy of that agreement?

8 A. No.

9 Q. Do you remember what it said other than what you

10 just described?

11 A. As best I recall, it didn't say anything besides

12 what I described.

13 Q. And you wrote it out longhand?

14 A. Yes.

15 Q. And you claim, then, that you signed it?

16 A. I don't recall.

17 Q. Do you recall whether Brother Michael signed it?

18 A. I don't believe he did.

19 Q. Now, take a look at paragraph forty-five of your

20 Complaint that's right in front of you. This is

21 referring to that spring, 2006 time frame. You

22 can look at paragraph forty-four right above it

23 if you'd like.

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1 Okay? And it indicates with regard to your

2 allegation that you were to designate money to be

3 returned to you. You allege that you chose the

4 amount of seven hundred fifty thousand dollars

5 and that you executed a document stating that you

6 would receive that if you left the monastery. Do

7 you see that allegation?

8 A. Yes.

9 Q. As you sit here today, is it fair to say that you

10 don't remember whether or not you signed that

11 document?

12 A. No, I don't recall for certain whether I signed

13 it or not.

14 Q. Do you have any copies of that document?

15 A. Not that I know of.

16 Q. Do you have any notes regarding that document?

17 A. Could you clarify what you mean?

18 Q. Drafts of the agreement or notes regarding your

19 meeting with Brother Michael about it.

20 A. I believe it's mentioned in e-mail correspondence

21 with my tax accountant or advisor.

22 Q. Mr. Trawick?

23 A. Mr. Trawick.

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1 Q. Go up above a couple there, paragraph forty-two.

2 Forty-one and forty-two. It indicates there that

3 when you entered the monastery, took residence

4 there, that you were the owner of approximately

5 one million three hundred fifty thousand shares

6 of Guinor Gold Corporation. Do you see that?

7 A. Yes.

8 Q. And then it says, on or about November 4th you

9 transferred one million forty-five thousand

10 shares of that stock to the monastery?

11 A. Yes.

12 Q. And that the value at the time was approximately

13 one million two hundred thirty-three thousand

14 dollars?

15 A. Yes.

16 Q. Now, when you claim that you were entitled to get

17 back this seven hundred and fifty thousand

18 dollars, is it from that one point two three

19 three million dollars worth of stock? Is that

20 where the seven fifty number was to come from?

21 A. Yes.

22 Q. So according to your testimony, then, the

23 monastery was entitled to keep the difference

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1 between those two numbers, approximately four

2 hundred and eighty-three thousand dollars?

3 A. Yes, according to the agreement that was made in

4 spring of 2006.

5 Q. All right. Now, that agreement you're talking

6 about, at that point in time you had also told

7 Brother Michael that you were going to be making

8 an additional one million dollar donation to the

9 monastery in May of '06, right?

10 A. I don't recall whether we spoke at the same time

11 about that expected donation to come.

12 Q. It was around that time, though, you were

13 discussing making that additional one million

14 dollar donation in May of '06, correct?

15 A. I had made him aware that I expected to receive

16 that approximate amount of money in May of 2006.

17 Q. And that when you received the money, you were

18 going to donate it to the monastery?

19 A. That was -- the understanding between us was that

20 that money would be transferred to the monastery.

21 Q. When you say the understanding, that was the

22 understanding you had between yourself and

23 Brother Michael and the Most Holy Family

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- 1 Monastery, that that transfer would be made?
- 2 A. Yes, I believe so.
- 3 Q. And in fact, it turned out that -- I guess it was
- 4 your mother or your grandmother had made
- 5 arrangements to block that transfer to you until
- 6 age thirty-five, is that right?
- 7 A. Yes, the transfer was delayed until age
- 8 thirty-five.
- 9 Q. And you were, fair to say, outraged by that?
- 10 A. When?
- 11 Q. When you requested the money and your mother
- 12 refused to transfer it to you.
- 13 A. I don't recall that I was outraged. I was
- 14 surprised and displeased.
- 15 Q. You actually wrote her a letter accusing her of
- 16 violating the terms and conditions of the trust
- 17 that held that money that was to go to you,
- 18 didn't you?
- 19 A. Yes.
- 20 Q. And you made a demand to her that she had a moral
- 21 and a legal obligation to transfer the funds,
- 22 correct?
- 23 A. I don't recall.

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- 1 Q. In any event, you were taking steps to try to get
- 2 or receive a distribution of that additional
- 3 million dollars so that you could give it to the
- 4 monastery, correct?
- 5 A. Could you split it into single questions, please?

- 6 Q. You were taking multiple steps, contacting your
- 7 tax advisor, writing to your mother in several
- 8 correspondence, in an effort to try to obtain
- 9 possession of the funds from that trust?
- 10 A. Yes.
- 11 Q. And the reason you wanted the funds from the
- 12 trust was so that you could give them to the
- 13 monastery, correct?
- 14 A. I don't recall if that was the main reason I had
- 15 in mind, although that is what I had planned to
- 16 do with it.
- 17 Q. And that's because of your understanding with
- 18 Brother Michael and Most Holy Family about
- 19 providing them with that donation?
- 20 A. No, I didn't have -- no. I had been instructed
- 21 that Most Holy Family Monastery had to hold money
- 22 -- any substantial money that came into my name,
- 23 but that it was not necessarily a donation.

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- 1 Q. Was it your intent in the spring of '06 to
- 2 receive that money and provide it to the
- 3 monastery as a donation?
- 4 A. I don't recall.
- 5 Q. You're familiar with a monastery, goes by the
- 6 name I believe, Lady of Guadalupe, in New Mexico?
- 7 A. Yes.
- 8 Q. And you're familiar with the fact that the monks
- 9 that reside there use the initials OSB in
- 10 connection with their names?

11 A. I don't recall precisely, but I imagine they do.
12 Q. You imagine they do?
13 A. It wouldn't surprise me.
14 Q. Because you're aware that they hold themselves
15 out to be a Benedictine monastery?
16 A. Yes.
17 Q. And in 2004 and 2005, you believed Lady of
18 Guadalupe to be a Benedictine monastery?
19 A. I accepted their claim having little knowledge of
20 the matter myself.
21 Q. You just said you accepted their claim, quote,
22 having little knowledge of the matter myself.
23 When you say the matter, are you referring to
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1 their Benedictine status? What did you have
2 little knowledge of, Eric?
3 A. I had little knowledge of the facts of how the
4 organization came about and also of the rules or
5 regulations with which they had to comply to be a
6 Benedictine monastery.
7 Q. So you accepted their representation that they
8 were Benedictine before you made a donation to
9 them?
10 A. As far as I recall, yes.
11 Q. Now, was it your habit to make religious
12 donations to causes irrespective of whether you
13 agreed with their beliefs at the time?
14 A. No.
15 Q. Okay. So that means that you would only donate
16 or support an organization if, at the time of

17 making the donation, you recognized or agreed
18 with their beliefs, is that right?
19 A. As long as, to the best of my knowledge, I did
20 agree with their beliefs.
21 Q. Okay, then.
22 A. Or I should say their religion.
23 Q. So when you made that -- you made a five thousand

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1 dollar donation to Lady of Guadalupe, right?
2 A. I don't recall.
3 Q. Exhibit 5. Let's check it out. I think it's in
4 here. Page eight. Our Lady of Guadalupe
5 Monastery, five thousand dollar contribution on
6 August 30th, 2004. See that?
7 A. Yes.
8 Q. And if you look at the very last page of this
9 document, do you see that you've signed a
10 verification indicating that the answers in this
11 document are true?
12 A. Yes.
13 Q. So is it accurate, then, that on that date,
14 August 30th, 2004, you made a five thousand
15 dollar donation to Our Lady of Guadalupe?
16 A. Yes.
17 Q. And that particular monastery at that particular
18 point in time was holding itself out to be
19 Benedictine, you were aware of that?
20 A. Yes.
21 Q. And I believe at that time you were adhering or

22 studying the teaching or beliefs of the Society
23 of Saint Pius. Is that right?

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1 A. No, that's not. That's not a precise description
2 of the matter.

3 Q. Describe it for me. Well, let me back up.
4 Earlier that year, just several months before
5 this August donation, you had submitted -- I
6 think it was this year. You actually didn't
7 become a Catholic until June of '04, is that
8 right?

9 A. No.

10 Q. That's not right? When did you become a
11 Catholic?

12 A. I don't know.

13 Q. You sought to be admitted to Saint Thomas Aquinas
14 Seminary, is that right?

15 A. Yes.

16 Q. And that was -- you made that application to
17 Reverend Father John Fullerton, district
18 superior, on May 11th, 2004, about?

19 A. I don't recall, but --

20 Q. Take a look at Exhibit 10. Do you recognize
21 Exhibit 10 as the letter that I just described,
22 with you being the author and the recipient being
23 Reverend Father John Fullerton?

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1 A. Yes.

2 Q. Do you remember, in or around this time when you

3 prepared this letter, that -- I believe you put
4 in here that you had not yet become Catholic.

5 Does that refresh your recollection? Looking at
6 the letter, does that refresh your recollection
7 either way?

8 A. What's the question?

9 Q. That you didn't become a Catholic until June of
10 '04.

11 A. No.

12 Q. If you'd look at Exhibit 9, please. Who's Dr.
13 David White?

14 A. A man who was a professor of English at the U.S.
15 Naval Academy, and may still be as far as I know.

16 Q. Was he an acquaintance of yours?

17 A. Yes.

18 Q. Was he a mentor of yours?

19 A. Yes.

20 Q. A mentor of yours regarding Catholic religion?

21 A. Yes.

22 Q. And do you recognize Exhibit 9 as an e-mail
23 exchange you had with Dr. White in May of 2004?

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1 A. Yes. In April and May.

2 Q. April and May. And on April 30th, 2004, you,
3 Eric Hoyle, wrote, considering that I will only
4 have been a confirmed Catholic for two or three
5 months before the fall semester starts, I would
6 be willing to delay seminary for a year in the
7 interest of better preparation, a more solid

8 Catholic formation, et cetera. Do you see that?
9 A. Yes.
10 Q. What did you mean by confirmed Catholic?
11 A. As far as I recall, I meant that I would have
12 only received the sacrament of confirmation two
13 or three months before the fall semester started.
14 Q. And where and how did you receive the sacrament
15 of confirmation?
16 A. I received it at Saint Athanasius Church or
17 Chapel, however they call it, in Vienna,
18 Virginia, in June of 2004, from Bishop Richard
19 Williamson of the Society of Saint Pius the
20 Tenth.
21 Q. I'm sorry. That last part?
22 A. Of the Society of Saint Pius the Tenth.
23 Q. And that's -- the acronym SSPX refers to that
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1 society?
2 A. Yes.
3 Q. So when I say SSPX, you'll know what I'm
4 referring to?
5 A. Yes.
6 Q. And you actually applied for admission into a
7 seminary to become a priest as part of SSPX, is
8 that correct?
9 A. Yes.
10 Q. Were you accepted?
11 A. No.
12 Q. Take a look at Exhibit 11. Excuse me. I have to
13 go back to Our Lady of Guadalupe here. At the

14 time in August of '04 when you made that donation
15 to Our Lady of Guadalupe, you had just recently
16 been confirmed in SSPX?
17 A. My recollection is not as good as the documents.
18 According to the documents, it was roughly two
19 months between the two events.
20 Q. And the Our Lady of Guadalupe Monastery, were
21 they affiliated in any way with SSPX?
22 A. Yes, they were associated in some way.
23 Q. So Our Lady of Guadalupe Monastery generally
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1 adhered to the teachings and beliefs of SSPX, to
2 your knowledge?
3 A. To my knowledge, they followed the same
4 teachings, which they agreed upon.
5 Q. And that's the same religious beliefs and
6 teachings that you followed at the time?
7 A. Yes, in the sense that I accepted the SSPX as
8 fellow Catholics.
9 Q. And that's the reason why you made a five
10 thousand dollar contribution to their cause in
11 August, correct?
12 A. Yes.
13 Q. And it didn't matter whether they were
14 Benedictine or not, correct?
15 A. Could you be more precise?
16 Q. You made the donation because they followed SSPX,
17 whether or not they were Benedictine didn't
18 matter?

19 A. I don't recall my thoughts about their being
20 Benedictines.

21 Q. Well, Eric, you testified already today that you
22 had little knowledge of the matter, referring to
23 their Benedictine status, the Our Lady of

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1 Guadalupe Monastery, correct?

2 A. Yes.

3 Q. So at that point in time that you made that
4 contribution, you were concerned about supporting
5 an organization that shared your beliefs about
6 the Catholic religion and was in line with SSPX,
7 right?

8 A. Yes. I wanted to contribute to an organization
9 that I believed had the same religious beliefs as
10 the SSPX, although I also had an interest in the
11 organization itself.

12 Q. The reason for the donation, though, it was not
13 -- it didn't have anything to do with their
14 so-called Benedictine status, because you
15 indicated you weren't aware of how it was
16 organized or the rules and regulations that
17 governed it, you didn't look into any of that?

18 A. My donation -- my choice to donate to them did
19 assume that they were properly and truly a
20 Benedictine monastery, which I had no reason to
21 question or to research at the time.

22 Q. Your Complaint, paragraph twenty-two, the
23 Benedictine Confederation. Was Our Lady of

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1 Guadalupe a member of that?

2 A. Could you repeat the question?

3 Q. The Our Lady of Guadalupe Monastery, in 2004 were
4 they a member of the Benedictine Confederation?

5 A. I don't know.

6 Q. I thought you said it was important that they
7 were Benedictine, is the reason why you gave them
8 the five thousand dollars.

9 A. Yes.

10 Q. But you don't care whether they're a member or
11 not of the Benedictine Confederation?

12 A. At the time I had never heard of the Benedictine
13 Confederation.

14 Q. So you had not focused or researched to any
15 degree the Benedictine Confederation or its
16 hierarchy?

17 A. No.

18 Q. Was the same true regarding -- was the same true
19 in April of 2005, that you hadn't conducted any
20 research or investigation regarding the
21 Benedictine Confederation?

22 A. Yes.

23 Q. The same was true in September and October of

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1 '05, that you hadn't investigated or researched
2 the Benedictine Confederation?

3 A. Yes.

4 Q. Same was true in December, 2007, that you had not

5 researched or investigated the Benedictine
6 Confederation, is that correct?
7 A. Yes.
8 Q. And in fact, you didn't research or investigate
9 the Benedictine Confederation until after you
10 left Most Holy Family, correct?
11 A. As far as I recall, yes.
12 Q. We'll take a break in a minute.
13 You and I had some discussions about the
14 kingdom of Christ versus the kingdom of Satan,
15 and you identified people that you thought fell
16 within the kingdom of Satan. How about Richard
17 Ibranyi, would you believe him to be in the
18 kingdom of Satan?

19 A. I don't know.
20 Q. I'm not asking you to state as a fact whether he
21 is or he isn't, but this has to do with I guess
22 the Roman Catholic religion as you've defined it.
23 And based on its teachings as you know them, do

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1 you believe, does Eric Hoyle believe that Richard
2 Ibranyi finds himself within the kingdom of
3 Satan?
4 A. I don't have the information to make that kind of
5 judgment in this regard.
6 Q. Do you have any information about him whereby he
7 claims or professes to be some sort of prophet or
8 oracle?
9 A. To my knowledge, he has claimed to be a prophet.
10 Q. What is his exact claim, as you understand it?

11 A. As I understand it, he claims to be the prophet
12 Elias who has come to play a role in the last
13 days of the world, as mentioned in the Book of
14 the Apocalypse.
15 Q. You've got to help me a little bit there. Is
16 Prophet Elias a significant religious figure?
17 A. He was an Old Testament prophet.
18 Q. And where does he come from, according to the Old
19 Testament?
20 A. He was born just like anyone else.
21 Q. And how does he become a prophet?
22 A. By the gift of prophecy and of miracles that he
23 received from God.

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1 Q. So he claims to have received a gift of prophecy
2 and miracles from God?
3 A. To whom do you refer?
4 Q. Richard Ibranyi.
5 A. I don't know. I was referring to the Old
6 Testament prophet Elias.
7 Q. But that's who he claims to be, right?
8 A. I don't know what he exactly means by that, but I
9 don't believe that he means he is the actual same
10 person come back to Earth.
11 Q. What do you understand him to mean?
12 A. I understand him to mean that he is fulfilling a
13 role that is referred to in scripture as that of
14 the prophet Elias.
15 Q. Does he have a religious community out in New

16 Mexico or something like that?

17 A. I believe he does.

18 Q. Have you gone to visit him?

19 A. No.

20 Q. He claims to be Roman Catholic, does he not?

21 A. Yes.

22 Q. And we talked this morning about the fact that

23 there aren't too many other Roman Catholics

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1 around, right, that you're aware of?

2 A. Yes.

3 Q. Have you sought to join his community?

4 A. No.

5 Q. Why not?

6 A. Because I do not have confidence in him

7 personally or in his religious beliefs. And

8 besides that, I do not want to move to New

9 Mexico.

10 Q. You've actually exchanged written debates with

11 Mr. Ibranyi on religious issues, Catholic

12 doctrine, correct?

13 A. Yes.

14 Q. And there are a number of points on which you and

15 he disagree, correct?

16 A. I believe, yes.

17 Q. Do you believe that he practices and adheres to

18 the Roman Catholic religion you identified

19 earlier this morning, the same as you?

20 A. No. I believe that he comes to conclusions that

21 are far afield from what the church teaches.

22 Q. Does that make him a heretic? Let me back up.

23 According to your definition, he's definitely not

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1 an infidel, then, right? Because he thinks he's

2 following true Christian, Catholic beliefs,

3 right?

4 A. It's correct that he's not an infidel.

5 Q. But if he's not following the correct teachings

6 of the church or his followings and beliefs are

7 in conflict with the teachings of the church,

8 then under your definition he would be a heretic,

9 right?

10 A. Yes, depending on his knowledge and intention.

11 Q. Well, he claims to be an expert on this stuff,

12 doesn't he, Catholic religion?

13 A. At least he implies that he's an expert.

14 Q. So wouldn't you agree, then, based on that, that

15 he has the knowledge and intention to be

16 knowingly not adhering to what you would say is

17 the true Catholic set of beliefs?

18 A. Not necessarily.

19 Q. All right. So Keith McKay and Richard Ibranyi

20 are not necessarily heretic, correct, in your

21 view?

22 A. As far as I'm able to make a conclusion, not

23 necessarily.

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1 Q. And that's because they might both be just

2 honestly mistaken, to use your term?
3 A. I believe that that's a possibility that I can't
4 rule out.
5 Q. All right. Brother Michael Dimond, do you
6 believe he's a heretic?
7 A. To the best of my understanding, I believe he is.
8 Q. He doesn't get the benefit of an honest mistake
9 like Mr. McKay or Mr. Ibranyi? It's a yes or no.
10 A. Yes, he does have a possibility of making an
11 honest mistake, but my experience of what he has
12 said and done make that possibility small.
13 Q. All right. Now, let's talk about -- you used a
14 good phrase there; my experience. Your
15 experience, after you read Mr. Ibranyi's writings
16 about mass attendance, how many discussions did
17 you have with Brother Michael Dimond about the
18 issue?
19 A. One.
20 Q. And when was that?
21 A. On the telephone on the afternoon of the day I
22 left.
23 Q. So you were already gone?

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1 A. Yes.
2 Q. You had already left?
3 A. Yes.
4 Q. And there was no going back, right? You made
5 that decision, correct?
6 A. What do you mean by that?
7 Q. That you had decided when you left that you were

8 not going back to the Most Holy Family community.
9 A. I certainly had no intention of going back at
10 that time.
11 Q. Okay. So at the time you left, you had had no
12 discussions of the mass attendance issue and
13 Richard Ibranyi's write-up of it with Brother
14 Michael?
15 A. No.
16 Q. So when you said based on my experience in
17 dealing with Brother Michael on that issue, you
18 had no experience in dealing with Brother Michael
19 on that issue, had you?
20 A. At the time I answered your question, I was
21 referring to my experience up to the present day.
22 Q. On other issues?
23 A. On any issue.

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1 Q. And explain -- you said your experience up to the
2 present day. You mean your personal interactions
3 and dealings with Brother Michael?
4 A. I mean my knowledge of things written and
5 published by Frederick and Robert Dimond as well
6 as -- yeah. Without that as well as.
7 Q. So when you said based on my experience in
8 dealing with them, it wasn't that you had
9 personal interactions discussing mass attendance
10 or Richard Ibranyi's writing on mass attendance,
11 right? That's not what you're referring to?
12 A. No, I'm not referring to that.

13 Q. You're referring to being familiar with the
14 written materials prepared by Brother Michael and
15 Brother Peter, is that right?

16 A. Yes. And also published by Richard Ibranyi that
17 included some things written by them, or at least
18 by Peter.

19 Q. And you'd seen those -- the written materials of
20 the Dimonds, was that material you were familiar
21 with prior to December 30th and 31st of 2007?

22 A. Could you restate the question?

23 Q. Brother Michael and Brother Peter's writings, the

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1 ones you're referring to, is this material that
2 you had reviewed and were familiar with in '05,
3 '06 and '07, or was it something that you
4 reviewed for the first time on December 30th and
5 31st?

6 A. The ones that I believe give evidence of a lack
7 of pursuit -- honest pursuit of truth are those
8 that I read on or about December 31st, as well as
9 some articles published by the Dimonds in 2008 or
10 later.

11 Q. Let me break that apart. Your decision to leave,
12 then -- because the stuff in '08 was after you
13 left, right?

14 A. Yes, 2008 was after I left.

15 Q. All right. So the stuff written by Brother
16 Michael or Brother Peter that caused you to reach
17 this decision to leave and conclude that -- well,
18 let me start over. The materials published or

19 written by Brother Michael that caused you to
20 leave on December 31st, you're saying the first
21 time you reviewed those was December 30th and
22 31st?

23 A. Yes.

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1 Q. Okay. There were responses to Richard Ibranyi on
2 their website that you had read long before that,
3 though, correct?

4 A. Yes.

5 Q. And you were aware of Mr. Ibranyi's criticism on
6 the mass attendance issue prior to December of
7 2007, correct?

8 A. As far as I recall, I was not.

9 Q. So up until December 31st, 2007, you had adopted
10 and then rejected numerous different religious
11 organizations, correct?

12 A. I had been involved with a variety of religious
13 organizations, some of which I had ceased to be
14 involved with.

15 Q. Some of which?

16 A. Yes.

17 Q. When you joined Most Holy Family Monastery, what
18 other religious organizations did you continue to
19 be involved with?

20 A. None as far as I recall.

21 Q. All right. And at one point you had a very
22 strong relationship with Dr. White, correct?

23 A. We were personal friends.

1 Q. And you shared religious beliefs and you

2 discussed religion, correct?

3 A. Yes. I spent very little time with him, though.

4 Q. You ended up rejecting his beliefs, correct?

5 A. Yes, we ended up differing on matters of

6 religion.

7 Q. There's this other guy. How do you pronounce it,

8 Gerry Matatics, is that it?

9 A. Matatics.

10 Q. Matatics. You were very interested in his

11 beliefs and teachings for a time, correct?

12 A. Yes.

13 Q. And you even gave him in 2004 a ten thousand

14 dollar donation, correct?

15 A. Yes.

16 Q. And later in 2004 you gave him another ten

17 thousand dollar donation, correct?

18 A. Yes. I believe -- I don't know the -- I don't

19 recall the day or the year.

20 Q. Well, it was before you went to Most Holy Family?

21 A. Yes.

22 Q. And as part of your -- what I'm going to refer to

23 as the evolution of your religious thinking,

1 after you made those two gifts, you ultimately

2 wrote Gerry Matatics another letter that said I'm

3 withdrawing my pledge of financial support. Do

4 you remember doing that?

5 A. Yes.

6 Q. And that was because you diverged from his

7 religious views and beliefs, is that right?

8 A. As I understood it, yes.

9 Q. And the Society of Saint Pius the Tenth, you

10 applied to become -- to train to be a priest in

11 one of their seminaries, right?

12 A. Yes.

13 Q. And you subsequently decided to reject the

14 Society of Saint Pius the Tenth and its

15 teachings, correct?

16 A. Yes.

17 Q. And before you became involved with any of those

18 individuals, you had sought to become, I believe

19 it's -- if the term is wrong, please correct me.

20 You wanted to enter a Protestant seminary to

21 become a priest at one time?

22 A. I thought of it in roughly the early part of

23 2003.

1 Q. And you looked at or practiced at different times

2 or attended services at Lutheran, Methodist and

3 Mormon churches, is that right?

4 A. Yes, at different times Lutheran, Methodist and

5 Moravian churches.

6 Q. In 2003 and before?

7 A. Yes.

8 Q. And you've applied for acceptance into a --

9 various Protestant seminaries?

10 A. No.
11 Q. No?
12 A. As best I recall, no.
13 Q. You were thinking about it?
14 A. Yes.
15 Q. And you ultimately decided not to do it, is that
16 right?
17 A. Yes.
18 Q. And that's because you elected at that point in
19 time to reject the Protestant form of religion?
20 A. I don't recall.
21 Q. Really?
22 A. I don't recall if that was the reason why I chose
23 not to apply. I do recall another reason that I
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1 chose not to apply.
2 Q. Did you -- a simple fact question. Did you in
3 2003 determine to reject all Protestant forms of
4 religion?
5 A. As best I recall, it was in 2003 or possibly in
6 early 2004, the best I recall.
7 Q. That you rejected the Protestant religion?
8 A. Yes.
9 Q. And around that time you were dating a girl who
10 had recently converted from being Protestant to
11 what you had identified earlier as the Vatican
12 Two church, I believe?
13 A. Yes, using a loose definition of dating.
14 Q. Do you know who Mr. Silverman is at the
15 University of North Carolina?

16 A. Yes.
17 Q. Who is he?
18 A. A tall man whom I met in the quad, the best I
19 remember.
20 Q. You actually wrote a rather long e-mail to him.
21 Why don't you take a look at Exhibit 12, see if
22 you can recognize that.

23 (Discussion off the record.)

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1 (Whereupon, a recess was taken from 1:00
2 until 1:30 p.m.)
3
4 (Whereupon, a one-page E-mail Printout was
5 then received and marked as Exhibit 15,
6 a two-page E-mail Printout was then received
7 and marked as Exhibit 16,
8 a six-page E-mail Printout was then received
9 and marked as Exhibit 17,
10 a one-page E-mail Printout was then received
11 and marked as Exhibit 18,
12 a two-page E-mail Printout was then received
13 and marked as Exhibit 19,
14 a six-page E-mail Printout was then received
15 and marked as Exhibit 20,
16 a five-page E-mail Printout was then
17 received and marked as Exhibit 21,
18 a five-page E-mail Printout was then
19 received and marked as Exhibit 22,
20 a six-page E-mail Printout was then received

21 and marked as Exhibit 23,
22 five pages of Wachovia Credit Card
23 Statements were then received and marked as
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1 Exhibit 24,
2 a Donation Letter dated April 6, 2005, with
3 one attachment, was then received and marked as
4 Exhibit 25,
5 a Donation Letter dated June 13, 2005, with
6 one attachment, was then received and marked as
7 Exhibit 26,
8 a Donation Letter dated March 27, 2006, with
9 two attachments, was then received and marked as
10 Exhibit 27,
11 a Donation Letter dated October 1, 2007,
12 with one attachment, was then received and marked
13 as Exhibit 28,
14 a Donation Letter dated April 7, 2006, with
15 one attachment, was then received and marked as
16 Exhibit 29,
17 and a Response to Defendants' Second Notice
18 to Produce was then received and marked as
19 Exhibit 30, for identification.)

20
21 MR. RITTER: Wade, you had indicated that Mr. Hoyle
22 wanted to clarify one of his prior answers or
23 supplement it.

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1 MR. EATON: Specifically with regard to the

2 discussions at MHFM regarding mass attendance.
3 BY MR. RITTER:

4 Q. Okay. Mr. Hoyle, you can go ahead.
5 A. Yes. I wanted to say that I had answered I
6 believe that I had not discussed with Frederick
7 or Robert Dimond the matter of mass attendance
8 until that day that I read those documents by
9 Richard Ibranyi and left. And what I meant by
10 that was the particular issue of whether one can
11 attend -- well, of whether one can attend any
12 mass, period, that is offered by somebody --
13 well, offered by somebody under the Vatican Two
14 church. We had actually discussed on various
15 occasions or at least a conversation had taken
16 place where it was talked about of whether it was
17 right to continue going to that church that we
18 would go to, the Ukrainian church in Rochester.
19 And I think at one point there was -- well, at
20 several points there was doubt maybe as to
21 whether we should go there given the certain
22 actions and things that had happened there,
23 things that the priest had said, the picture of

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1 John Paul Two being up in the front of the
2 church. And also that for a time -- according to
3 what I was told by the Dimonds, there was a time
4 in 2005 I think, between my visit and my coming
5 to stay at MHFM, where they had stopped going to
6 that church because of I think the visit to the

7 synagogue of Benedict the Sixteenth.

8 Q. Yes, that was in your journal.

9 A. Okay.

10 Q. Yeah.

11 A. So those issues were discussed. It's just that
12 the particular matter that I left over was not
13 discussed.

14 Q. And to be clear about that, what you're saying is
15 the issue or the conflict about whether to -- you
16 were able to attend mass and still adhere to the
17 Roman Catholic religion as you identified it was
18 discussed between you and the Dimonds at
19 different times, is that right?

20 A. Well, there was conversation that touched upon
21 it. I was understanding myself to be and was
22 treated as a religious under obedience, so this
23 was not a situation where we were having a, a

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1 meeting to reach a consensus. It was more like
2 we were just -- it was being talked about and the
3 final decision rested with Frederick. But it was
4 talked about, so I did have conversation with
5 them about it.

6 Q. And in all those conversations prior to your
7 reading the writings of Richard Ibranyi you claim
8 on December 30th and 31st, you agreed with or
9 accepted their conclusions about mass attendance?

10 A. Yes, that's right.

11 Q. So the first time you disagreed with their
12 conclusions about mass attendance was December

13 30th or 31st, so you claim?

14 A. Yes.

15 Q. I'm going to jump around a little bit, I
16 apologize for this. Just little things that I
17 picked up from reviewing the records. You make a
18 lot of references to Pennington Lane in your
19 journal and in your e-mails, about maybe you
20 should have stayed there and how great life was
21 there. What was Pennington Lane?

22 A. Pennington Lane was the street I lived on.

23 Q. When?

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1 A. In Winston-Salem before I left to go to MHFM.

2 Q. For how long did you live there?

3 A. Roughly six months.

4 Q. And what are your positive or what were your
5 positive memories about life on Pennington Lane?

6 A. I remember that I lived what I would call my
7 religious life there and I followed a schedule of
8 early rising and I prayed what is called the
9 Divine Office that has different offices like
10 Matins and Lauds and Prime and so on that
11 Catholic religious pray. I would pray that on my
12 own pretty regularly. I mean, I didn't
13 necessarily get everything in every day, but I
14 mostly did, as far as I recall.

15 Q. And during your time at the monastery with
16 Brothers Michael and Peter, you had a lot of
17 internal conflict about the lifestyle there

18 compared to what you just described on Pennington
19 Lane, didn't you?

20 A. Yes. There were several occasions that I would
21 think about it frequently, and then there would
22 be times when I didn't think about it very much.
23 Q. And they tended to be issues that really didn't

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1 have anything to do with religion, such as --

2 A. Religious doctrine you mean?

3 Q. Religious doctrine.

4 A. Yes, that's true.

5 Q. Issues, for example, of how clean the shower
6 stall was, right?

7 A. Right.

8 Q. That bothered you, right?

9 A. It did.

10 Q. And issues relating to the hours when the
11 brothers would attend to their religious studies
12 or the business and affairs of Most Holy Family,
13 you didn't like that it started late in the
14 morning and went into the evening, right?

15 A. I don't know if that's the exact time, but I
16 didn't like how it was more or less nocturnal.

17 Q. Nocturnal?

18 A. Nocturnal.

19 Q. You're an early riser?

20 A. Well, I have been at times, but not especially.

21 Q. And you had concerns about, for example, spending
22 time playing board games or video games because
23 that didn't seem productive to you, correct?

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1 A. At sufficient length, no, I didn't believe it was
2 productive or helpful.

3 Q. And I noticed in your journal, I think you made
4 some references to fasting and healthy eating.
5 Are those things that were important to you
6 before you joined the monastery?

7 A. I don't recall specifically. I did, I did take
8 an interest in fasting before I entered the
9 monastery, and healthy eating has always been an
10 interest.

11 Q. And the eating habits of Brother Michael and
12 Brother Peter were of concern to you, as
13 expressed in your journal, is that fair to say?

14 A. I don't recall precisely, but I was -- I don't
15 recall precisely. I was -- yes, I was concerned
16 to some degree.

17 Q. Could you take -- it's Exhibit 6. That's a
18 document that was recently produced. You can see
19 it has Bates numbers down at the bottom, it
20 starts 5258 and goes all the way through 5348.

21 Do you see that?

22 A. Yes.

23 Q. It's about ninety pages, right?

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1 A. Let me think about it.

2 Q. Trust me. And this appears to be -- could you
3 tell me what this is? It came as one package

4 document.
5 A. Well, it's pages from my journal that I kept in
6 the past.
7 Q. Pages from a journal you kept in the past?
8 A. (Indicating yes.)
9 Q. It's not the entire journal, is it?
10 A. I don't know. I have not seen what pages are
11 here.
12 Q. Okay. To be real clear about it, right on this
13 first page in big bold letters it has redacted.
14 Do you see that?
15 A. Oh, I see what you mean.
16 Q. So there are sections of it in these ninety pages
17 that have been whited out or blacked out, right?
18 A. Yes.
19 Q. And in those areas where it says redacted, and to
20 be honest with you, I've counted at least ninety
21 of them, there is handwriting of yours in your
22 journal that I can't see, it hasn't been
23 produced. Right?

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1 A. Yes.
2 Q. Now, is this your -- what you called your
3 journal, is this your entire journal?
4 A. I don't know if it's the entire volume that these
5 pages are copied from.
6 Q. When you say volume, does that mean there's more
7 than one volume?
8 A. Yes.
9 Q. What is a volume?

10 A. A spiral notebook.
11 Q. Okay. And I can see along the edge of the
12 photocopies, I can see the spiral and I can see
13 the three-hole punches. Are you saying that
14 these pages are -- all continue to be contained
15 in a spiral notebook that you purchased for
16 purposes of using it as a journal?
17 A. Yes, these pages come from notebooks that I
18 purchased or acquired, although when I did so it
19 wasn't necessarily for the purpose of making a
20 journal.
21 Q. Okay. So there's actually more than one spiral
22 notebook, then?
23 A. Yes.

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1 Q. And how many are there? Not embodied by these
2 documents, but Eric Hoyle, you, how many spiral
3 notebooks do you have that comprise your journal?
4 A. I don't know.
5 Q. Is it more than two?
6 A. Yes --
7 Q. Is it more than five?
8 A. -- I believe it is. I don't know.
9 Q. When did you start keeping a personal journal?
10 A. I believe I started around 2000 or 2001.
11 Q. And this document that you've produced, what is
12 the first date -- what is the date of the first
13 page of this journal?
14 A. I can't tell.

15 Q. Because it didn't copy?
16 A. I believe it was 2/21, but that's a guess.
17 Q. And would that be 2005?
18 A. I believe so. You can see on page 5263 it says a
19 full date.

20 Q. That says March 7th, 2005, correct?
21 A. Yes.
22 Q. So you have not produced any volumes or pages
23 that predate what you believe is February 21st,
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1 2005?
2 A. I don't know.
3 Q. You don't know?
4 A. I don't know what's been produced on my behalf.
5 Q. Do you recall having to assemble documents and
6 send them to your lawyer?
7 A. Yes.
8 Q. Did you provide your lawyer with journals that
9 are dated prior to February 21st, 2005?
10 A. I don't recall.
11 Q. I'll make a document production for your entire
12 journal, from the date you started keeping it
13 through today, okay? I'll put that on the
14 record.
15 MR. EATON: We're not going to provide that.
16 MR. RITTER: We're going to get into it a little
17 more.
18 BY MR. RITTER:

19 Q. Can you tell me why on this first page I see the
20 word redacted rather than your handwriting?

21 A. Yes.
22 Q. Why is that?
23 A. Because someone put it there and covered up the
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1 writing.
2 Q. Do you know what the content of that writing was?
3 A. I don't recall.
4 Q. Are you aware of any privilege why that
5 information is not being provided or turned over?
6 A. No, I'm not aware.
7 Q. Okay. And I see right on this very first page
8 that down at the bottom you indicate that you
9 used the ECU library to check e-mail and read
10 some of the Most Holy Family writings. Do you
11 see that?
12 A. Yes.
13 Q. Is it fair and accurate to say that in your
14 journal you record your feelings and thoughts
15 about the Defendants in this case, the Most Holy
16 Family Monastery as well as Brother Michael and
17 Brother Peter?
18 A. Some of those thoughts, yes.
19 Q. And embodied in your journal would be your
20 thoughts for reasoning to join Most Holy Family
21 Monastery, correct?
22 A. Yes.
23 Q. And it would also contain your thoughts and

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1 feelings about whether to leave the Most Holy
2 Family Monastery, correct?
3 A. Yes.
4 Q. And before the break we went over part but not
5 all of what I'm going to call Eric Hoyle's
6 religious evolution. And what I mean by that is
7 your early Protestant beliefs, your investigation
8 of the underpinnings of those beliefs, your
9 evolution to the Vatican Two Catholicism for a
10 brief period, your evolution to SSPX and
11 eventually to the Most Holy Family Monastery.
12 We've confirmed all of those steps, correct?
13 A. I'm sorry. You have to repeat the exact
14 statement you made.
15 Q. All right. I'll take it in steps. You started
16 out and you held Protestant beliefs, right?
17 A. Meaning those were the first I ever held?
18 Q. Yes.
19 A. Yes, as far as I recall.
20 Q. And then in high school you thought about
21 applying for admission into a Protestant
22 seminary, correct?
23 A. No.

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1 Q. College?
2 A. College.
3 Q. In college you thought about applying to a
4 Protestant seminary, right?
5 A. Yes.
6 Q. And then from there you evolved into attending a

7 Roman Catholic mass? Excuse me. When I say
8 Roman Catholic, a Vatican Two type mass, is that
9 right?
10 A. Yes.
11 Q. And that was at Saint Mary's parish?
12 A. Yes.
13 Q. And you thought that was a disaster, right?
14 A. As far as I recall, yes.
15 Q. And actually, you referred -- in describing the
16 events you saw concerning the parishioners, do
17 you remember writing, I expected God to strike
18 them with lightning based on Old Testament
19 precedent and to this day wonder at his choice
20 not to do so? Do you remember writing that?
21 A. No, I don't remember writing that.
22 Q. Do you remember feeling that way?
23 A. Vaguely, yes.

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1 Q. Do you still hold that belief today?
2 A. No.
3 Q. At that point in time you wrote, I was astonished
4 to see a troop of women handling the blessed
5 sacrament and putting their hands inside the
6 tabernacle.
7 As you sit here today, that description or
8 image, do you find it offensive?
9 A. Yes, I do.
10 Q. When I was talking about your religious
11 evolution, Eric, after applying to the Protestant

12 seminary, after attending the mass at Saint
13 Mary's, you eventually came to befriend Dr.
14 White, is that true?
15 A. I think you mistakenly said that I applied to the
16 Protestant seminary. I really never applied and
17 it wasn't --
18 Q. I understand that. You thought about it.
19 A. I thought about it.
20 Q. And then you rejected Protestant teaching and
21 decided not to, right?
22 A. I believe the order was I decided not to apply,
23 and later I rejected Protestant teachings.

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1 Q. And then after that you had a friend named Paul
2 who took you to what you would characterize as a
3 traditional mass?
4 A. Yes.
5 Q. And that's where you met David White, Dr. David
6 White?
7 A. I believe so, as far as I recall.
8 Q. And you started to meet with Dr. White on a
9 weekly basis to study the Catholic faith?
10 A. Yes, I did that.
11 Q. And then you eventually -- in addition to your
12 studies with him, you did a lot of reading on
13 your own?
14 A. Yes.
15 Q. About the Catholic faith, right?
16 A. Yes.
17 Q. And I believe you indicated that you were

18 formally received into the real Catholic church
19 in May by conditional baptism. Is that right?
20 May of 2004.
21 A. It's true that I received that conditional
22 baptism in May, 2004, but I don't know if that
23 affected my entry into the Catholic church.

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1 Q. All right. Exhibit 12, to just identify it, it's
2 a document that you, Eric Hoyle, prepared and
3 drafted to Mr. Silverman, right?
4 A. Yes.
5 Q. And this is dated March 8, 2005, correct?
6 A. It is.
7 Q. And that's the date that you would have prepared
8 and sent this to Mr. Silverman?
9 A. I don't recall, but it looks like it is.
10 Q. That's the date of the document, correct?
11 A. Yes.
12 Q. All right. And if you go to paragraph twelve of
13 that document, do you see there you reference
14 that you were continuing to study with Dr. White
15 and do a lot of my own reading throughout the
16 spring?
17 A. Yes.
18 Q. And you wrote, I began to realize that the
19 Catholic church was overthrown from the inside by
20 its own purported leaders in the 1960's and
21 following years, a project that is especially to
22 be identified with the rogue council, quote,

23 unquote, Vatican Two, and with the fabrication of
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1 a new mass. Do you see that?
2 A. Yes, I do.
3 Q. Okay. This is before -- you came to that
4 realization before you had dealings with the
5 Dimond brothers, correct?
6 A. Yes.
7 Q. Is that something that you learned from Dr. White
8 or from your own reading or both?
9 A. I don't recall.
10 Q. And those beliefs about the Catholic church being
11 overthrown from the inside and the Vatican Two
12 council, you developed those beliefs and opinions
13 without the input or guidance from Most Holy
14 Family, correct?
15 A. I think you'd have to be more specific about what
16 beliefs you mean.
17 Q. That the Catholic church was overthrown from the
18 inside in the 1960's.
19 A. I don't recall to what extent I had formed my
20 understanding of that idea before I met the
21 Dimonds, but I had come to believe that the new
22 mass was wrong.
23 Q. Before the Dimonds?

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1 A. Before.
2 Q. And as a matter of fact, your e-mail where you
3 recount your religious evolution in Exhibit 12,

4 there is not a single reference in here to Most
5 Holy Family, is there?
6 A. I don't know. I have to look at it.
7 Q. Would you agree with me that to the extent
8 there's not a reference to Most Holy Family
9 Monastery in here, then what you've recounted in
10 here as the evolution of your religious beliefs
11 is what occurred before you met and dealt with
12 them?
13 Eric, it was not a hard question. We don't
14 have all day either.

15 A. Well, I'd like to get it right and it requires me
16 to look at the document.

17 Q. It's just that the long pauses we've been going
18 through all day chew up a lot of time and I'd
19 like to finish today.

20 MR. EATON: Counsel, you have also spent a
21 considerable amount of time asking the same
22 question over again, okay?

23 MR. RITTER: He doesn't answer them any faster the

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1 second time.
2 MR. EATON: Is there a message in that?
3 THE WITNESS: As far as I can tell, the description
4 of my activity in this e-mail does not include
5 any dealings with the Dimonds, although I believe
6 I had become aware of them and had begun to read
7 their material before the day of this document.
8 BY MR. RITTER:

9 Q. Did Dr. David White agree with you about the --
10 your position on the new mass?

11 A. I don't know exactly what he believed about it
12 and how it squared with what I believed, but we
13 did generally believe that it should not be
14 attended. I don't know if he believed that it
15 absolutely could not be attended or just that it
16 was best not to attend it.

17 Q. Okay. Going back to Exhibit 6, this is your
18 journal again. Have you kept a journal,
19 continued to make journal entries since you left
20 Most Holy Family Monastery?

21 A. I don't recall.

22 Q. Have you made any journal entries since January
23 1st, 2008?

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1 A. I don't recall. I believe it's been -- well, it
2 looks like there's one here that says January
3 4th, 2008, on the last page here. And I don't
4 recall whether I've written any journal after
5 that, but in general I have not been writing a
6 journal like this for quite sometime.

7 Q. I make a document request for your entire
8 journal, from the time you started keeping it
9 until your last entry, okay? That includes
10 wherever they are, spiral notebooks, whatever.
11 And by the way, I should establish that. There's
12 at least two spiral notebooks you said, right?

13 A. Yes.

14 Q. Have your journal entries occurred on any other

15 type of paper, three-ring binder, just a stack of
16 notes, legal paper, or are they all spiral
17 binders?

18 A. I don't recall with certainty. I believe that
19 the vast majority of material of this nature was
20 written in the notebooks because that was what I
21 kept them for. There were some notes and loose
22 papers that I would keep in the front pocket of
23 these spiral notebooks.

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1 Q. So if we go through this journal, Exhibit 6, on
2 just about every page there are redactions.
3 You'd agree with me on that, right? You can look
4 through it.

5 A. Do you want me to --

6 Q. I want you to look through it and confirm the
7 number of redactions.

8 A. A hundred and --

9 MR. EATON: Counsel, it is what it is. I think it's
10 unnecessary to take time and go through it all.

11 BY MR. RITTER:

12 Q. Would you agree with me generally, I can see you
13 flipping through it, that just about every page
14 has substantial redactions on it?

15 MR. EATON: I think that's a fair statement, but we
16 see that. He doesn't have to look through
17 everything.

18 BY MR. RITTER:

19 Q. Okay. As you sit here today, can you tell me,

20 for any of the redactions, what the subject
21 matter is of the material that's been redacted?
22 A. Yes, I believe I could do so if I were to try.
23 Q. Okay. Have at it.

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1 MR. EATON: I'm going to object to that. We've
2 provided --
3 MR. RITTER: I have no privilege log in any of this.
4 MR. EATON: You don't need a privilege log. You've
5 requested documents relating to MHFM. We've
6 provided you every piece of his journal which
7 makes any reference to your clients or this
8 lawsuit. The other matters which are contained
9 in the journal are neither relevant or material
10 and they will not be produced without a Court
11 Order and he will not answer any questions about
12 the content. This is his personal journal. He
13 discusses in his journal a great number of
14 matters very personal, that have no business
15 being involved in this lawsuit. Unless you get a
16 Court Order, we're not going to allow him to
17 answer questions about what's in there that's
18 been redacted or we're not going to provide the
19 documents.

20 MR. RITTER: I guess we're going to have to try to go
21 through some of this. Fundamentally, the one
22 point you're agreeing with me on is that he kept
23 -- he testified that he prepared this while he

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1 was at the Most Holy Family Monastery.
2 MR. EATON: We can see that. That's why we produced
3 it.
4 MR. RITTER: And there are documents in this journal,
5 i.e. pages where there are references to Most
6 Holy Family, and then ninety percent of the rest
7 of the page is redacted.
8 MR. EATON: It's redacted because it makes no
9 reference to Most Holy Family.
10 MR. RITTER: That doesn't mean it's not likely to
11 lead to material and relevant evidence. It may
12 very well have to do with many issues in the case
13 even if it doesn't reference them.
14 MR. EATON: You've requested information relative to
15 -- documents relative to his experience at MHFM.
16 We've provided you with everything in the journal
17 that meets that request. If you want to look at
18 the rest of it, get a Court Order. We'll ask
19 Judge Curtin to go through it and see what he
20 thinks.

21 BY MR. RITTER:

22 Q. Okay. Take a look at page 5728.

23 A. Could you say that again?

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1 Q. 5728. Excuse me. 5278.
2 A. Okay.
3 Q. All right. Down at the bottom, can you tell me,
4 on yours is the last line of that journal entry
5 page cut off?

6 A. Partially.

7 Q. Can you read the last sentence for me?

8 MR. EATON: Off the record.

9 (Discussion off the record.)

10 MR. EATON: Back on the record.

11 MR. RITTER: We've got the same problem on page
5282.

12 MR. EATON: If you'll identify the pages, we'll get
13 them to you tomorrow.

14 MR. RITTER: In addition on page 5283, if you read
15 from the bottom of 5282 to the top of 5283 it
16 appears that there's a page missing, it doesn't
17 follow. If you look at page 5284, at the bottom
18 it's all redacted out, and at the top of page
19 5285 it appears to start mid sentence regarding
20 Most Holy Family Monastery.

21 MR. EATON: Let me suggest that you provide us with a
22 list of pages that you have problems, and we'll
23 go through your request and then get the --

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1 BY MR. RITTER:

2 Q. I'll give you this one. Page 5287, Eric, take a
3 look at that one. You can see, you can read what
4 is dated 6/19, there's a full paragraph there,
5 you can read the whole thing, there's nothing
6 obscured. Right?

7 A. Parts of the letters are obscured, but in general
8 it's readable.

9 Q. None of the bottom line is cut off, right?

10 A. Well, the tail on the Y. I'm trying to answer

11 you.

12 Q. But there's no words missing, right?

13 A. Not that I can see.

14 Q. Okay. And on the top of the next page which is

15 5288, we begin to have -- it's starting mid

16 sentence, to do any good they must go out ASAP.

17 A. I see it.

18 MR. RITTER: If we could get those cleared up, I have

19 some specific questions about this. But

20 generally I made a demand prior to today for a

21 production of the whole thing. I haven't heard

22 any reason why it's not produced and the --

23 MR. EATON: I gave you a reason two minutes ago and

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1 it's on the record. It's the same reason I gave
2 you last time we talked.

3 MR. RITTER: Well, I don't agree with it.

4 MR. EATON: That's your problem.

5 MR. RITTER: I know.

6 BY MR. RITTER:

7 Q. I want to go -- Eric, would you agree with me
8 that it's your personal nature to be flighty?

9 MR. EATON: Don't answer that.

10 BY MR. RITTER:

11 Q. Would you agree with that? Have you ever
12 characterized yourself that way?

13 A. Could you repeat your question?

14 Q. Yes. Would you agree that you've characterized
15 yourself as flighty?

16 MR. EATON: Go ahead, you can answer.

17 THE WITNESS: I don't recall precisely when I
18 characterized myself as such.

19 BY MR. RITTER:

20 Q. Would you agree with me that the rapid succession
21 or evolution of your religious thinking suggests
22 flightiness?

23 A. No.

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1 Q. Take a look at page 5340. Do you see this
2 carries over from the prior page dated June 15?
3 And I believe this is 2007, because the next page
4 has the full date on it.

5 MR. EATON: Counsel, it's not clear that it carries
6 over from the previous page. There are
7 redactions there that are --

8 MR. RITTER: I'm just saying that this writing
9 occurred sometime between June 15th and September
10 9th of '07.

11 MR. EATON: That's fair.

12 BY MR. RITTER:

13 Q. Okay. Now, you wrote, I still labor under the
14 same vices; flightiness and the tendency to never
15 sustain a firm effort to bring a task to
16 completion or even, many times, to work hard. Do
17 you see that?

18 A. I do.

19 Q. That's your handwriting?

20 A. It is.

21 Q. That's the way you characterized yourself at that

22 time, back in 2007?

23 A. It is.

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1 Q. And this journal that you kept, did it contain
2 your honest and true feelings about things?

3 A. Yes, I attempted to be honest with myself at the
4 time I was writing it.

5 Q. And that was an honest statement when you wrote
6 it?

7 A. As far as I recall, it would have faithfully
8 reproduced my thoughts at the time.

9 Q. Okay. And later, further down in that paragraph,
10 you can see that there's a section that's been
11 redacted?

12 A. Yes.

13 Q. Two or three lines. And then you write, to the
14 extent I have overcome these vices, it is largely
15 attributable to the good deeds, good examples,
16 good precepts and authority of Brothers Michael
17 and Peter Dimond. God has used them in giving
18 His graces.

19 Do you see that?

20 A. I do.

21 Q. Is that an honest and true statement at the time?

22 A. As I've said, as far as I recall, this journal
23 does reproduce honestly the thoughts and feelings

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1 I had at the time I wrote it.

2 Q. Did that feeling and sentiment ever change?

3 A. Yes. I would have to modify that statement for
4 it to be true nowadays.
5 Q. How would you modify it?
6 A. I would take the section that says good deeds,
7 good examples, good precepts and authority and
8 replace it with example.
9 Q. Good example?
10 A. Just example.
11 Q. Okay. And you can see -- Eric, is it fair to say
12 that during your time at Most Holy Family you had
13 an internal struggle about the pros and the cons
14 of staying there, that there were reasons that
15 came up again and again why you wanted to leave?
16 A. Yes, there was an internal struggle over the
17 decision and whether to stay there.
18 Q. For example, go to page 5332. Excuse me. 5330
19 is what I meant to say. 5329. Sorry. I keep
20 backing up. I knew there was a starting point to
21 this.

22 All right. Do you see there's a large
23 redacted section next to the date April 30th,

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1 '06?
2 A. Yes.
3 Q. Do you see that? And then you write, I have been
4 strongly influenced today to leave MHFM, and I
5 just may do it. That's your handwriting, right?
6 A. Yes.
7 MR. EATON: Counsel, we'll stipulate that everything

8 in this exhibit is in Eric's handwriting.
9 BY MR. RITTER:
10 Q. All right. And then on the next page, 5330, is a
11 continuation of I guess that thought. You write,
12 now I am fearful of a confrontation and
13 falling-out with Brother Michael, whom I would
14 still like to work with in advancing the faith.
15 And then it goes on. Do you see that?
16 A. Yes.
17 Q. And then you write -- you identify your chief
18 concerns or reasons for leaving. Do you see
19 that?
20 A. Yes.
21 Q. Lack of community life, material, spiritual and
22 personal, right?
23 A. I see it, yes.

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1 Q. So it was not an issue of spiritual beliefs per
2 se, it had to do with material and personal
3 components of the life at the monastery that were
4 troubling you?
5 A. In contradistinction to what? Maybe I missed
6 your question.
7 Q. You were troubled? The reasons you were thinking
8 of leaving had to do with your personal
9 interaction with the brothers, your dislike of
10 the schedule, the overall atmosphere of the
11 environment, your longing for Pennington Lane and
12 private study?
13 A. No. That's -- that is not something that I can

14 recall sufficiently to confirm it.
15 Q. Look at page 5335. You write, I still have some
16 papers that list some reservations about this
17 monastery and grievances over past events. I
18 think I should now throw them away and rededicate
19 myself to the virtue of obedience, in which I am
20 lagging. Do you see that?

21 A. Yes.

22 Q. What papers are you referring to?

23 A. As best I recall, they were some small scraps of

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1 paper, perhaps six by eight or thereabouts, and
2 some of them were smaller, on which I had made
3 notes to myself about certain confrontations or
4 unpleasant events that had happened.

5 Q. Do you still have those?

6 A. I don't recall, but if I did have them I would
7 have already sent them to my attorney.

8 Q. I'll make a document production for those and ask
9 you to look for them again. These would be notes
10 on loose pieces of paper as opposed to ones in a
11 spiral binder?

12 A. Yes. The ones that I recall, yes.

13 Q. I don't recall seeing any of those produced, so
14 I'll ask for those.

15 MR. EATON: Off the record.

16 (Discussion off the record.)

17 BY MR. RITTER:

18 Q. On page 5336 you wrote, it is a great benefit to

19 be here in the monastery where I can be exercised
20 at being ruled, something that gives me great
21 difficulty. Do you see that?

22 A. Yes.

23 Q. Is that an honest and true statement about how

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1 you felt when you were at the monastery?

2 A. Yes.

3 Q. Is it also true that, quote, unquote, being ruled
4 is something that gives you great difficulty?

5 A. At present?

6 Q. At the time you were at Most Holy Family.

7 A. I don't know. That requires a judgment that is
8 difficult to make.

9 Q. At the time you wrote it, you believed it,
10 though, correct?

11 A. Yes, although I would say that my tendency in
12 this journal is to be harder on myself than I
13 would be in a less private setting.

14 Q. In other words, you'd be painfully honest with
15 yourself, you wouldn't hold back?

16 A. You could say that, but what I was getting at is
17 that the idea of me having great difficulty at

18 being under obedience is perhaps exaggerated
19 here. It would be more -- it would be better

20 understood by people other than myself if it were
21 to say some difficulty rather than great
22 difficulty.

23 Q. But you wrote great difficulty?

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1 A. Writing to myself.

2 Q. If you look at page 5341, down towards the bottom

3 there is a redacted section. Do you see that?

4 A. Yes.

5 Q. And then in referring to that redacted section

6 you wrote, this conversation raises serious

7 doubts about the wisdom of staying here at this

8 monastery.

9 So we see again it appears, this is on

10 September 9th of '07, that you're having doubts

11 about whether to stay?

12 A. Yes.

13 Q. And then continuing on the next page, you are --

14 again there's a redacted section in this

15 discussion of whether you should stay or not.

16 And then you write, perhaps this review of my

17 decision to enter Most Holy Family can be

18 resolved like this. Do you see that?

19 A. Yes.

20 Q. When you say perhaps this review, that's

21 referring in part to the redacted section above?

22 A. I don't know.

23 Q. In any event, you wrote, Brother Michael has more

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1 than sufficient virtue of the kinds that are

2 pertinent to common life to make it reasonable

3 for a wretch such as myself to subject myself to

4 him. Being here gives me worthwhile work to do

5 and shields me against temptation. So I should

6 stay. Do you see that?

7 A. I do see it.

8 Q. Now, there is on the next page, 5343 -- because

9 of the redaction, I can't tell if it jumps from

10 September directly to December, but it does so.

11 We'd make a request for any pages during the

12 intervening months that it appears to jump, from

13 September, '07 to December 30th, '07.

14 And you write on the 30th, yesterday evening

15 and today I have been regretting my decision to

16 enter Most Holy Family. Do you see that?

17 A. Yes.

18 Q. And you state, for the reasons I've already

19 listed and thought about in the past months and

20 years.

21 Now, that's referring to the dialogue that's

22 reflected in your journal about reasons to stay

23 versus reasons to leave, right?

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1 A. As far as I can tell. As far as I recall, yes.

2 Q. And if you scan through here, the pages, and this

3 is a rather long section I'll admit, I don't see

4 any reference to Richard Ibranyi or mass

5 attendance as being the reason that you were

6 going to leave the monastery.

7 A. I would have to read this full entry or at least

8 much of it to be able to answer that.

9 Q. Okay. But you can look at it and see it's one,

10 two, three, four, five -- almost six pages of

11 single-spaced handwritten thoughts by you, right?

12 A. Yes, it's several pages of writing by myself.

13 Q. And before you ever read any of that Richard

14 Ibranyi stuff, on December 30th, '07, you were

15 really struggling about whether to stay, weren't

16 you?

17 A. Yes, I was.

18 Q. And this is, in fact, the longest single entry in

19 this ninety pages of your journal that you

20 produced?

21 A. I don't know.

22 Q. It's the only five to six-page section of your

23 journal where there's nothing redacted, so it's

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1 really -- I guess I have to ask you the question

2 that way. It's the longest unredacted entry in

3 your journal, right?

4 A. I don't know that. I'd have to look at the

5 journal, but it's quite possible that it is.

6 Q. And in referring to your time at the monastery,

7 on the bottom of page 5343, you indicate, there

8 is plenty of opportunity to pray well, read and

9 meditate here, and I have chosen not to do it.

10 Do you see that?

11 A. Yes, I see it.

12 Q. Those are your feelings at the time?

13 A. Yes, but they're easily misunderstood by a third

14 party reading them. Or a second party I should

15 say.

16 Q. You wrote on top of the next page, first full

17 paragraph, when I came here, I was alone and

18 ignorant, lacking experience in living a Catholic

19 life, fearful of worldly disaster and keen to

20 apply my energies to the spread of the Most Holy

21 Family Monastery materials.

22 Is that true?

23 A. Aside from the part about alone and ignorant,

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1 which are misleading as written simply there,

2 it's true. As far as my being alone and

3 ignorant, especially the ignorant part, it

4 depends on what you mean by that.

5 Q. And you felt -- and let's focus on the last part

6 of that. Back in 2005, you, Eric Hoyle, believed

7 it was very important to spread the Most Holy

8 Family Monastery materials, didn't you?

9 A. Yes, I did.

10 Q. And you, in fact, wanted to make a considerable

11 donation to the monastery to help get those

12 materials to be able to spread to more people,

13 right?

14 A. Yes.

15 Q. And you write down in the next paragraph, but now

16 it seems quite reasonable to ask what difference

17 there is between living here and living

18 elsewhere. Do you see that?

19 A. Yes.

20 Q. And actually, in between there, you're even

21 quoting prior passages from your journal, right?

22 A. Yes, there's a quotation of one passage it looks
23 like.

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1 Q. Is it fair to say that in writing these thoughts
2 on December 30th, '07, you were not only
3 expressing your feelings, you were going back and
4 reading what you had written before about the
5 struggle about whether to stay or not, right?

6 A. I believe so.

7 Q. Then you write this. I have only recently
8 learned, as a consequence of someone else's
9 question, that to be a monk or even a Benedictine
10 these days takes nothing more than to profess the
11 faith, vow chastity to God and live in a manner
12 vaguely similar to the rule of Saint Benedict.
13 Do you see that?

14 A. I do.

15 Q. When did you learn that?

16 A. I don't recall.

17 Q. And you reference a consequence of someone else's
18 question. Whose question?

19 A. I don't recall, but it was probably Joseph Myers
20 or Michael Lipscomb.

21 Q. Michael who?

22 A. Lipscomb, L-I-P-S-C-O-M-B.

23 Q. And at that time, it was your understanding and

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1 your belief that to be a Benedictine it took

2 nothing more than to profess the faith, vow
3 chastity to God and live in a manner vaguely
4 similar to the rule of Saint Benedict, correct?

5 A. I don't recall ever having believed that.

6 Q. That's what you wrote, though, right?

7 A. It does appear to be what I wrote.

8 Q. And the reason why this is pertinent, Eric, is
9 because there's something that I've seen
10 reference to, Saint Benedict's promise. Isn't
11 there? Are you familiar with that? Or Saint
12 Benedict's guarantee?

13 A. Could you be more specific?

14 Q. Didn't -- isn't it written or your belief that
15 Saint Benedict received some sort of guarantee
16 from Christ that no one would die in the order
17 whose salvation would not be assured?

18 A. I don't have any knowledge of that aside from
19 what the Dimonds told me.

20 Q. Is that what you believe?

21 A. Yes, I believed it on their word.

22 Q. Do you believe it today?

23 A. I don't have a belief one way or the other about

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1 it.

2 Q. It doesn't matter to you?

3 A. What do you mean?

4 Q. Well, to be in the Benedictine -- the Order of
5 Saint Benedict, as I understood it, the way you
6 wrote it, that there was a guarantee from Christ
7 that no one would die in the order whose

8 salvation would not be assured.
9 A. Yes. As I said, that was what I was told by the
10 Dimonds. I believe it was written on their
11 website, and I believed it to be an authentic
12 piece of history based on the fact that they said
13 it.

14 Q. And did you investigate or research that on your
15 own?

16 A. Not that I recall.

17 Q. Since you've left the monastery, have you
18 researched that on your own?

19 A. Not that I recall.

20 Q. You wrote with regard to that, that to be
21 included in the guarantee given to Saint Benedict
22 you wrote, but could I live as a celibate man and
23 pray some semblance of the office and be included

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1 in the promise? I don't see why not, in these
2 times, except perhaps if I declined to enter Most
3 Holy Family. But what if I did so for good
4 reason?

5 Your thoughts there as you've written them
6 seem to suggest you're thinking that you could be
7 included in Saint Benedict's guarantee if you led
8 a good Catholic life outside the monastery.

9 Correct?

10 A. What page is that?

11 Q. 5345.

12 A. And your question is whether or not I believed

13 what exactly?

14 Q. You were rationalizing or reasoning that in these
15 times you could leave the monastery as a celibate
16 man and, as you put it, pray some semblance of
17 the office and still be included in Saint
18 Benedict's promise or guarantee?

19 A. Well, it's not clear to me that the journal
20 concludes that that is a certainty. It says I
21 don't see why not. It also says this is not a
22 crucial question. So I don't believe the journal
23 resolves that matter.

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1 Q. And apparently then you say, this is not a
2 crucial question because I trust that God is
3 willing to save me even as a layman provided I
4 cooperate with His graces. Correct?

5 A. It does say that.

6 Q. So in other words, the guarantee to Saint
7 Benedict, it wasn't material to you whether you
8 were Benedictine or not as you were reasoning
9 through here whether to stay or leave?

10 A. I don't recall that that is a correct
11 characterization of my thoughts. I believe that
12 I did care about the distinction between being a
13 Benedictine and not being one for myself
14 personally.

15 Q. But specifically you wrote, in contrasting
16 whether you were part of the monastery or leading
17 a good Catholic life on your own and still be
18 saved, you said this is not a crucial question

19 because I trust that God is willing to save me
20 even as a layman provided I cooperate with His
21 graces. Do you see that?
22 A. I see it, but what are you asking?
23 Q. My question is that, it wasn't material to your

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1 decision to stay or leave whether or not you were
2 Benedictine anymore?
3 A. No, I don't think that's a fair characterization
4 of it, as best I recall.
5 Q. When you say it was not a crucial question, what
6 did you mean by that?
7 A. As best I can tell, what it means is that living
8 as a celibate layman with a life similar to that
9 of a Benedictine monk, it's not clear whether one
10 would fall under this supposed promise that all
11 Benedictine monks who live well as such would be
12 saved would apply to me in that situation as a
13 celibate layman.
14 Q. That it would apply?
15 A. No. It's not clear whether it would, and that
16 it's not a crucial -- it's not very important.
17 Q. Whether Saint Benedict's promise would apply to
18 you?
19 A. In those circumstances. That's the best I can
20 understand what it means.
21 Q. And then on the next page, this is 5346, you
22 write, fifth line down, but it is also true that
23 if these were normal times and other Catholic

1 communities existed, I would certainly not choose
2 this one. Do you see that?
3 A. I do.
4 Q. And by that were you stating that you believed on
5 December 30th, 2007, that the Most Holy Family
6 Monastery was the only true Catholic community
7 that you were aware of?
8 A. Yes, I believe so.
9 Q. And that because of personal issues and
10 differences in lifestyle between you and the
11 other brothers, you're saying if there was
12 another choice, I certainly would choose it, but
13 there isn't?
14 A. I think that's not quite right. What it says is
15 if there were another monastery or religious
16 order, that I would prob -- excuse me. If there
17 were other monasteries, plural, or religious
18 orders, I would probably choose one of them to
19 enter.
20 Q. But there were no other ones?
21 A. Not that I was aware of that held the Roman
22 Catholic religion.
23 Q. And that was as of December 30th, 2007?

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1 A. Apparently so.
2 Q. And do you still feel that way today, that you're
3 not aware of any Roman Catholic communities --
4 or, excuse me, religious communities that follow

5 and adhere to the Roman Catholic religion as
6 you've described it?
7 A. Yes, it's correct to say that I don't know of any
8 communities at present whose beliefs and
9 practices are what I believe to be entirely
10 correct.

11 Q. And one of your other complaints about --

12 A. I'm sorry.

13 Q. What's that?

14 A. I've got to supplement the answer. There is a
15 group, I believe, of sisters who Barons Weber has
16 told me agree with his beliefs. And as far as I
17 know, he and I agree. I don't know anything
18 about their -- the organization of their
19 community. I don't know their names, but that
20 may be one that I, if I were to investigate,
21 would find is a religious community that believes
22 in my beliefs.

23 Q. You didn't know about that back in December,

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1 2007?

2 A. I don't recall if I made the connection between
3 the two, but there was a calendar that I believe
4 they published that I had at one time, in some
5 past year, but I don't believe I knew much about
6 them at all.

7 Q. But the basic struggle you were having was
8 whether to continue at Most Holy Family Monastery
9 or to live life as a celibate man and pray and

10 practice the Roman Catholic religion on your own?

11 A. Yes, those were the two options that I was
12 choosing between at the time.

13 Q. And in fact, less than twenty-four hours later,
14 you were out the door, right?

15 A. I believe so.

16 Q. And if we went through this whole thing, there's
17 no references to mass attendance or Richard
18 Ibranyi and his writings, is there?

19 A. Not that I see.

20 Q. And having gone through this whole thing, do you
21 remember the time of day you wrote this in your
22 journal, this entry of December 30th of '07?

23 A. No. I don't recall writing it, so I don't recall

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1 what time I wrote it, but I believe it was before

2 I read the articles by Richard Ibranyi.

3 Q. And you knew those articles were out there prior
4 to December 30th, right?

5 A. No.

6 Q. Well, I believe either in this deposition or in
7 some of your discovery materials you indicated
8 somebody had referenced them with you. You had
9 heard of Richard Ibranyi before, right?

10 A. Yes, I had heard of Richard Ibranyi.

11 Q. And you knew of his criticism of the Dimonds,
12 correct?

13 A. I knew that he criticized the Dimonds and I knew
14 at least one matter on which he criticized them.

15 But as far as I recall, I was not aware at all of

16 his argument with them about mass attendance.
17 Q. My point was more, you knew that he was very
18 critical of them and their religious beliefs
19 before December 30th, right?

20 A. Yes.

21 Q. So when you went to read those articles, you were
22 looking for dirt on the Dimonds, weren't you?
23 You were looking for reason to be critical of

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1 them, weren't you?

2 A. I don't recall.

3 Q. Well, you knew he was critical of them, right?

4 A. Yes.

5 Q. And you knew that when you read his articles he
6 was going to be saying things that cast
7 aspersions and criticized them, right?

8 A. Yes, I knew or could gather or could guess that
9 certain of his writings did do that, but the
10 reason I chose to read them that particular day
11 was different.

12 Q. What was the reason?

13 A. I wanted to understand what his position was on
14 baptism of desire.

15 Q. You happened to go looking for -- to research his
16 position shortly after you wrote five pages in
17 your journal about how you were so unhappy at the
18 monastery, right?

19 A. I believe that's the order of things, but I can't
20 say that for sure.

21 Q. And your unhappiness on the 30th and then your
22 decision to go research the Ibranyi materials,
23 those both occurred just hours before your

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1 authority to have access to the Scottrade account
2 with funds in it was going to be available?

3 A. They did occur, as it turned out, in that
4 succession.

5 Q. Okay. And let's recount it. So sometime on
6 December 30th, not late in the day, so I'm saying
7 midday, you write this long entry in your
8 journal, right?

9 A. As far as I know.

10 Q. And then after that, you go research the Ibranyi
11 materials that you know are critical of the
12 Dimonds, correct?

13 A. It did turn out that I researched those materials
14 later that day I believe, but I didn't go to
15 research -- I didn't go to find things that were
16 critical of the Dimonds so much as I went to find
17 things that gave his position on baptism of
18 desire.

19 Q. All right. And by the next morning, less than
20 twelve hours later, you're out of there, you're
21 ready to just pack up and get going, right?

22 A. Yes.

23 Q. And you were, to put it mildly, rather frantic to

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1 get out of there as quick as you could, right?

2 A. Could you be more precise?
3 Q. You didn't stick around to talk to the Dimonds
4 about what you found, did you?
5 A. No.
6 Q. That's because before you even read the Ibranyi
7 materials, you had decided that you were leaving,
8 didn't you?
9 A. No, I believe not.
10 Q. Suddenly --
11 A. The best I recall, I had not decided.
12 Q. According to you, suddenly upon reading the
13 Richard Ibranyi materials, you have this
14 clairvoyance of thought that the last two plus
15 years of your life living with the Dimonds and
16 adhering to their beliefs, that it was wrong and
17 heretical and you had to leave immediately?
18 That's what you claim happened?
19 A. Aside from your use of the language clairvoyance,
20 which is not correct, it's correct that I read
21 his argument about attending mass at certain
22 places.
23 Q. And bought into it a hundred percent immediately,

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1 is that what you're saying?
2 A. Over the course of many hours of reading and
3 thinking about it, I did come to conclude that he
4 was correct.
5 Q. Did you think or take the opportunity to talk to
6 your superior about it?

7 A. No, I didn't speak to Frederick about it.
8 Q. And rather than speak with Frederick, you made a
9 point of gathering up the relevant Scottrade
10 account records so you could try to process the
11 trade out of their account, didn't you?
12 A. No, that's not correct.
13 Q. You did do that, you tried to trade the money out
14 of the account while you were still at the
15 monastery on the morning of the 31st, right?
16 A. Well, I was referring to the part where you said
17 I had gathered up the relevant Scottrade records.
18 Q. Let's put it this way, Mr. Hoyle. Before you
19 left the monastery, you didn't want to bother
20 taking the time to talk to your superior, but you
21 did find time to gather up the monastery's
22 financial records, correct?
23 A. No.

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1 Q. Some of the financial records of the monastery?
2 A. Well, you're implying that I gathered them,
3 which --
4 Q. You took them?
5 A. The way to explain it is that they were in my
6 things. There was no gathering to be done.
7 Q. You don't like the verb gathering. I'm just
8 saying that when you left, you took with you the
9 monastery's financial records, is that right?
10 A. That's too general. I took some of -- a few
11 brokerage account records that happened to be in
12 my possession.

13 Q. It was just a coincidence?
14 A. What do you mean by coincidence?
15 Q. You didn't -- they just happened to be in your
16 records, so you just took them because it was
17 more convenient, rather than take them out, to
18 take them with you, or did you intentionally take
19 them with you?

20 A. As best I recall, I didn't think about it.
21 Q. Mr. Hoyle, you have to give me honest answers
22 here. You already testified that you went online
23 that morning and tried to process a transaction

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1 to transfer money out of the monastery's account
2 to yourself, correct?
3 A. Yes.
4 Q. That was a conscious, intentional decision by you
5 to access their financial account and try to
6 transfer the money to yourself, right?
7 A. Yes.
8 Q. And you were unsuccessful, correct?
9 A. I chose not to pursue it.
10 Q. You were unsuccessful, correct?
11 A. That's correct, I didn't transfer any money.
12 Q. You tried to, though?
13 A. Yes, I began to see how it was done with the
14 intention to do it.
15 Q. And when you were unable to do it, you knew that
16 later in the day you were going to call and try
17 to straighten it out on the phone, right?

18 A. No, I don't recall that that was my intention at
19 the time.

20 Q. That is what you did, in fact, do, though, you
21 called Scottrade once you got to the hotel,
22 right?

23 A. I believe that's correct, yes.

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1 Q. And the reason for the call was that you were
2 trying to get them to process a transaction out
3 of the monastery's account to your own, correct?

4 A. Yes.

5 Q. And in order to do that, you had to have some
6 information with you regarding the monastery's
7 financial accounts, right?

8 A. No, I don't follow that that would be necessary.
9 I don't follow that at all.

10 Q. All right. So it was just a coincidence that you
11 took some of their financial records when you
12 left, is that your testimony?

13 A. No, it's not, because a coincidence implies that
14 it was without reason, there was no cause for it,
15 to my mind, whereas there was a cause here, which
16 is that those documents were with my papers.

17 That's the reason that I took them.

18 Q. Wouldn't the other reason that you took them be
19 that you didn't remove them and leave them at the
20 monastery as their property?

21 A. Well, that's true, but it doesn't imply that I
22 thought about it.

23 Q. Let's take a look at Exhibit 15. Do you know

- 1 anybody who uses this e-mail address?
- 2 MR. EATON: May I see it, counsel?
- 3 BY MR. RITTER:
- 4 Q. Embase. E-M-B-A-S-E is the --
- 5 A. No, I don't think I've ever seen that e-mail
- 6 address.
- 7 Q. You don't believe you've ever seen that e-mail
- 8 address?
- 9 A. No.
- 10 Q. Okay. The e-mail address is E-M-B-A-S-E hyphen
- 11 exchange at Yahoo dot com. I'm just going to
- 12 make a document request that you check your
- 13 computer to see if you've had any correspondence
- 14 to or from that e-mail address. Okay?
- 15 16. I'm going to give you 16 through 19 all
- 16 at once, okay? I'm referring you to Exhibit 16,
- 17 and it is an exchange, an e-mail from you to a
- 18 gentleman by the name of Brad King in April of
- 19 2005. Do you see that?
- 20 A. Yes.
- 21 Q. And who is Brad King?
- 22 A. A person who does money management as a business.
- 23 Q. You write in your writing to him about -- in the

- 1 subject line you put, confirmation of new
- 2 financial plan. Do you see that?
- 3 A. Yes.

- 4 Q. And then in what I will call the third full
- 5 paragraph you write, my money, quite frankly, is
- 6 an undesired burden.
- 7 Is that how you felt in April, 2005?
- 8 A. As far as this note.
- 9 Q. This is what you wrote to your financial advisor,
- 10 right?
- 11 A. I don't recall my feelings exactly. I imagine
- 12 it's how I felt, though.
- 13 Q. Would it help refresh your recollection that in
- 14 April, 2005 your money felt like an undesired
- 15 burden?
- 16 A. Yes.
- 17 Q. And how much money did you have then, the stocks,
- 18 bonds, cash accounts?
- 19 A. I do not know.
- 20 Q. How about one and a half plus million dollars?
- 21 A. I don't know. I believe it was less than that.
- 22 Q. More than a million dollars, though?
- 23 A. Yes.

- 1 Q. In your own name?
- 2 A. Yes.
- 3 Q. Okay. And you wrote, continuing down, although
- 4 it takes some psychological violence to summon
- 5 the courage, I fully intend to give away the vast
- 6 majority of my money to good Catholic persons and
- 7 organizations. Do you see that?
- 8 A. I see it.
- 9 Q. Was that your intent at the time?

10 A. I don't recall.
11 Q. Back before you joined Most Holy Family
12 Monastery, was it your intent to give away most
13 of your personal wealth?
14 A. I just don't recall.
15 Q. You don't -- this e-mail to your financial
16 advisor, you would have made truthful and honest
17 statements to him, right?
18 A. I imagine so.

19 Q. No reason to disagree with the statements in
20 here, these are yours, right?
21 A. I believe so.
22 Q. Okay. You then write, I have dabbled in this
23 recently, to a total of sixty thousand dollars,

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1 over half of which went to groups that I now find
2 unacceptable. Do you see that?
3 A. I do.
4 Q. Is that kind of similar to what this lawsuit is
5 about? You gave money to --
6 A. It's similar to it.
7 Q. It's similar to it, right? Because at the time
8 you gave the monastery the money, you accepted
9 and agreed with their beliefs, right?
10 A. I think it would be more precise to say at the
11 time the money was transferred.
12 Q. I want to use your words, okay? So we'll keep
13 going through here. I'll ask that question
14 again.

15 And down in the body of this you talk about
16 wanting to make a three hundred thousand dollar
17 donation to the Most Holy Family Monastery. Do
18 you see that?
19 A. Yes.
20 Q. You wrote, I have found a group that I think
21 deserves, and can use, some serious money, Most
22 Holy Family Monastery in Fillmore, New York. Do
23 you see that?

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1 A. Yes.
2 Q. And that's your word, deserves, right?
3 A. Apparently it is.
4 Q. And in the next sentence you write that you spoke
5 to their superior and you are persuaded a big
6 donation, and then you go on, would be a good
7 idea, right?
8 A. Yes, that's what it says.
9 Q. Big donation. You're very specific about
10 definitions. What does donation mean in your
11 mind?
12 A. It means a gift.
13 Q. Irrevocable?
14 A. Well, I'm not an expert on the meaning, but I
15 imagine it would mean that.
16 Q. And then you write down after referencing them
17 and wanting to make this gift, you say, also
18 please understand that my financial plan for the
19 future is quite literally to give my money away.
20 Do you see that?

21 A. I do.
22 Q. Okay. And again, you used the word give rather
23 than transfer, right?

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1 A. Yes, that's what it says.
2 Q. That has a similar meaning to what you just
3 provided regarding donation?
4 A. I believe so.
5 Q. And then you write, I would be happy to cut it to
6 a hundred thousand dollars left in my name, and
7 even that is more than is necessary. That's what
8 you wrote, right?
9 A. Apparently so.
10 Q. And back before you joined the monastery, it was
11 your express plan to give away substantially all
12 your material wealth to good Catholic
13 organizations, right?
14 A. I don't recall it, but apparently that's what
15 this e-mail says.
16 Q. All right. Now, take a look at the next exhibit.
17 This is Exhibit 17.
18 MR. EATON: Counsel, I note that in this exhibit
19 there are --
20 MR. RITTER: Are there two together?
21 MR. EATON: -- it looks like five documents; 2241,
22 2242, and then it skips to 2621.
23 MR. RITTER: Right.

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1 MR. EATON: 2622.
2 MR. RITTER: Right. 2624.
3 MR. EATON: Could these be two different documents?
4 MR. RITTER: No. There were -- we can go off the
5 record.
6 (Discussion off the record.)
7 BY MR. RITTER:
8 Q. Mr. Hoyle, the first page of this is an e-mail
9 dated May 23rd from you to Brad King, right?
10 A. Yes.
11 Q. And he was still your money manager at that time?
12 A. I don't recall it. I'd have to refer to the
13 documents to know.
14 Q. Does the document refresh your memory that he
15 would have been your money manager?
16 MR. EATON: Just for the record, this is May 23rd,
17 2005.
18 BY MR. RITTER:
19 Q. I'm sorry if I misspoke. Because attached to it
20 -- your e-mail references an attached letter. Do
21 you see the reference on the very next page?
22 A. Yes.
23 Q. And you write to him and you say, I have decided

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1 to cancel my agreement with KMM and to handle my
2 own money management.
3 All right. KMM, is that Brad King's firm?
4 A. Yes.
5 Q. King Money Management?
6 A. Yes.

7 Q. All right. Now, you go on to list a number of
8 reasons why you want to handle your own money,
9 you number them one through four. And then
10 you're referencing some other things regarding
11 Most Holy Family Monastery donation. Do you see
12 that?

13 A. Yes.

14 Q. And you reference that it's important, Most Holy
15 Family Monastery needs to get its information out
16 ASAP. Do you see that?

17 A. Yes.

18 Q. That was your belief at the time, right?

19 A. Apparently it was.

20 Q. Well, Eric, I mean, back at this time, didn't you
21 have fears and concerns about impending world
22 events, natural disasters or wars and things like
23 that?

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1 A. Yes.

2 Q. Okay. And you thought it was important to get
3 the monastery's religious message out to as many
4 people as possible, right?

5 A. Yes.

6 Q. That's what you wanted to do?

7 A. Yes.

8 Q. And from looking at this, it appears to me that,
9 from the prior exhibit we looked at, that you had
10 intended to make a substantial donation but Mr.
11 King had talked you out of it, this three hundred

12 thousand dollar donation?

13 A. Yes.

14 Q. He talked you out of it?

15 A. He convinced me to reduce the amount.

16 Q. And what did you reduce it to?

17 A. I don't recall the number, but it should be the

18 amount that was acknowledged by the MHFM around
19 that time.

20 Q. Okay. And you write here, I mention this because

21 I regret rescinding my instruction for a three

22 hundred K donation, and this also factors in my

23 decision. And then you write, acting against my

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1 conscience for the sake of being agreeable is a

2 vice of mine, and I think I can best defeat it in

3 money matters by managing things alone. Do you

4 see that?

5 A. I do.

6 Q. So in other words, what you're writing there is

7 that when you get in discussions with people, you

8 like to be agreeable, is that right?

9 A. It's a true general statement, yes.

10 Q. About you?

11 A. As opposed to being confrontational and

12 disagreeing, yes, that's true.

13 Q. And in that regard, you refer to that

14 characteristic that you have as a vice, right?

15 A. No.

16 Q. You wrote, being agreeable is a vice of mine.

17 A. I think you should read the whole sentence more

18 carefully. That's not all that it says.

19 Q. Acting against my conscience?

20 A. That would be a vice. Being agreeable is not a

21 vice.

22 Q. So in other words, because you're agreeable, you

23 sometimes act against your conscience?

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1 A. That's what it states.

2 Q. And what you're referring to there is your

3 conscience told you to make this donation to Most

4 Holy Family Monastery, and in order to be

5 agreeable to Mr. King you reduced the amount?

6 A. I don't recall if that's exactly what I had in

7 mind.

8 Q. Is there anything else that you would have had in

9 mind?

10 A. Probably.

11 Q. Next page. Friday, September 23rd. You wrote to

12 Brother Michael at the monastery, I am taking

13 action today to get rid of the financial advisor.

14 Do you see that?

15 A. I do.

16 Q. All right. And did you get rid of Mr. King?

17 A. Yes, I stopped employing him.

18 Q. And an hour and a half later you wrote another

19 e-mail to Brother Michael, did you not?

20 A. It appears so.

21 Q. And there you wrote -- you're referring to

22 October 1st with Mr. King and your fees to Mr.

23 King will end, right, in the opening paragraph?

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1 A. Yes.

2 Q. And then you write, referring to the October 1st

3 date, at that time I will be free to transfer the

4 assets into my one account I plan to use for

5 taxes, and to make a donation to Most Holy Family

6 Monastery. Do you see that?

7 A. Yes.

8 Q. Okay. So -- and I've seen e-mails discussing

9 reserving money for taxes. Was it your intent,

10 consistent with what you told Mr. King before,

11 that you were going to donate substantially all

12 of your money to the monastery and reserve and

13 hold onto enough to pay your taxes?

14 A. That was an idea that I was strongly considering.

15 Q. Not only in the spring, at the time of the

16 earlier e-mails, but also at this time, September

17 23rd, 2005?

18 A. I don't recall precisely the dates or the months

19 when I made different plans or ideas about what I

20 might do in the future, so I really can't say,

21 but --

22 Q. But at this point in time, you write that you're

23 going to set up an account that you could use the

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1 remaining funds for taxes, and donate the rest to

2 the monastery, right?

3 A. And donate the rest to the monastery?

4 Q. Yes. I'm asking you to clarify. That's what you
5 meant when you wrote this, right?
6 A. I don't know, but I was planning to do what
7 Frederick Dimond required of me in regard to
8 money connected with my becoming a novice at or a
9 postulant at MHFM. And my -- whatever plans I
10 had, I don't really quite remember when or what
11 they were because they didn't come to fruition.
12 Q. When did you decide to join the monastery?
13 A. I don't recall. Roughly?
14 Q. September, '05, late August, '05?
15 A. In that neighborhood.
16 Q. Okay. And once before that you told Brad King
17 you were going to give everything you had away,
18 except a small reserve, to worthy Catholic
19 organizations, right?
20 A. Apparently I told him that was my intention.
21 Q. And as you sit here and go through these
22 documents and read what you wrote at the time,
23 does that refresh your recollection that that was

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1 your purpose and intent in 2005, to give most of
2 your money away to worthy Catholic organizations?
3 A. It does.
4 Q. And you identified Most Holy Family Monastery as
5 a worthy Catholic organization?
6 A. At that time I did.
7 Q. And you felt that way in 2005 when you joined
8 them, right?

9 A. Yes.
10 Q. And you felt that way in 2006?
11 A. Yes.
12 Q. And you felt that way in 2007 all the way up to
13 December 31, 2007?
14 A. Perhaps the night of the 30th.
15 Q. Perhaps the night of the 30th.
16 Take a look at Exhibit 18. Now, you had
17 just testified or you had suggested that what you
18 did with your money was going to be based on the
19 suggestions or direction of Brother Michael and
20 Brother Peter, okay? Now, this e-mail is dated
21 the 25th of 2005.
22 MR. EATON: August 25th.
23 BY MR. RITTER:

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1 Q. Excuse me. August 25th, 2005. It predates the
2 ones we were looking at where you were referring
3 to keeping some money for taxes and making a
4 donation.
5 A. Which ones? September?
6 Q. We were looking at a September 23rd e-mail where
7 you referred to transferring your assets away
8 from Brad King, keeping money for taxes and
9 making a donation. Do you recall that? And now
10 we're looking at an e-mail from you to the
11 monastery August 25th. And you put the subject
12 as brokerage account, right?
13 A. Apparently so.
14 Q. All right. And by the way, in brackets there,

15 I've seen this in a number of your e-mails, it
16 says aid 4 mail trial tag number 20. Could you
17 explain that or do you know -- no?

18 A. No, I don't know.

19 Q. You wrote to Brother Michael and you said, it
20 occurred to me recently that it would be a great
21 advantage for my donations to Most Holy Family
22 Monastery to come in the form of stock. Do you
23 see that?

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1 A. Yes.

2 Q. And again, you use the word donations, right?

3 A. Yes, in that case.

4 Q. Does that refresh your memory that at the end of
5 August in '05 it was your intent and purpose to
6 make donations to the monastery?

7 A. No, I wouldn't be able to say that based on this
8 sentence.

9 Q. You don't remember?

10 A. I don't recall. I think it's possible that I
11 used it in a loose sense or the more precise word
12 would be transfers, but I don't recall. At the
13 time I was intending to follow the procedures
14 that Frederick Dimond outlined as being
15 appropriate as a postulant.

16 Q. And what does that mean?

17 A. That means that he had to decide -- or, told me
18 that he had to decide whether he could accept me
19 as a postulant while there was money in my name.

20 Q. Eric, let's back up again. You were talking to
21 Brad King, but before you decided it was Most
22 Holy Family Monastery, you were going to give
23 substantially all your money away to Catholic

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1 organizations that you deemed worthy, right?

2 A. That's what the document said.

3 Q. And you're not disagreeing today, are you, that
4 that was your thought and your intent and your
5 purpose in 2005, are you?

6 A. No, I don't disagree that that was what I had in
7 mind when I wrote it.

8 Q. Go to the next exhibit, Exhibit 19. Do you
9 remember writing this e-mail concerning your
10 arrangements to enter the monastery?

11 A. I don't recall exactly, but I am certainly
12 familiar with the e-mail.

13 Q. And you can see down in the corner there's a
14 Bates number indicating this was a document
15 produced by you in the lawsuit through your
16 attorney.

17 A. Okay.

18 Q. Okay? And in the first paragraph you indicate
19 that you're going to be able to get out of the
20 contract on your house.

21 MR. EATON: Can we go off the record a second?

22 (Discussion off the record.)

23 BY MR. RITTER:

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1 Q. You indicate you can get out of your house so
2 you're able to make the move to the monastery,
3 right?

4 A. Yes, so it would be easier to move to the
5 monastery.

6 Q. And your next paragraph is, as for financial
7 considerations. Do you see that?

8 A. Yes.

9 Q. And you indicate there's a couple difficult
10 points that come to mind. Do you see the tax
11 issue comes up again, right?

12 A. Yes.

13 Q. You write, I will have to pay taxes at least
14 through next April, probably quite a lot because
15 I realized a lot of stock gains early this year.
16 So I will need to keep money in reserve for this.
17 Do you see that?

18 A. Yes.

19 Q. Do you remember telling Brother Michael that?

20 A. Yes.

21 Q. And then you write, I plan to give the vast
22 majority of my holdings as an outright gift. As
23 for the part that would be written down under my

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1 name and revert to me if I departed, perhaps
2 thirty thousand dollars. Do you see that?

3 A. I do.

4 Q. Do you remember writing it?

5 A. I don't recall actually writing it, but clearly I

6 did.

7 Q. And then you went on to write, even that sounds
8 excessive, but it comes to mind as a small
9 portion of what I am accustomed to having. Give
10 me your thoughts on this. Do you see that?

11 A. I do.

12 Q. So he's not telling you you have to do this; this
13 is your proposal, right?

14 A. What do you mean by this?

15 Q. These financial considerations, this is what
16 you're proposing to do?

17 A. I don't believe this was the first bit of the
18 discussion on this matter.

19 Q. Mr. Hoyle, he didn't tell you you had to give,
20 i.e. donate, substantially all your money to the
21 monastery, did he?

22 A. As in relinquish it permanently, is that what you
23 mean?

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1 Q. As an outright gift, to use your phrase.

2 A. No, he did not tell me that that was required.

3 Q. And in fact, you took the initiative to state to
4 him that as for the amount to be written down
5 under my name and would revert to me, perhaps
6 thirty thousand. That was your proposal, right?

7 A. It was.

8 Q. And he didn't tell you you had to do that, did
9 he?

10 A. Do what?

11 Q. Only reserve thirty thousand dollars to revert to

12 you if you left.
13 A. He didn't tell me the amount that I would need to
14 choose to revert back to me when I left. He told
15 me that I could choose an amount.

16 Q. So he gave you the -- he left it to you to make a
17 proposal?

18 A. Yes.

19 Q. And he left it up to you to decide?

20 A. Yes.

21 Q. Go back to Exhibit 18 a minute.

22 You knew, by the way, that the money that
23 you were giving him, that they were going to

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1 spend it, right?

2 A. I expected them to spend some of it.

3 Q. And this is kind of important, because you're
4 claiming that they were supposed to reserve seven
5 hundred and fifty thousand dollars, I think you
6 testified, to give back to you?

7 A. Yes, that's the best I recall.

8 Q. Okay. And here in these e-mails you're referring
9 to thirty thousand dollars. This is September
10 and August of '05, right?

11 A. Yes.

12 Q. And confirming that fact, in the e-mail that you
13 wrote him on August 25th when you proposed that
14 they open their own stock account and receive the
15 money as a stock gift, one of the reasons or
16 justifications you gave for doing that is much

17 faster response when you want to use the money,
18 right?

19 A. Yes, that's what it says.

20 Q. So you knew the stock that you were transferring
21 to them, at times they were going to need to sell
22 it and use the money, maybe quickly, right?

23 A. Yes.

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1 Q. And as far as that stock account goes, you didn't
2 say anything in this August 25th e-mail about
3 reserving a residual amount in there; you just
4 said put it in a stock account so you can use it
5 and access it more quickly, right?

6 A. Yes, that's a fair characterization of what it
7 says.

8 Q. Okay. And then Exhibit 19 again. I want to ask
9 you about your phrase, you chose the word
10 outright gift, outright gift regarding the vast
11 majority of your holdings. What did you mean by
12 that?

13 A. A gift that -- a gift to which I relinquished any
14 claim.

15 Q. Okay. And then you go on in this e-mail letter,
16 I'll call it, you said, then there are material
17 things.

18 And you go on to list your personal
19 possessions, your vehicle and things like that,
20 right?

21 A. Yes.

22 Q. Now, are those things you were going to take with

23 you when you left if you brought them to the

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1 monastery?

2 A. You mean if I were to leave the monastery?

3 Q. Yes.

4 A. Well, at the time I wrote this, I did not know

5 what the rules of the monastery would be on that

6 matter, but as it turned out when I lived there

7 these things were regarded as still belonging to

8 me. So yes, I did feel free to take them in the

9 case if I were to leave.

10 Q. Okay. Let's jump to Exhibit 20. Now, this is a

11 series of e-mails between you and a Michael

12 Trawick. Is he your tax preparer?

13 A. He is.

14 Q. Okay. And what you referred to in this lawsuit

15 is this notion that when you enter the monastery

16 you're supposed to turn over all of your assets

17 and because you're a member of the community and

18 it becomes, I guess, community property,

19 something like that.

20 A. No, that's not correct.

21 Q. Okay. Could you explain what the purpose was, as

22 you understood it?

23 A. Well, as I understood it, what Frederick Dimond

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1 required as a matter of general procedure was

2 that a person who was entering the religious

3 community was required to allow the monastery to

4 hold his, as it turned out, financial assets,

5 because there wasn't much said about material

6 things, but that the monastery had to hold his

7 financial assets in its own accounts subject to

8 the return of however many assets were designated

9 to be returned upon a person's departure.

10 Q. And in your September 1st, 2005 e-mail to Mr.

11 Trawick, you announced to him that you've decided

12 to enter a monastery, which means transferring

13 all my assets to that organization. Do you see

14 that?

15 A. I do.

16 Q. As consistent with what you were just referring

17 to?

18 A. It is.

19 Q. All right. And you list in there, you say, I

20 suppose it is easy enough to transfer assets, but

21 a couple of questions. Do you see that?

22 A. No. Where is it? Oh, yes.

23 Q. Third paragraph.

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1 A. I see it.

2 Q. And you ask him, how much will I need to reserve

3 for taxes and does that money need to be in my

4 own name or can my taxes be paid by the

5 monastery. Right?

6 A. I see it.

7 Q. Okay. And then you give him the breakdown of

8 where you stand financially for tax purposes, I

9 guess. And then you have a category, qualifying
10 gifts. Right?

11 A. Yes.

12 Q. And you list sixty-five thousand seven hundred
13 dollars cash. Do you see that?

14 A. Yes.

15 Q. And who did you make those gifts to?

16 A. To Most Holy Family Monastery. Possibly to other
17 groups or persons as well.

18 Q. All right. And then you indicate under stock
19 concerning gifts, none yet, but plan to make a
20 large gift to the monastery. Do you see that?

21 A. Yes.

22 Q. Again, that's referring to a gift in the sense of
23 an irrevocable transfer, right?

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1 A. I don't know that.

2 Q. That's what you meant at the time, right?

3 A. I'm not sure about that.

4 Q. Well, why don't we read a little more of your
5 e-mail, maybe it will help freshen up the memory.

6 You go down a paragraph and you talk about the
7 process of entering the monastery is years long

8 and that one may freely choose to leave. And

9 then you say, if I were to do that, I would

10 receive back into my own name whatever assets I

11 claimed as mine upon entering, and then in

12 parentheses, probably a minority portion of what

13 I have now, close paren. All right?

14 A. I see it.

15 Q. Does it help refresh your memory when you used

16 the words large gift you meant a donation that

17 would be irrevocable to the monastery under

18 qualifying gifts above?

19 A. No, it's not clear to me that that's what's

20 meant.

21 Q. Do you remember what you meant when you used the

22 word gift?

23 A. I just don't recall what I had in mind exactly

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1 right there. It could have gone either way, from

2 what I can see here.

3 Q. Go on to the next page. The e-mail in the

4 middle, you write to Mr. Trawick, could I give my

5 entire assets with the reservation that I receive

6 back, or in theory never really give, the money

7 needed to pay my 2005 taxes? Do you see that?

8 A. I do.

9 Q. So there on September 7th, that's your e-mail

10 from Mr. Trawick, right?

11 A. I e-mailed to Mr. Trawick.

12 Q. On September 7th, 2005?

13 A. It looks like it.

14 Q. And that's what you wrote, right?

15 A. Yes.

16 Q. All right. Consistent with what you wrote,

17 you're basically stating to him that you would

18 want to reserve enough money for yourself merely

19 to pay your 2005 taxes, right?

20 A. If you mean to imply that that would be the only
 21 reservation or only money that could come back to
 22 me, I don't believe that that is the concept I
 23 had in mind of what it really means.

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1 Q. Look, you're really good at interpreting
 2 language. I've read lots of your stuff. You
 3 wrote, could I give my entire assets with the
 4 reservation that I receive back, okay, and then
 5 you say, or in theory never really give, the
 6 money needed to pay my 2005 taxes.

7 So the only part you're talking about never
 8 really giving is the money you need for your
 9 taxes, right?

10 A. I don't know for sure about that.

11 Q. Is that the way you wrote it, though?

12 A. It could certainly be interpreted that way, but
 13 if one reads it in context with this other
 14 e-mail, then it is not -- certainly not
 15 sufficient to substantiate how it was being done.

16 Q. All right. How about we go to Bates number 5226
 17 in that package.

18 MR. EATON: Can I ask that you drop the shades?

19 BY MR. RITTER:

20 Q. This is your e-mail to Michael Trawick dated
 21 January 18th, 2006. The subject is tax numbers
 22 for 2005, right?

23 A. Yes.

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1 Q. Then you tell him, I'd like to know what I owe
 2 well in advance this year to make sure I am
 3 prepared for the payments as I continue to slim
 4 down my assets. Do you see that?

5 A. Yes.

6 Q. Your use of the phrase continue to slim down my
 7 assets, do you mean donate them to Most Holy
 8 Family Monastery?

9 A. As far as I can tell, it means to reduce the
 10 amount that's in my name.

11 Q. To donate it or give it away?

12 A. To transfer it under some terms to Most Holy
 13 Family Monastery.

14 Q. With no strings, right?

15 A. No, not correct.

16 Q. Not correct? So it wasn't really a gift that you
 17 wanted to make, then, huh? When you told Brad
 18 King that you wanted to give away most of your
 19 money to worthy Catholic organizations, you
 20 didn't mean it?

21 A. Well, as far as I can tell, I did mean it, and
 22 what -- in the sense that that was my intention
 23 at the time. But I complied with the wishes of

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1 Frederick Dimond in regard to how the transfer of
 2 money was to occur and what terms it was to be
 3 under, and that just didn't happen to be a gift.

4 Q. What didn't happen to be a gift?

5 A. That -- particularly that transfer that occurred

6 in early November, I believe was the execution
7 date, in 2005.

8 Q. You didn't intend it to be a gift? Let's get
9 into that, okay? You're slimming down your
10 assets, right? So if you have the right to get
11 them back, you're not slimming down, are you?

12 A. Well, yes, because it refers to the ones in my
13 name.

14 Q. But you have the right to get them back, so it's
15 still an asset by definition?

16 MR. EATON: That's tax law.

17 THE WITNESS: I'm not that precise.

18 MR. RITTER: That's not tax law. That's common
19 sense. And I can't believe I heard this guy say
20 I'm not that precise.

21 THE WITNESS: I'm sorry, I don't understand it.
22 Asset is a very broad term that has various
23 meanings.

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1 BY MR. RITTER:

2 Q. It would include the right to get the money back,
3 right?

4 A. If someone gives it to you. What's at issue here
5 is what I meant in writing this.

6 Q. Let's see if we can learn some things from what
7 you wrote, then. As of right now I have a little
8 over four hundred thousand still in my name and
9 am expecting around seven hundred thousand in
10 early June. Do you see that?

11 A. Yes.

12 Q. Okay. The seven hundred thousand was the money
13 you expected to get from the trust, is that
14 correct?

15 A. Yes.

16 Q. And you never got that?

17 A. No.

18 Q. That's the money that you had told Brother
19 Michael you were going to give to the monastery
20 as a donation, correct?

21 A. No, I don't believe I said that in particular to
22 him. I believe it was understood that that would
23 be money that the monastery would have to hold

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1 because of my being a postulant or novice.

2 Q. You mean money they'd have to give back to you?

3 A. That it would be subject to whatever terms we
4 would make upon it, but yes, that it could be
5 that kind of thing.

6 Q. You understood that you were providing this money
7 to help the monastery increase the publication
8 and circulation of its religious materials and
9 message, right?

10 A. Yes, I understood that it was being used that
11 way, or at least some of it. I also understood
12 that it was a requirement that I put it in the
13 hands of the monastery in order to be a postulant
14 or a novice.

15 Q. But you didn't. Right here, January, 2006, you
16 indicate that you still have four hundred

17 thousand dollars in your own name. You didn't
18 transfer all of your money out of your own name,
19 Eric, as of January, did you?

20 A. No, because it was reserved for taxes.

21 Q. So what you're saying is that Brother Michael
22 said it was okay for you to keep that amount in
23 your name?

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1 A. Yes.

2 Q. And frankly, he would have let you keep whatever
3 you needed in your name, right?

4 A. Not as far as I can recall.

5 Q. Do you have any documentation in the ten thousand
6 pages of redundant, repetitive documents I've
7 seen where there is a specific instruction or
8 directive from him telling you that you have to
9 give everything you have and you can't keep the
10 money for taxes or personal needs or whatever?

11 A. And can or can't keep the money?

12 Q. That you can't keep it. Because I'm looking at a
13 document right here where you did.

14 A. I'm not following the train of what you're
15 asking. I'm sorry.

16 Q. I'm asking you, do you have anything that says
17 Eric Hoyle, you have to give us everything so
18 that we can use it however we see fit? Because
19 that's what you're basically saying.

20 A. No, I don't believe I have a document that says
21 this.

22 Q. As a matter of fact, the e-mails we're going
23 through reflect in your own words your intentions

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1 to make gifts and donations, right?

2 A. Yes, they do refer to that intention.

3 Q. And in this e-mail you're telling your tax
4 advisor that you made gifts in 2005 of the number
5 sixty-five thousand seven hundred we already saw,
6 right?

7 MR. EATON: What's the page reference to that,
8 counsel?

9 MR. RITTER: 5226.

10 THE WITNESS: Yes.

11 BY MR. RITTER:

12 Q. And that you had made stock gifts of one million
13 two hundred thirty-three thousand one hundred
14 dollars, right?

15 A. Yes. That's the heading that's listed under
16 here, that's right.

17 Q. And you're calling them gifts; you're not calling
18 them transfers, right?

19 A. That's correct.

20 Q. All right. Go to the next page. Now, this is
21 Mr. Trawick's response to you on January 19th,
22 correct?

23 A. I believe it is.

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1 Q. And there is, right in the center of it, what
2 appears to be a Post-it note of handwriting

3 pointing to the P.S. section and the name Wade.

4 Do you see that?

5 A. I do.

6 Q. Did you write that?

7 A. I don't believe so.

8 MR. EATON: Off the record.

9 (Discussion off the record.)

10 BY MR. RITTER:

11 Q. Couple things, Mr. Hoyle. In connection with

12 relocating to the Most Holy Family Monastery,

13 would you agree with me that that was a change of

14 residence for you?

15 A. Yes.

16 Q. So you changed your residency from North Carolina

17 to New York?

18 A. Yes.

19 Q. And in that regard, Mr. Trawick writes here, I'll

20 be treating you as a New York resident for the

21 last quarter or so of '05 and for all of '06. Is

22 that right?

23 A. Yes.

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1 Q. So at the time, then, that you made the stock

2 gift of the one million two thirty-three in

3 November of '05, you were a New York resident?

4 A. It appears so.

5 Q. And that stayed the same throughout the balance

6 of 2006, you were a New York resident?

7 A. Yes.

8 Q. And for the balance of 2007, you were a New York
9 resident?

10 A. Yes.

11 Q. Now, in his P.S. to you he indicates, I have

12 treated your stock gifts of one point two million

13 plus as gifts to qualifying 501(c)(3)

14 organizations, and deductible within percentage

15 limits for tax purposes. Right?

16 A. Yes, that's what it says.

17 Q. Okay. And he says, in order to claim this

18 deduction, you'll need a receipt from the

19 organization which must indicate, and then it

20 goes on, that it was truly a gift. Right?

21 A. Yes.

22 Q. All right. So he took your e-mail, read it and

23 understood that you had made a stock gift of

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1 about one point two million dollars to the

2 monastery in the last quarter of 2005? That's

3 what's reflected here, right?

4 A. Apparently so.

5 Q. And he also told you if we're going to take it as

6 a deduction, we need a receipt confirming that it

7 was received as a donation by a qualified

8 501(c)(3) organization, right?

9 A. Yes.

10 Q. At that point in time, the transaction had

11 already occurred, right?

12 A. Yes.

13 Q. The gift was done, the money was there at the

14 monastery?

15 A. Yes.

16 Q. And I noticed in this e-mail sequence that you

17 gave me, you didn't write back to him and tell

18 him that the amount of the gift was wrong.

19 A. I believe there are other e-mails in the sequence

20 that I don't see right here, in which the

21 question of how much of it was to be treated one

22 way or another for X purposes was discussed.

23 MR. EATON: We're a little over two hours in this

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1 afternoon session. Should we take a five-minute

2 break?

3 MR. RITTER: Yes. Sure.

4 (Whereupon, a short recess was then taken.)

5 BY MR. RITTER:

6 Q. Mr. Hoyle, I'm going to try to ask you a couple

7 of questions without having to mark exhibits. Do

8 you know a guy named Joseph Myers?

9 A. Yes.

10 Q. He also resided at the Most Holy Family Monastery

11 with you for a period of time?

12 A. Yes.

13 Q. And you told him that Brothers Michael and Peter

14 were heretics, I believe, on December 31st, 2007.

15 Is that right?

16 A. Yes, I believe that's what I said to him.

17 Q. And you said we should get out of here, we have

18 to leave, these guys are heretics, and you

19 offered that he could join you in leaving the

20 monastery?

21 A. Yes, or words to that effect.

22 Q. Okay. And you were present when he was deposed

23 in this case I see. Correct?

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1 A. I believe it was done by the telephone, so I

2 was --

3 Q. But you were able to listen in?

4 A. For much of the time.

5 Q. Okay. And he was asked questions about things

6 that you did and said when you got to the motel

7 after leaving the monastery. Do you recall him

8 testifying about that?

9 A. Yes, in general.

10 Q. Okay. And he was asked -- here's a question:

11 That I understand you to say that once you got to

12 the hotel, he talked more about his reasons for

13 wanting to leave?

14 Answer: That's correct.

15 Question: What did he tell you then?

16 And the answer was: Well, you have to

17 understand, he -- the story is so complex. When

18 we got to the hotel, his determination was that

19 these guys are heretics and I'm going to take

20 these guys down. So that was his determination.

21 And then he went on later and testified that

22 he was quoting you, he said that you said, quote,

23 listen, these guys are heretics and I'm going to

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1 take these guys down. I'm taking them for all
2 they're worth, I'm taking them down, close quote.

3 Did you say those words or words to that
4 effect to Mr. Myers?

5 A. No. If I did say anything along those lines,
6 that testimony you just read would be a gross
7 exaggeration of anything I said along those
8 lines.

9 Q. Did you state to Mr. Myers that I'm going to take
10 these guys down?

11 A. As far as I recall, no.

12 Q. Okay. You said that his testimony was a gross
13 exaggeration of what you said. What do you
14 recall saying?

15 A. I don't recall the words I used, but I probably
16 said something along the lines of how I would
17 like to do something to rectify my own
18 participation in what I believe to be a false or
19 deceptive religious organization.

20 Q. Now, you said false, deceptive religious
21 organization. Before you got to the motel and
22 made any phone calls, was it your belief that
23 Most Holy Family Monastery was a false, deceptive

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1 religious organization?

2 A. Yes.

3 Q. Why?

4 A. First, because they were promoting a position

5 that I believe was heretical on the matter of
6 mass attendance.

7 Q. And that was the reason why you left the
8 monastery, so you claim, right? I mean,
9 singularly, the single reason you claim you left
10 the monastery wasn't because, as I guess it's
11 described in your journal, this dysfunctional
12 relationship with the brothers, but it was
13 because you claim that that mass attendance issue
14 was so significant you had to leave right away,
15 is that right?

16 A. Yes, that's right.

17 Q. You claim it didn't have to do with that other
18 stuff at all; dirty showers, eating habits,
19 nocturnal activities?

20 A. The decision to leave right away was because of
21 my belief that their religious doctrines included
22 a heresy.

23 Q. Specifically, the doctrine on mass attendance?

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1 A. Specifically, yes, that one could go to certain
2 priests for mass.

3 Q. Was there any other issue or area of concern that
4 you had that caused you to leave?

5 A. Well, yes. As you said, I had been displeased
6 with certain elements of life at Most Holy Family
7 Monastery. And that, you might say, made it
8 easier for me to choose to leave, but also I came
9 to believe that Frederick Dimond could not claim
10 to be a religious superior in keeping with the

11 code of canon law. And also I strongly
12 suspected, and expected to be able to soon
13 confirm, that the story I had been told of Joseph
14 Natale having founded MHFM had been a
15 fabrication, or a falsehood at least.

16 Q. Let's be precise. Those things, the issue about
17 Brother Michael (sic) being a superior of the
18 monastery and the story about Joseph -- is it
19 Natale? Those were subsequent events that came
20 up in discussions with you and certain
21 individuals from your hotel room after you left
22 the monastery, right?

23 A. Yes, we discussed them then, but I don't believe

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1 that was the first time that we discussed them.
2 Q. When you say we, who did you discuss them with?
3 A. I'm referring to myself and Joseph Myers and
4 Michael Lipscomb, the three that left together.
5 Q. It's my understanding from Mr. Myers' testimony
6 that you never raised any issue about Joseph
7 Natale or the Benedictine status of the monastery
8 until you contacted somebody on the telephone,
9 which he believed to be Richard Ibranyi or
10 someone associated with him, who started telling
11 you things, negative things, about Most Holy
12 Family. Is that true?
13 A. Pardon me. Is it true that that was the first
14 time I discussed issues about the legitimacy of
15 the monastery?

16 Q. With Mr. Myers or the other guy that was with
17 you.

18 A. No, it's not true.

19 Q. When is the first time you talked to them about
20 it?

21 A. I believe it was the morning of the day we left
22 when I spoke to them, that I said that I believed
23 that Frederick Dimond, because of his youth and

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1 his years purportedly professed as a religious,
2 was not eligible for election as a Benedictine
3 superior at the time that he had claimed to be
4 elected. I did mention that to Myers and
5 Lipscomb before we departed MHFM.

6 Q. So if Mr. Myers testified to the contrary, you
7 would disagree with his testimony?

8 A. Yes.

9 Q. How about his testimony that after talking to the
10 guys at RI, he wrote down a secondary issue that

11 Brother Joseph, and I'm paraphrasing, wasn't a
12 real monk and that Brother Michael wasn't a

13 certain age when he became a superior, did you
14 write those things down in the motel room after

15 being on the phone or while you were on the phone
16 with Richard Ibranyi or someone from his group?

17 A. I don't recall.

18 Q. No recollection of that?

19 A. I don't recall when I wrote that down or if I
20 wrote it.

21 Q. Did you call Richard Ibranyi from the hotel room?

22 A. I don't recall how I got in touch with him. I
23 did speak with him on the telephone in the hotel

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1 room. I don't remember who placed the call.

2 Q. Let me ask you something, Mr. Hoyle. If you made

3 the decision to leave and you were already gone,

4 why were you continuing to investigate and

5 research and seek to find grounds to discredit

6 Brothers Michael and Peter?

7 A. Could you ask a single question, not a leading

8 one?

9 Q. After you left, you took it upon yourself that

10 you wanted to take these guys down, that's what

11 you told Mr. Myers, right?

12 A. I think I already just testified that --

13 Q. You don't remember?

14 A. -- I don't recall saying that and it's a gross

15 exaggeration of anything along those lines that I

16 did say.

17 Q. But your actions are consistent with that

18 statement. You were looking for ways to

19 discredit the Dimond brothers and their

20 monastery, correct?

21 A. No, that's not a fair statement.

22 Q. Let me ask you a couple questions, then. You

23 held and harbored animosity for Brother Michael,

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1 didn't you?

2 A. When are you referring to?

3 Q. When you left and immediately thereafter. When

4 you left the monastery, you were out to get him?

5 A. No, I don't recall ever having that type of

6 feeling.

7 Q. No?

8 A. No. I was shocked and dismayed at what had

9 happened with myself, in regard to me. I believe

10 by the grace of God I didn't give way to any kind

11 of strong personal animosity.

12 Q. Didn't you call the police and try to have him

13 arrested for erratic driving?

14 A. Yes, I communicated with the police about his

15 driving, which I believe was appropriate.

16 Q. And when was he driving erratically that you

17 called the police to complain about?

18 A. Well, what I told them was that it was his

19 customary way of driving that was dangerous. I

20 don't know that I used the word erratic. I

21 believe that's your word.

22 Q. But you did call the police to report that it was

23 his custom to drive erratically?

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1 A. To drive dangerously. I believe I spoke to them

2 -- I believe that when I spoke to -- I don't

3 recall exactly. I think it was -- there was a

4 phone conversation that included a mention of

5 that, and I believe there was also a fax that was

6 sent by -- that was put together jointly by the

7 three of us that had departed, that went out to

8 some sort of law enforcement.

9 Q. Do you have a copy of that fax?

10 A. Not presently.

11 Q. You may have one in your records?

12 A. I believe it's probably among documents that have

13 already been produced, unless I'm mistaken.

14 Q. I haven't seen it, so I'll make a document

15 request for it. If we can determine that it's

16 there, then no need, but I'm not sure that I've

17 seen that.

18 Now, you didn't call the police about his

19 erratic driving before you left on the 31st,

20 though, did you?

21 A. No, I didn't.

22 Q. Why not?

23 A. I don't know.

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1 Q. Well, after the 31st you wanted to see him

2 arrested by the police, didn't you?

3 A. I don't recall precisely what I wanted along

4 those lines. I spoke to the police about what I

5 believed were appropriate matters to speak to

6 them about, and I hoped they would take whatever

7 action they saw as appropriate.

8 Q. But it didn't become appropriate, at least in

9 your mind, to call them until after you left the

10 monastery, right? You didn't call them before,

11 when you were still there?

12 A. I don't recall what my thoughts were about it

13 before I departed. I don't believe I ever

14 seriously considered calling the police about his

15 driving when I was living there, but in

16 retrospect I was certainly concerned about it and

17 as a religious under obedience didn't feel like I

18 could do anything about it.

19 Q. Mr. Hoyle, isn't your whole belief in truth and

20 your whole perception of religion based on the

21 notion that if I know something is wrong, I

22 should not just simply follow it? Isn't that why

23 you reject Vatican Two?

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1 A. I certainly do agree with that principle.

2 Q. Now, the calls about the erratic driving, when

3 you reported that you wanted to have him arrested

4 for that, that was after your meeting with State

5 Trooper LaRose, right?

6 A. I don't agree with your characterization of what

7 I said about it.

8 Q. Look, your calls about Brother Michael's alleged

9 erratic driving, you reported those incidents to

10 the police after your meeting with State Trooper

11 LaRose, correct?

12 A. I don't recall, but that's probably right. It's

13 quite possible.

14 Q. And when you first met with Trooper LaRose, you

15 told him you were calling -- or, you needed to

16 report the theft of money, right?

17 A. I believe so.

18 Q. And when you contacted -- when you were in

19 contact with him and speaking to him, how much
20 money did you believe had been stolen from you?
21 A. I believe I told him that a certain amount that
22 was not acknowledged as a tax deductible donation
23 by MHFM was the amount that I was claiming had

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1 been the subject of a theft. And that was the
2 number in the neighborhood of four hundred and
3 sixty or seventy thousand.
4 Q. So when you called to report a theft, in your
5 mind you believed that the monastery owed you
6 four hundred and sixty or four hundred and
7 seventy thousand dollars?
8 A. Yes, I believe that that was the amount that it
9 was proper for me to ask the law enforcement to
10 get involved about.
11 Q. And he specifically asked you whether you had a
12 written agreement with the monastery that you
13 would get any money back, and you told him no,
14 right?
15 A. No. I believe what I told him was that I
16 couldn't think of one and I'd have to think about
17 what documents I had.
18 Q. Okay. So at the time you called him, you were
19 unable to produce a written agreement for him to
20 get the money back, right?
21 A. That's right.
22 Q. And you also couldn't specifically recall one way
23 or the other whether there was a written

1 agreement to get any of the money back?
2 A. That's correct. At the time I didn't recall.
3 Q. Jumping to Exhibit 21. I'm going to show you --
4 keep those right in front of you. I'm going to
5 show you 25, 26 and 27 right now, okay? These
6 are exhibits regarding donations to the Most Holy
7 Family Monastery that you made in 2005. Do you
8 see that?

9 A. Yes.

10 Q. Okay. Now, these all -- and I know it's cut off
11 a little bit in the corner, but these all have
12 Eric Hoyle Bates stamp numbers on them. They
13 were produced to my office through your attorney
14 from your records.

15 A. Yes.

16 Q. You've seen these documents before?

17 A. Yes, or substantially alike documents.

18 Q. They're essentially what?

19 A. Or substantially alike documents I've seen.

20 Q. All right. And did you type these up on your
21 computer?

22 A. I'm not absolutely certain, but I believe I did
23 not, at least for these first two.

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1 Q. Let me see if I can refresh your memory. Do you
2 remember that your tax advisor came back to you
3 and wanted receipts for the seven hundred dollar
4 gift and the sixty-five thousand dollar gift

5 after you were at the monastery because you
6 didn't have proper documentation?

7 A. No, I don't recall that. I recall him asking
8 about the receipt for the large gift in November.

9 Q. Okay. Let's just focus on that.

10 We'll go through 25 first. 25 is an
11 acknowledgment from the monastery that you've
12 made a gift of seven hundred, right?

13 A. Yes.

14 Q. Okay. And that was money freely given and
15 donated by you?

16 A. It was.

17 Q. And that you're claiming return of that money in
18 this lawsuit?

19 A. I don't believe so. I think it falls -- fell
20 outside the statute of limitations. And also the
21 reason for the claim wouldn't be the same as some
22 others.

23 Q. Okay. Same question, Exhibit 26. We have a gift

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1 receipt from the monastery to you for sixty-five
2 thousand dollars dated June 13th, 2005. Do you
3 see that?

4 A. Yes.

5 Q. You prepared that document?

6 A. I don't recall.

7 Q. Did you receive that document?

8 MR. EATON: Let me note for the record that none of

9 these documents have been executed. None of the

10 documents have been executed.

11 MR. RITTER: That's why I'm asking him about them,

12 because they came off his computer, so I was

13 wondering about that.

14 BY MR. RITTER:

15 Q. This gift receipt, Exhibit 26, did you freely
16 give the monastery sixty-five thousand dollars as
17 a gift or donation in or about June of 2005?

18 A. Yes.

19 Q. That's the transaction we saw correspondence with
20 Brad King about?

21 A. I believe it is.

22 Q. And are you making any claim to recover this
23 gift, donation, money, the sixty-five thousand

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1 dollars, in this lawsuit?

2 A. I don't recall. I don't recall.

3 Q. How can you not recall? Either you think you're
4 owed the money or you're not.

5 A. Well, the reason is that this one, I can't

6 remember if it fell in the statute of
7 limitations, inside or outside the cutoff, the
8 three years.

9 Q. What would be your basis for claiming that you
10 want that money back?

11 A. Am I supposed to answer all this?

12 Q. Factually, why do you think you're entitled to
13 that back?

14 A. Because the organization presented itself
15 fraudulently.

16 Q. In what respect?
17 A. About it being a Benedictine monastery.
18 Q. Any other respect?
19 A. You said any other respect?
20 Q. You said it presented itself fraudulently about
21 being a Benedictine monastery, that was your
22 statement. Is there anything else that the
23 monastery did that you think warrants you getting

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1 this gift back?
2 A. I don't know.
3 Q. Not that you're aware of?
4 A. I wouldn't say that I can think of something
5 right now.
6 Q. Is it your testimony, your claim under oath, that
7 you gave this money because you thought Most Holy
8 Family Monastery was a Benedictine monastery?
9 A. That was part of my understanding of what the
10 place was. So in that sense, yes.
11 Q. That's not the question I asked you. You gave
12 Most Holy Family sixty-five thousand dollars for
13 the purpose of helping them to circulate their
14 materials and their religious method, correct?
15 A. Yes.
16 Q. And in what respect was that gift in any way
17 connected or conditioned on them being
18 Benedictine?
19 A. It was connected with that because they claimed
20 to be Benedictine; and if it were not true, then

21 they would be an organization that was lying to
22 me, in which case I wouldn't want to support
23 them.

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1 Q. If they were not Benedictine and had the same
2 religious information and message that you were
3 familiar with at the time, would you have made
4 the donation?
5 A. Could you restate the question?
6 Q. If they were not Benedictine but had the same
7 religious views and message, would you still have
8 supported them at the time?
9 MR. EATON: With regards to what donation, with what
10 transfer of funds?
11 MR. RITTER: Yes.
12 MR. EATON: Which, which transfer of funds?
13 MR. RITTER: The sixty-five thousand dollars in
14 general.
15 THE WITNESS: I don't know.
16 BY MR. RITTER:
17 Q. Really? Are you saying that it really actually,
18 and from your perspective, mattered in making
19 this donation whether or not they were
20 Benedictine? Are you claiming that?
21 A. I said I don't know and --
22 Q. You're the only one who's going to know this
23 probably, Eric.

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1 A. To expand on that, I would say that their

2 situation as people who were religious is a
3 reason to want to support them personally, in
4 addition to paying for their materials that they
5 produce to go out. And in the sense that that
6 donation was not conditioned or not -- it was not
7 limited to exclusive use for publishing and
8 distributing materials but was for them to use as
9 they wished, it did have something to do with
10 their presentation of themselves as a religious
11 community that deserved support for that very
12 reason.

13 Q. Did you research and read about the Order of
14 Saint Benedict or Benedictine communities in the
15 spring of 2005 for purposes of study and
16 investigation?

17 A. Not that I recall.

18 Q. You did, however, research and read the reasoning
19 and rationale and conclusions explained and set
20 forth in the Most Holy Family Monastery materials
21 regarding the Catholic faith, correct?

22 A. Yes.

23 Q. And you agreed with those wholeheartedly at the

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1 time, correct?

2 A. At what time?

3 Q. Spring of 2005.

4 A. I don't recall. I don't recall when I became in
5 full agreement with them.

6 Q. In June you gave them sixty-five grand, right?

7 A. Isn't June in the summer?

8 Q. June of 2005 you gave them sixty-five thousand.

9 A. I don't know the date that I became in agreement
10 with them. I imagine that by the time I gave
11 them the donation I was in agreement with them.

12 Q. And that was the most material part of your
13 support for them, the fact that you were in
14 agreement with their religious beliefs and views?

15 A. Do you mean it was the motivation?

16 Q. Yes.

17 A. Yes. It was a very substantial reason why I gave
18 the money to them.

19 Q. It was the reason?

20 A. I've already explained as best I can about how
21 there were claims to be a Benedictine monastery
22 involved.

23 Q. It didn't matter to you whether they were

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1 Benedictine, did it?

2 A. Yes, in the sense that I explained already.

3 Q. That if they weren't honest about it, and then
4 you wouldn't support them, is that what you're
5 claiming?

6 A. That at least, yes.

7 Q. So Eric Hoyle, in the spring of 2005, you're
8 researching all this information about
9 traditional Catholic faith and the Most Holy
10 Family Monastery and their views, you were
11 reading up on it, right?

12 A. I was reading up on it, yes.

13 Q. Now, were you out there researching about all
14 different kinds of Benedictine communities you
15 could join?

16 A. No, not that I recall.

17 Q. Did you read anything about the Order of Saint
18 Benedict and said oh, that's way more important,
19 that's what really counts if you want to be
20 Catholic, I want to be in the Order of Saint
21 Benedict? Is that what was motivating you?

22 A. Motivating me to give money to them?

23 Q. Motivating you in your pursuit of religious

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1 truth.

2 A. The question is not clear to me. I don't
3 understand what you're trying to say.

4 Q. Was your motivation to become a Benedictine or a
5 true Catholic?

6 A. My prime intention in 2005 in regard to my
7 religious pursuits was to be a true Catholic.

8 Q. And you could be a true Catholic without being a
9 Benedictine, right?

10 A. Yes.

11 Q. Have you since the summer of '05 made any
12 donations to any Benedictine monastery, other
13 than the Most Holy Family, of course?

14 A. No.

15 Q. And have you corresponded with, for purposes of
16 possibly becoming admitted to, any Benedictine
17 monastery since the summer of 2005 other than

18 Most Holy Family?

19 A. No.

20 Q. Take a look at Exhibit 27. Do you recognize
21 Exhibit 27?

22 A. Yes.

23 Q. Okay. This is the monastery's donation receipt

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1 that it provided to you dated March 27th, 2006?

2 A. Yes.

3 Q. Confirming -- or, acknowledging, I should say,
4 your donation of one million four five thousand
5 shares of Guinor stock worth one million two
6 hundred thirty-three thousand one hundred
7 dollars?

8 A. Yes.

9 MR. EATON: I'll point out for the record that this
10 document is not executed.

11 THE WITNESS: Yes.

12 BY MR. RITTER:

13 Q. This document is in your records, Mr. Hoyle?

14 A. I believe it is.

15 Q. It's got your Bates number on it?

16 A. I believe so.

17 Q. Did you prepare this document?

18 A. I don't recall. It's possible that I did, it's
19 possible I didn't. I just don't recall.

20 Q. All right. And attached to that are your written
21 instructions to TD Waterhouse to execute the
22 transfer?

23 A. Yes.

1 Q. And at the time of that transfer, you reserved in
2 your name several hundred thousand dollars of
3 additional assets, correct?

4 A. Yes.

5 Q. At the time of the transfer, was there any
6 written agreement between you and the monastery
7 or either of the brothers regarding a return of
8 any of that money to you?

9 A. As far as I know, there was not a written
10 agreement.

11 Q. Was there any verbal agreement at the time of
12 this transfer in November, 2005 about the return
13 of any of that money to you?

14 A. As best I recall, there had been discussion about
15 the general procedure to be followed, which was
16 as I explained earlier, about how the monastery
17 had to hold assets of mine. And that discussion,
18 verbal discussion, did occur prior to the
19 execution of this transfer.

20 Q. Okay. And as you sit here today, how much of
21 that transfer did you, Eric Hoyle, intend to be
22 an outright gift?

23 A. At the time of the transfer I didn't designate

1 it.

2 Q. Do you want to look at the e-mail to your tax
3 advisor in January where you told him you made a

4 gift of one point two million dollars in stock?

5 Does that help to refresh your memory that
6 you did intend it to be a gift?

7 A. No, that's not the case.

8 Q. That's not the case?

9 A. No.

10 Q. Okay. So the only recollection you have about
11 any discussion about how this money was going to
12 be treated when you transferred it in the
13 October, November time frame is your
14 understanding that you could -- you had to move
15 your assets into the monastery's name and could
16 reserve the right to take some of it back?

17 A. Yes, that's correct.

18 Q. And you do not claim that there was any agreement
19 that you would get four hundred and fifty or
20 seven hundred and fifty thousand dollars of that
21 money back and returned to you at any time?

22 A. There was not a number put on it until that
23 episode that we spoke about earlier, in --

1 sometime around spring of 2006 when I chose seven
2 hundred fifty and wrote it down.

3 Q. And is that the handwritten paper that nobody
4 remembers seeing or can find?

5 A. Or that someone chose not to produce.

6 Q. But you would agree it doesn't exist today?

7 A. Oh, no. No. I don't agree that it doesn't
8 exist.

9 Q. I think you said that it was not signed by you or

10 Brother Michael, though, it was just a
11 handwritten note?

12 A. I think I said I can't remember whether he signed
13 it or not, and I don't think he had.

14 Q. Take a look at 28. That memorializes a donation
15 you made to the monastery of about three hundred
16 seven thousand dollars in the form of stock, is
17 that right?

18 A. Yes.

19 Q. And do you claim in this lawsuit -- and that was
20 intended at the time it was transferred to be an
21 outright donation or gift to the monastery,
22 correct?

23 A. It wasn't discussed, so I don't know.

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1 Q. We didn't get the tax documents, and I don't know
2 if it's in the ones you brought with you. I'll
3 show you the next exhibit after a couple more
4 questions.

5 Did you claim any portion of the three
6 hundred and seven thousand dollar donation as
7 reflected in Exhibit 28 as a donation to a
8 charitable organization on your 2006 tax return?

9 A. I don't recall.

10 MR. RITTER: He's supposed to be ready to answer some
11 of this.

12 BY MR. RITTER:

13 Q. You don't remember whether you deducted it?

14 Okay.

15 Exhibit 29, grab that one. Got it? Okay.

16 Now I'm guessing you're going to have clairvoyant
17 memory, where you couldn't remember anything
18 else. Do you remember this document?

19 MR. EATON: Exhibit 29?

20 THE WITNESS: Yes, I do.

21 BY MR. RITTER:

22 Q. You do remember this document?

23 A. I remember the others too.

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1 Q. April 7th, 2006, we have an unsigned donation
2 confirmation from the monastery to you for seven
3 hundred fifty thousand dollars, correct?

4 A. That's what this is, unsigned, yes.

5 Q. Okay. Did you type this document?

6 A. I don't recall. It's possible I did, it's
7 possible I didn't.

8 Q. All right. Prior to today, and I haven't seen
9 them yet, I know there's some here, the only tax
10 document I got from you was the second page of
11 this exhibit. Take a look at that. Now, that
12 document indicates that, consistent with the
13 first page, the donation receipt, that you
14 deducted -- or, declared, I should say, a seven
15 hundred and fifty thousand dollar donation to a
16 charitable organization in connection with this
17 transaction. Is that right?

18 A. Yes.

19 Q. Did you ever seek to reverse that?

20 A. Could you clarify what you mean?

21 Q. Did you ever amend your tax filings to reverse
22 that?

23 A. To wipe this off?

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1 Q. Yes.

2 A. No, not that I'm aware of.

3 Q. And on your tax return, because of that donation,
4 you received or were able to take a substantial
5 deduction against income, correct?

6 A. I don't know how large it was, but I would
7 imagine so. I don't know how large the actual
8 deduction was.

9 Q. But in any event, as you sit here today, you
10 still enjoy the benefit of that deduction against
11 your income reported for 2005, right?

12 A. Yes.

13 Q. All right. Now, the question I have is, do we
14 have the 2005 return that has this document in
15 it, this noncash charitable contribution, Form
16 8283?

17 MR. EATON: It looks like two copies were made of
18 everything. Just a second.

19 MR. RITTER: That looks like it.

20 MR. EATON: What year is this? 2005.

21 MR. RITTER: Can I see it? Is it 2005?

22 MR. EATON: Yes. And here's the 2005, what you have.
23 Is that it or not? Here is 2006.

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1 MR. RITTER: Can we mark this?

2 MR. EATON: Yes. Do you want me to -- mark that,
3 we'll put a Bates number on it later.

4

5 (Whereupon, a 2005 Schedule A - Itemized
6 Deductions, with one attachment, was then
7 received and marked as Exhibit 31,
8 and a 2006 Schedule A - Itemized Deductions,
9 with one attachment, was then received and marked
10 as Exhibit 32, for identification.)

11

12 BY MR. RITTER:

13 Q. So Exhibit 31 is the itemized deductions from
14 your 2005 tax return, Mr. Hoyle. Can we just
15 agree? He pulled it out of your tax --

16 A. Oh, yeah.

17 Q. Okay. So the answer is yes, right?

18 A. Yes.

19 Q. And it indicates on the second page at the top
20 that you had an adjusted gross income in 2005 of
21 one million sixty-one thousand two hundred
22 sixty-two dollars, is that right?

23 A. Apparently, yes.

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1 Q. And so against that income you were able to take
2 the deduction -- allowable deduction for the
3 donation to the monastery of approximately five
4 hundred eighty-eight thousand dollars, right?

5 A. Well, part of that -- I don't know exactly how to
6 read it.

7 MR. EATON: Don't look at me.
8 THE WITNESS: It looks like that's how much was
9 taken. Just guessing.
10 BY MR. RITTER:
11 Q. If you look at the two numbers down at the
12 bottom, it looks like there was approximately
13 three hundred and eighty-four thousand dollars
14 that was allowed as a deduction. That was
15 sixty-five thousand seven hundred dollars, the
16 cash, right?
17 A. Yeah.
18 Q. And then three hundred and eighteen thousand
19 three hundred seventy-nine dollars relative to
20 the stock, right?
21 A. Looks like it.
22 Q. And on this document you can see that there's --
23 the next line says carryover. Do you see that?

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1 A. Yes.
2 Q. And that's two hundred and sixty-nine thousand,
3 right?
4 A. Right.
5 Q. Does that help refresh your memory that because
6 the gift you made was so large, that only a
7 portion of it could be taken in 2005 and the
8 benefit or value of that deduction, the
9 remainder, the two hundred sixty-nine thousand,
10 had to be carried forward to future years?
11 A. Yes.

12 Q. And you did have correspondence and
13 communications with your tax advisor about the
14 maximum amount of allowable deductible
15 contributions that could be made to a charity in
16 a year, didn't you?

17 A. I believe we've, sometime in the past, discussed
18 the percentage. You can tell that from some
19 things I wrote to him, but we don't talk about
20 that with any kind of regularity. I don't
21 remember speaking with him about it in the last
22 few years. He just prepares these and that's it.

23 Q. Yes, but what I'm getting at is that you had

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1 instructed him that you wanted to make the
2 maximum allowable charitable donation for 2005,
3 right?
4 A. As opposed to carrying over more? I don't follow
5 what you're saying.
6 Q. You were discussing with him the maximum amount
7 you should allocate to 2005 versus future years?
8 A. You know this?
9 Q. I'm asking you. That happened, right? We just
10 went through all your e-mails with him. They're
11 in front of you if you want to look at them.
12 A. I don't mean to be difficult, but I don't know
13 that that was ever discussed. Maybe I don't
14 understand what you're saying.
15 MR. EATON: Off the record for a minute.
16 (Discussion off the record.)
17 BY MR. RITTER:

18 Q. We can go back on the record, then. You did have
19 discussions with your tax advisor about the limit
20 or the maximum amount of allowable taxable -- tax
21 deduction you could take in any given year,
22 right?

23 A. I believe that I did not. I think that at some

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1 point he had told me the percentage of AGI that
2 could be deducted max. But when I chose the
3 number that was transferred to MHFM, it really
4 had nothing to do at all with what was the
5 maximum allowable deduction, and that was never
6 discussed between myself and my tax preparer as
7 far as I can recall.

8 MR. RITTER: Could you mark this one, please.

9

10 (Whereupon, a Form 8283, Noncash Charitable
11 Contributions, was then received and marked as
12 Exhibit 33, for identification.)

13

14 BY MR. RITTER:

15 Q. So we're clear, your tax filings for 2005
16 reported that you had made an unconditional
17 donation to the monastery of seven hundred fifty
18 thousand dollars?

19 A. Yes.

20 Q. You filed that with the federal government?

21 A. Yes.

22 Q. And that allowed you in tax year 2005 to take

23 charitable donation deductions of three hundred

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1 eighty-four thousand seventy-nine dollars,

2 correct?

3 A. Yes, excluding the cash gift that was separate.

4 Q. Against your income of over a million dollars,

5 right?

6 A. Yes. I believe so, from what I can tell.

7 Q. So that saves you a lot of money in taxes, right?

8 A. Yes, it did.

9 Q. Okay. Exhibit -- I'm throwing them all over the

10 place. Here it is, 33. So we had looked at you

11 had made a transfer of some additional stock in

12 September, '06. And that was valued at three

13 hundred seven thousand nine hundred eighty-nine

14 dollars?

15 A. Yes.

16 Q. And you claimed that as a charitable contribution

17 on your 2006 tax filing, right?

18 A. Yes.

19 Q. And Exhibit 33 is part of your tax return for

20 2006 where you report that donation to the

21 monastery, right?

22 A. Yes, I believe so.

23 Q. Exhibit 32, we have from your work sheet -- here

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1 it is. Your Schedule A, charitable contribution

2 work sheet, shows contributions in the year 2006

3 at two hundred ninety-three thousand two hundred

4 seventy-six dollars, right?
5 A. I'm sorry. I don't really know how to read this.
6 I see three o seven and I see -- I don't know why
7 there's a difference.
8 Q. There's an allowable percentage of the amount you
9 donate that's claimed as a charitable
10 contribution. Do you see that on Exhibit 33?
11 A. Um-hum.
12 Q. Yes?
13 A. I see it, yes.
14 Q. Referring to Exhibit 32 from your tax return for
15 2006, you can see that your tax preparer has
16 listed that contribution, right?
17 A. I see it.
18 Q. And he's also identified a carryover of the two
19 sixty-nine from the prior year, correct?
20 A. It appears that way, but I don't know a thing
21 about this, so I'm just -- I believe that these
22 are the documents that he prepares and he knows
23 what he's doing.

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1 Q. Okay. But the point I'm getting at is, you took
2 charitable contribution deductions in 2006
3 against income of sixty-nine thousand, right?
4 A. I believe so. It appears that way.
5 Q. And the maximum allowable deduction based on
6 these carryovers was fifty percent of your
7 adjusted gross income. Do you see that?
8 A. Yes.

9 Q. So you were able to deduct almost thirty-five
10 thousand dollars from your taxable income in
11 2006?
12 A. Yes. Yes.
13 Q. And you continued to have a carryover of two
14 hundred and fifty-eight thousand dollars for
15 future years?
16 A. Yes.
17 Q. So in 2006, you had a substantial benefit from
18 the donation you made to the monastery, right?
19 A. Yes, there was a tax benefit.
20 Q. Did you ever file amended returns for 2005 or
21 2006?
22 A. Not that I'm aware of. Not that I recall.
23 Q. So you would continue to enjoy these charitable

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1 contribution deductions in those years as well as
2 years that followed as a result of the carryover?
3 A. I believe so.
4 MR. RITTER: All right. Why don't we take a couple
5 minutes. I've got to mark some stuff, and then
6 try to plow through.
7 (Whereupon, a short recess was then taken.)
8
9 (Whereupon, a four-page Website Printout was
10 then received and marked as Exhibit 34,
11 a twenty-eight-page Website Printout was
12 then received and marked as Exhibit 35,
13 a one-page E-mail Printout was then received
14 and marked as Exhibit 36,

15 a one-page E-mail Printout was then received
16 and marked as Exhibit 37,
17 a one-page E-mail Printout was then received
18 and marked as Exhibit 38,
19 a fourteen-page E-mail Printout was then
20 received and marked as Exhibit 39,
21 a two-page E-mail Printout was then received
22 and marked as Exhibit 40,
23 one page of Handwritten Notes was then

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1 received and marked as Exhibit 41,
2 one page of Handwritten Notes was then
3 received and marked as Exhibit 42,
4 a sixteen-page Website Printout was then
5 received and marked as Exhibit 43,
6 and a two-page Typewritten Document entitled
7 Thoughts on the Order of St. Benedict was then
8 received and marked as Exhibit 44, for
9 identification.)

10

11 BY MR. RITTER:

12 Q. At the time, Mr. Hoyle, this transaction of stock
13 was processed, did you do it in a follow-up to
14 these letters by way of a telephone call?

15 A. I vaguely recall having spoken on the phone with
16 -- I believe it was Alan Bunce, but I couldn't
17 say for absolutely positively sure.

18 Q. And was Brother Michael in the room with you when
19 you made that phone call?

20 A. I don't recall.

21 Q. And this transaction was executed on or about
22 November 3rd, 2005? That's the date on the gift
23 receipt.

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1 A. Probably. I believe that date is within -- you
2 know, come to think of it, I believe I did check
3 back into that, and I think it went over on the
4 4th, but it's --

5 Q. Okay. And I think I asked you if you prepared
6 this document. Did you prepare this Exhibit 27,
7 the first page of it?

8 A. I don't recall. Do you want me to say more about
9 that? I mean, you're not asking what you need to
10 about it.

11 Q. Why don't you tell me what more I need to know
12 about it.

13 A. I don't know.

14 Q. Go ahead. Tell me what I need to know about
15 Exhibit 27.

16 A. Sorry.

17 Q. No. Please, tell me what more there is to know
18 about Exhibit 27.

19 A. Well, these types of letters at the time were
20 written on a computer, a Macintosh computer in
21 Robert Dimond's room at the time. Now, whether
22 any one of them might have been written on my
23 Macintosh, it's within the realm of possibility,

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1 but I just don't know, so --

2 Q. So you were there when they were written?

3 A. There were times when I was present when such
4 letters, such letters were being written.

5 Q. So with respect to Exhibit 27, this is a document
6 that the monastery provided to you?

7 A. Yes.

8 Q. And you received it?

9 A. Yes.

10 Q. And did you object to it at the time?

11 A. No.

12 Q. All right. I have to ask you some other stuff.

13 Oh, on a tax issue. You are claiming, as I
14 understand it from your testimony today, that the
15 one point two million dollars of stock that was
16 transferred, only seven hundred fifty thousand of
17 it was a gift, is that right?

18 A. For tax purposes, is that what you said?

19 Q. You're claiming today, of the money that was
20 transferred on November 3rd or 4th, the million
21 two, you're claiming that seven hundred fifty
22 thousand of it was an outright gift, is that
23 right?

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1 A. I'm claiming that seven hundred fifty thousand of
2 it was treated for tax purposes as a gift, but
3 that same seven hundred fifty thousand or the
4 same number was written down as the amount that I
5 was officially transferring to the MHFM that was

6 to be, as I understood it, given back upon my
7 request.

8 Q. So you lied on your taxes?

9 A. No, I didn't.

10 Q. Could you reconcile those two things for me?

11 A. Yes, I could.

12 Q. Give it a shot.

13 A. Okay. Well, what Mr. Trawick informed me was
14 that by stating the seven hundred fifty thousand
15 dollar gift on the taxes, I was giving up any
16 legal right to claim that money back, that there
17 had to be no strings attached as far as the law
18 is concerned. And what Mr. Trawick said was that
19 whether or not I had an agreement with MHFM or
20 whether they were willing to give that money back
21 to me was a whole separate issue. It was just
22 that I couldn't have a legal right to enforce the
23 return of that money.

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1 Q. So you didn't have a legal right to enforce the
2 return of the seven hundred fifty thousand?

3 A. Right.

4 Q. And the other amount of money, the three hundred
5 seven thousand, you didn't have a legal right to
6 enforce the return of that because you put that
7 on your tax return for 2006?

8 A. Apparently so.

9 Q. And a million two went to the monastery as stock,
10 right?

11 A. Yes.

12 Q. And to the extent seven hundred fifty thousand of
13 it was an outright gift, it would have become the
14 property of the monastery?

15 A. Yes.

16 Q. And you're claiming that you reserved the right
17 to that other four hundred eighty thousand
18 legally?

19 A. That was not necessarily clear to me, how my --
20 what my rights were.

21 Q. Mr. Hoyle, I think you said it pretty clearly.
22 That when you gave the seven fifty and put it on
23 your taxes, you understood that that was a final

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1 gift, it was no longer your money, you didn't
2 have a legal right to demand it back, right?

3 A. Yes. Yes.

4 Q. And then you went on to explain that you were
5 allowed to have whatever understanding you wanted
6 with the monastery, albeit legally enforceable,
7 about what you might get back?

8 A. About that same money. Yes. Yes. That's fine
9 the way you stated it.

10 Q. So legally, the money that you're claiming was
11 still legally yours, that you had a right to
12 legally say it was yours, was the approximate
13 four hundred eighty thousand?

14 A. That was my hope when I spoke to the police, yes.

15 Q. Now, that money would have therefore still been
16 yours after November 4th, 2005?

17 A. I don't know what you mean exactly.

18 Q. You had a legal right to it, right? That's what
19 you're saying?

20 MR. EATON: Off the record, please.

21 (Discussion off the record.)

22 BY MR. RITTER:

23 Q. That stock that you gave to the monastery was

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1 liquidated at some point, 2005 or 2006, right?

2 A. I believe it was.

3 Q. Okay. And the portion that you claim was legally
4 yours, the four hundred eighty thousand, did you
5 ever file a report of taxable income with respect
6 to the gain on the portion you claim was legally
7 yours?

8 A. I think there's an assumption in here that I
9 never agreed to, which is that it was legally
10 mine. My understanding was that I hoped that I
11 had some way to get it back when I realized what
12 had happened when I spoke to Trooper LaRose.

13 Q. You were talking about what your tax preparer
14 told you and what you understood your legal
15 rights were, right? Your legal rights. And when
16 I say legally, you believed, as you claim you
17 reported to the State Trooper, that you had a
18 right -- an enforceable right to take four
19 hundred eighty thousand dollars back, correct?

20 A. No, because I wasn't sure about it. I didn't
21 understand what exactly the situation was. I
22 knew that that money had not been in the seven

23 fifty that was acknowledged on the tax report,

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1 the tax papers.

2 Q. So -- all right. Maybe I can end it this way.

3 So you really weren't sure whether or not you had

4 a legal right -- I said that wrong. Strike that.

5 You weren't sure what right, if any, you had to

6 reclaim any of the one point two million?

7 MR. EATON: At what time?

8 MR. RITTER: When he was talking to the trooper.

9 THE WITNESS: When I was speaking to the trooper, I

10 was not sure what legal right I had to claim the

11 money.

12 BY MR. RITTER:

13 Q. Any of it, right?

14 A. Yes.

15 MR. RITTER: All right. Let's go to Exhibit 34.

16 Just off the record real quick.

17 (Discussion off the record.)

18 BY MR. RITTER:

19 Q. Exhibit 34, you recognize the document?

20 A. Yes, in general.

21 MR. EATON: Wait a minute.

22 This document appears to have been

23 downloaded on the 14th of June, 2010, at

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1 twelve-o-two p.m. Is that correct?

2 MR. RITTER: I have no idea. I believe this is the

3 same information on Our Benedictine Community on

4 the webpage, that's been on the website since he

5 joined. If it's not, he can point that out to

6 me. I'm not trying to trick him in any way. I

7 certainly would agree that if you produced a

8 document that was inconsistent in any way, we

9 would have to look at it and see which one is the

10 valid one. I believe in marking this that this

11 is the webpage that existed prior to him joining

12 and while he was there.

13 MR. EATON: Well, what you believe and what is fact --

14 MR. RITTER: I'm representing it to the witness. He

15 can tell me I'm wrong if he wants.

16 THE WITNESS: Okay. Should I answer?

17 MR. EATON: No.

18 We will only testify that this appears to be

19 what it is as of the 14th of June, 2010.

20 MR. RITTER: You're interpreting the document. You

21 don't know and neither do I.

22 MR. EATON: This is the date on it.

23 MR. RITTER: It's got a print date on it. That means

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1 the date it's printed, not the date it's saved.

2 Let's not argue about it, because I think we all

3 can, if we go through this, can recognize what it

4 is.

5 MR. EATON: We don't know when it was saved or
where

6 it was downloaded.

7 MR. RITTER: I can ask the witness.

8 BY MR. RITTER:

9 Q. Mr. Hoyle, you already testified --

10 MR. EATON: Take a look at the whole thing.

11 BY MR. RITTER:

12 Q. You can read the whole thing. I'm not trying to

13 trick anybody.

14 A. Okay.

15 Q. You've had a chance to read Exhibit 34?

16 A. I've skimmed it.

17 Q. You're familiar with the document, you've seen it

18 before?

19 A. I've seen a document very similar to it, but I

20 believe, based on the heading, this is a more

21 recent version than the one that I'm familiar

22 with.

23 Q. Okay. I want to talk about the text or the

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1 content of it. You were familiar with this

2 information that's in the text of this document

3 as being on the monastery's webpage while you

4 were living at the monastery between 2005 and

5 December, 2007, correct?

6 MR. EATON: Would you please be specific as to what

7 text you're referring to?

8 MR. RITTER: The whole thing.

9 THE WITNESS: I would say that with some -- with

10 slight perhaps changes in the wording, it should

11 be very similar to what I was familiar with when

12 I was there. The header is different. And I

13 don't know if where it says Brother Dimond took

14 his final vows before a validly-ordained priest

15 is exactly what it said when I was there, because

16 that's been changed I believe at least twice over

17 the years.

18 BY MR. RITTER:

19 Q. How has it been changed and when was it changed?

20 A. At one time it said Brother Dimond took his final

21 vows, or words to that effect, before Father

22 Bernard Champagne.

23 Q. And was that while you were at the monastery?

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1 A. I believe it was before, but I'm not positive.

2 Q. How are you aware of that fact?

3 A. I saw several copies of this page through the web

4 archive website, which has copies of the MHFM

5 website from past years.

6 Q. Did you review those after you left the

7 monastery?

8 A. Yes.

9 Q. Any other changes?

10 A. I believe there were others, but I don't recall

11 exactly. There may have been a change about --

12 yes, I recall one change about Brother Joseph.

13 It said that -- there used to be a sentence about

14 him having -- there was more detail about him,

15 and that was I believe removed at some point.

16 Q. Okay. The other content you're referring to, is

17 that something that you saw before you joined the

18 monastery?

19 A. I don't recall.

20 Q. Do you have a copy of the -- this information

21 from the website from before you joined or while

22 you were at the monastery?

23 A. I believe, yes.

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1 Q. I'll ask for production of that, and in

2 particular a copy of the info on Our Benedictine

3 Community section that was in effect in the

4 summer of '05 through the time that you left in

5 December of '07.

6 It sounds like you've --

7 A. I'm not sure I'd be able to fulfill the request.

8 MR. EATON: Off the record.

9 (Discussion off the record.)

10 BY MR. RITTER:

11 Q. Mr. Hoyle, what I'm going to ask you to produce

12 is any copy of the info on Our Benedictine

13 Community pages of the website that you reviewed

14 prior to joining the monastery or you're aware of

15 that you had at the time you were there. I'm not

16 telling you you have to go search the Internet

17 for it. I'm saying if it's in your possession

18 and you can turn it over to me.

19 I don't want to have any arguments with you

20 about what the content of the Benedictine

21 community was. In that regard I want to ask you

22 some specific questions. At the bottom of the

23 first page there's a reference to about

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1 Benedictine communities. Do you see that?

2 A. The last paragraph?

3 Q. Yes.

4 A. Yes.

5 Q. And it references information taken from the 1907

6 Catholic Encyclopedia?

7 A. Yes.

8 Q. That definition, is that consistent with what

9 your understanding of what a Benedictine

10 community is?

11 A. Yes. It's consistent, but I don't believe it's

12 comprehensive.

13 Q. And on the top of the next page it indicates,

14 according to Saint Benedict's idea, each

15 Benedictine monastery constituted a separate,

16 independent, autonomous family. Do you see that?

17 A. I see it.

18 Q. Do you agree with that position as being

19 consistent with a Benedictine community?

20 A. I don't know.

21 Q. You don't know? Further down on the page, in the

22 second paragraph under the heading early

23 constitution of the Order of Saint Benedict, in

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1 the middle of the sentence it starts, a

2 Benedictine may be more truly said to enter or

3 join a particular household than to join an

4 order. Do you see that?

5 A. I do.

6 Q. Okay. Is it a fair statement that the Most Holy
7 Family Monastery operated as an autonomous
8 religious community?

9 A. Could you be more particular about what you mean
10 by autonomous?

11 Q. Separate and independent.

12 A. Yes, in a certain sense.

13 Q. And they claimed to follow the rule of Saint
14 Benedict?

15 A. Yes, and his way.

16 Q. And while you were there, you told other people
17 that they were a Benedictine community, didn't
18 you?

19 A. I imagine I did.

20 Q. And you --

21 A. Yes.

22 Q. And when you made those statements to other
23 people, you were familiar with the daily
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1 structure and lifestyle within the monastery,
2 correct?

3 A. Yes.

4 Q. And at no time while you were living in the
5 monastery did you question whether it was a
6 Benedictine community, did you?

7 A. Could you be more precise about what you mean by
8 the question?

9 Q. Did you ever raise a question or concern with
10 Brother Michael or Brother Peter that Most Holy

11 Family Monastery was not, in fact, a true
12 Benedictine community?

13 A. No, I don't believe I did.

14 Q. Did you ever complain to anyone else while you
15 were residing at the monastery that you did not
16 believe that Most Holy Family Monastery was a
17 Benedictine community?

18 A. I don't know.

19 Q. You don't remember ever having such a discussion
20 with anyone on the telephone?

21 A. No, not on the telephone.

22 Q. Or face to face?

23 A. The discussion I had with Joseph Myers and
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1 Michael Lipscomb on the day I departed may well
2 have included a claim that it was not a
3 Benedictine community, but I don't remember the
4 precise wording.

5 Q. Okay. And Exhibits 36, 37 and 38, could you take
6 a look at those quickly?

7 Do you see these e-mails, Mr. Hoyle, Exhibit
8 36?

9 A. Yes.

10 Q. You authored that e-mail, correct?

11 A. Yes.

12 Q. On November 24th, 2005, you wrote to an
13 individual named Michael Candy and told him that
14 you've entered a Benedictine monastery, correct?

15 A. I believe so.

16 Q. At the same or about the same time, on the same
17 day, you wrote to several other people including
18 Jason Glover, again stating to him that I've
19 entered a Benedictine monastery as a novice?
20 This is Exhibit 37.

21 A. Yes, that's what it says, but I don't understand
22 how they could have both been sent at the same
23 exact time.

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1 Q. Maybe you're a fast typer.

2 But that is an e-mail that you remember
3 sending?

4 A. I remember the content of it, so I imagine I did
5 send it.

6 Q. And this is about three months -- you had been
7 living at the monastery for three months already?
8 Excuse me. Two months?

9 A. I believe two months.

10 Q. About two months?

11 A. Roughly.

12 Q. So you were very familiar with the daily routine
13 and activities of the monastery by the time you
14 wrote this?

15 A. I was familiar with the way of life there,
16 although I don't know that it would be
17 appropriate to say daily routine.

18 Q. Okay. You were familiar with the way of life at
19 the monastery, right? And in November of '05,
20 you were characterizing the monastery to others
21 in the outside world as being Benedictine,

22 correct?

23 A. Yes.

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1 Q. Exhibit 38. Now, in February you had been there
2 another three months, approximately, two and a
3 half, and you're writing to Jessie Peed. Are you
4 the author of this e-mail that's marked Exhibit
5 38?

6 A. Yes, I believe so.

7 Q. And again you indicate that you're a novice at a
8 Benedictine monastery, correct?

9 A. Yes.

10 Q. And is that what you believed at the time?

11 A. Yes.

12 Q. Exhibit 35 there, take a look at it.

13 A. Yes.

14 Q. Do you recognize that on the website of Most Holy
15 Family Monastery, they have prior years sections
16 where you can go back and look at questions and
17 answers that were posed to the brothers and the
18 answers they gave? Are you familiar with that?

19 A. Yes, I recognize that such things were on there
20 at sometime. I can't speak for now.

21 Q. Okay. But back before you joined, you indicated
22 you thoroughly reviewed the information on their
23 website?

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1 A. Yes.

2 Q. Do you see question twelve listed on this
3 document? If you could refer to that.

4 A. Yes.

5 Q. The question was, is your community affiliated
6 with Rome and the Benedictine Order under John
7 Paul the Second. That's how the question is
8 characterized?

9 A. Yes.

10 Q. And do you see the answer?

11 A. I do.

12 Q. And were you familiar with that position of the
13 -- as stated there? No, our community is not
14 affiliated with anti-pope John Paul the Second or
15 the Benedictine Order under him.

16 A. Yes.

17 Q. You were familiar with that position of the
18 monastery before you joined it?

19 A. Yes.

20 Q. Now, in 2005 when you entered the monastery, did
21 you know that the Dimonds condemned as false all
22 of the monasteries that fell under what might be
23 characterized as the publicly recognized Order of

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1 Saint Benedict?

2 A. Yes.

3 Q. Since the publicly recognized Order of Saint
4 Benedict recognized Saint John Paul the Second as
5 pope, would you have joined any of their
6 monasteries in 2005?

7 A. No.

8 Q. Is it true that one of the reasons that you
9 actually joined Most Holy Family Monastery is
10 because the Dimonds did not recognize John Paul
11 the Second as pope?

12 A. Yes.

13 Q. Okay. Is it true that in 2005 one of the reasons
14 you entered the monastery of Brother Michael and
15 Peter Dimond was because they did not recognize
16 as legitimate the monasteries under what has been
17 characterized as the publicly recognized Order of
18 Saint Benedict?

19 A. I don't know that that would be a reason that I
20 entered the monastery. Rather it's part of their
21 position. So it was understood.

22 Q. You were in agreement with that, then, that
23 position?

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1 A. Yes, I believe so.

2 Q. In other words, the publicly recognized Order of
3 Saint Benedict, the monasteries under that were
4 not legitimate?

5 A. No, that's too broad a way to say it.

6 Q. The monasteries under the publicly recognized
7 Order of Saint Benedict were not legitimately
8 Roman Catholic, that you shared that belief with
9 the Dimonds?

10 A. Yes, that they had departed from Catholic
11 doctrine.

12 Q. Is what you call the publicly recognized Order of

13 Saint Benedict in this lawsuit part of the
14 Vatican Two church?

15 A. Yes, in the sense that its leadership recognizes
16 the authority of the Vatican Two church or the
17 authorities.

18 Q. And therefore, the publicly recognized Order of
19 Saint Benedict is not legitimately Catholic?

20 A. I believe as a generalization that is correct.

21 Q. When you resided at the monastery, Most Holy
22 Family Monastery, did you and the Dimonds share a
23 position that the monasteries that are part of

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1 what is called the publicly recognized Order of
2 Saint Benedict were not, in fact, Benedictine
3 monasteries?

4 A. I was aware that they used that language, and I
5 agreed with what I understood it to mean.

6 Q. In other words, to restate it, you agreed with
7 them that monasteries that were part of the
8 publicly recognized Order of Saint Benedict were
9 not actual Benedictine?

10 A. I believe that insofar as they had accepted the
11 new religion, the Vatican Two religion, that
12 constituted a separation on their part from the
13 Catholic church. Or I should say from the true
14 Roman Catholic religion, if you prefer.

15 Q. Is there any monastery in the world that you
16 believe sitting here today is legitimately
17 Benedictine?

18 A. I believe that that requires clarification to be

19 able to say yes or no.

20 Q. Is there any monastery in the world you're aware
21 of that is a legitimate Catholic Benedictine
22 monastery?

23 A. I'm not aware of any monastery that fulfills all
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1 the requirements that I believe are necessary to
2 be called that.

3 Q. At the time you joined the Most Holy Family
4 Monastery, were you aware of any other
5 monasteries that you felt were legitimately
6 Catholic Benedictine monasteries?

7 A. No.

8 Q. So theirs was the only one that you were aware
9 of?

10 A. Yes.

11 Q. When you joined the Most Holy Family Monastery in
12 2005 through the time of your departure, were you
13 aware that the monasteries that were part of the
14 publicly recognized Order of Saint Benedict did
15 not regard the Most Holy Family Monastery as an
16 approved Benedictine monastery?

17 A. Yes, I believe I became aware of that at sometime
18 while I was at MHFM, if not before.

19 Q. And you're not talking about the last day you
20 were there in December; you're talking about well
21 before that, right?

22 A. Yes.

23 Q. And you continued to stay there after you learned

1 that?

2 A. Yes.

3 Q. Before you entered Most Holy Family Monastery,
4 did the Dimonds make their theological position
5 clear that they did not regard as legitimately
6 Catholic any of the monasteries of what are now
7 called or referred to as the publicly recognized
8 Order of Saint Benedict?

9 A. Yes, I believe they did.

10 Q. And you were in agreement with them about that?

11 A. Yes.

12 Q. In 2005 before you joined the monastery and while
13 you were there, did you agree with the Dimonds
14 that the monasteries of the publicly recognized
15 Order of Saint Benedict were false monasteries,
16 that no Catholic could lawfully join?

17 A. Could you repeat the question?

18 Q. In 2005 before you joined Most Holy Family
19 Monastery and while you were there, did you agree
20 with the Dimonds that the monasteries that were
21 of the publicly recognized Order of Saint
22 Benedict were false monasteries, that no true
23 Catholic could lawfully join?

1 A. I did agree that no true Catholic could lawfully
2 join them, and I believe they were false in their
3 religious doctrines.

4 Q. The other monasteries?

5 A. Yes.

6 Q. And I think we covered this. While you were at
7 the Most Holy Family Monastery, did you counsel
8 people over the telephone?

9 A. Yes.

10 Q. And you provided them with religious advice and
11 guidance?

12 A. Yes.

13 Q. Did you convey to people you talked to on the
14 telephone that the publicly recognized -- that
15 monasteries that were part of the publicly
16 recognized Order of Saint Benedict were not
17 Catholic and not true Benedictines?

18 A. Yes, I conveyed that idea. And also that their,
19 their lack of Catholic faith was the cause of
20 them being called not Benedictine.

21 Q. Take a look at this exhibit, 39. Now, this is an
22 e-mail that you authored, the first part of it at
23 least, in July of 2006. I was just looking at

1 the date up at the top, it says July 6, 2006.

2 A. Yes, it appears so.

3 Q. And this was an exchange of e-mails that you had
4 with a gentleman by the name of Denny Pettee. Do
5 you recognize the name?

6 A. I believe so.

7 Q. He was someone who called in or corresponded with
8 you while you were at the monastery?

9 A. Yes.

10 Q. Okay. And you see that you write to him, Denny,
11 it's good to hear that you're not going to visit
12 Mr. Ibranyi. Do you see that?
13 A. Yes.
14 Q. You remember he had told you that he was planning
15 to make a visit to see Mr. Ibranyi, right?
16 A. I don't recall it particularly, but I imagine he
17 did based on this document.
18 Q. If you'd go to the second page, in the middle --
19 excuse me. About a third of the way down you
20 write -- do you see but, the word but? About
21 there.
22 MR. EATON: Can we clarify? This is carryover from
23 the previous page.

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1 MR. RITTER: Yes.
2 MR. EATON: Whose e-mail is this?
3 MR. RITTER: This is his response to Denny Pettee.
4 MR. EATON: That's not clear.
5 MR. RITTER: I'll ask him that. I think when I read
6 what he writes it will be clear.
7 MR. EATON: I'm saying we need to look at -- these
8 are piggybacked.
9 MR. RITTER: Right.
10 MR. EATON: And the first one is from Eric to Denny,
11 but right after that it's from Denny to Eric.
12 THE WITNESS: Interspersed.
13 MR. RITTER: They're embedded, right?
14 MR. EATON: Oh, back and forth? Off the record.
15 (Discussion off the record.)

16 BY MR. RITTER:

17 Q. You wrote in the middle or top half of the second
18 page, the Benedictine Order doesn't have
19 centralized authority like the Jesuits; each
20 monastery stands alone under the full authority
21 of its superior. Do you see that?

22 A. I do.

23 Q. And that's what you believed at the time you

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1 wrote this?

2 A. Yes, I believe that that's what I thought,
3 echoing what I had been told by the Dimonds.

4 Q. You still believe that today, don't you?

5 A. What exactly?

6 Q. Each monastery stands alone under the full
7 authority of its superior.

8 A. No. I believe that the congregational structure
9 of various Benedictine congregations have some
10 kind of authority, but I frankly don't know the
11 exact details.

12 Q. But there are no legitimate Benedictine
13 monasteries that you're aware of today?

14 A. I believe I answered that question in a different
15 way when you brought that up before.

16 Q. Let me back it up this way. At the time you
17 entered the monastery and you wrote this, you
18 thought that Most Holy Family Monastery was the
19 only legitimate Benedictine monastery that you
20 knew of, right?

21 A. I believed it was the only truly Catholic
22 Benedictine monastery that I was aware of.
23 Q. Okay. Since you left Most Holy Family, have you

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1 changed your belief about who or what monasteries
2 are part of the Order of Saint Benedict?

3 A. Yes.

4 Q. How so?

5 A. I've concluded that the Most Holy Family
6 Monastery is not.

7 Q. Is there any other change in your belief about
8 who or what monasteries are part of the Order of
9 Saint Benedict, any change other than that?

10 A. My understanding of the status of the Benedictine
11 monasteries that were founded before the Vatican
12 Two religion began has become perhaps different.

13 Q. Are you saying that you believe there are other
14 monasteries in the world today that are
15 legitimately Catholic, true Benedictine
16 monasteries?

17 A. No, but I believe that the history of the Vatican
18 Two churches, organizations that claim to be
19 Benedictine monasteries, places their claim to be
20 legitimate in a whole different category from the
21 claim of someone who simply declares himself to
22 be Benedictine.

23 Q. But you don't believe any of those monasteries

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1 are truly Catholic, do you?

2 A. No, to my knowledge.

3 Q. Take a look at this document. Do you recognize
4 that document, Eric?

5 A. Yes.

6 Q. All right. Take a look at page one under facts
7 now, there's a caption there, the Order of Saint
8 Benedict. Do you see that?

9 A. Yes.

10 Q. And you've read this before several times, right?

11 A. Yes, I believe so.

12 Q. And on the next page it says, the Plaintiff's
13 claims?

14 A. Yes.

15 Q. Now, when this set of facts under the heading the
16 Order of Saint Benedict and Plaintiff's claims
17 was filed in court, did you think that it was
18 untrue and false?

19 A. I believed it was unclear to the point of being
20 worthy of reproach.

21 Q. Say that again?

22 A. I believed it was unclear to the point of being
23 worthy of reproach.

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1 Q. You mean worthy of your disagreement?

2 A. Worthy of deserving to be edited.

3 MR. RITTER: All right. I'm going to hand you --
4 will you mark this.

5

6 (Whereupon, a Transcript of Recorded

7 Conversation Between Eric Hoyle and Bridget
8 Burrows was then received and marked as Exhibit
9 45, for identification.)

10

11 BY MR. RITTER:

12 Q. Exhibit 45, take a look at that. And you
13 produced in this case an audio recording of a
14 telephone conversation you had with Bridget
15 Burrows, which I had transcribed, okay?

16 A. Yes.

17 Q. And --

18 MR. EATON: You're representing that this is the
19 transcript of the deposition?

20 MR. RITTER: Yes. Yes, I will.

21 BY MR. RITTER:

22 Q. And you don't have to read it line by line, but
23 as I understand it from having listened to the

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1 tape and reading the transcript, that you were
2 very concerned, and contacted Ms. Burrows about
3 that concern, that this statement of facts and
4 this memorandum of law on your behalf was
5 inaccurate and untrue. Is that a correct
6 statement of why you called her?

7 A. I was concerned that it could easily be
8 understood in a way that made religious claims
9 that I did not agree with.

10 Q. And what are the religious claims that you don't
11 agree with in that memorandum of law?

12 A. I disagree with the implication that the

13 organization that's being named and described
14 holds the Catholic faith.

15 Q. Okay. So for example, under facts on page one,
16 there's a reference to the Order of Saint
17 Benedict is non -- not as hierarchical as some
18 Catholic orders, it does have an international
19 governing body which is recognized by the Roman
20 Catholic church, the Benedictine Confederation of
21 the Order of Saint Benedict. Do you see that?

22 A. I see it.

23 Q. Did Brother Peter or Brother Michael ever

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1 represent to you that they or the Most Holy
2 Family Monastery were part of that Benedictine
3 Confederation?

4 A. Could you clarify what you mean by part of?

5 Q. That they were a member or affiliated with that
6 Benedictine Confederation.

7 A. No, they did not represent themselves as being
8 presently under obedience to the authorities or
9 the heads of that organization.

10 Q. And in fact, they specifically stated to you, and
11 you agreed with them, that that Benedictine
12 Confederation was not -- and its members were not
13 truly Catholic, correct?

14 A. No. I don't believe they ever spoke about
15 Benedictine Confederation.

16 Q. The Benedictine Confederation that's referred to
17 in here is referenced as being part of the Roman

18 Catholic church. Do you see that? It says, an
19 international governing body which is recognized
20 by the Roman Catholic church.

21 A. Could you repeat the question?

22 Q. Based on what Brother Michael and Brother Peter
23 told you, you knew that their monastery was not a

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1 member or affiliated with the Benedictine
2 Confederation, right?

3 A. No. I never heard of the Benedictine
4 Confederation.

5 Q. You knew that they weren't affiliated with the
6 organization called the Roman Catholic church, of
7 which the Benedictine Confederation was a part,
8 right?

9 A. I believe that whatever organization the people
10 known as Benedictines and the Vatican Two church
11 had was not connected or affiliated with Most
12 Holy Family Monastery.

13 Q. Okay. And in your conversation with Ms. Burrows
14 -- maybe this will help refresh your memory.
15 Take a look at page three of that transcript
16 that's in front of you. And I'm going to refer
17 you down to line fourteen, okay? See where the
18 lines were numbered on the side there?

19 A. Yes.

20 Q. Okay. And you're referring -- actually, I'll go
21 up to where you start to talk, line six. And
22 you're referring to your lawyer. You say, he
23 stuck something in where he made reference to

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1 some Vatican Two church website, this OSB site.

2 And then down to line fourteen, you state, he

3 just flat out argues, you know, for a good page

4 and a half or so, however much it is, about how

5 the Vatican -- well, one page or something, about

6 how the Vatican Two Benedictines are the Order of

7 Saint Benedict. And then Ms. Burrows said, well,

8 they're not. And then you say, yeah. So now I'm

9 just -- and Ms. Burrows interrupts you and says,

10 there isn't an Order of Saint Benedict apparently

11 now. None that we're aware of. And then you

12 say, well, I don't have to know the answer to

13 that, but I know they are not Catholics.

14 Are those true statements you made there?

15 A. No. I believe I was mistaken about how, how far

16 off from what I would have liked the document

17 here, the memorandum of law I believe it is, to

18 have went.

19 Q. Let's take a look at page two of the memorandum

20 of law. Under the Plaintiff's claims it states,

21 the Dimond brothers Defendants are two brothers

22 who use the suffix OSB and purport to be

23 affiliated with the Order of Saint Benedict. Do

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1 you see that?

2 A. Yes.

3 Q. And based on the way that's defined on the prior

4 page, that's the publicly recognized Order of
5 Saint Benedict affiliated with the Vatican Two
6 church, right?

7 A. That's an interpretation that suggests itself.

8 Q. All right. Based on that reading, would you
9 agree with me that that's not a true allegation;
10 that Brother Michael and Peter Dimond never
11 represented that they or the monastery were
12 affiliated with the Order of Saint Benedict?

13 A. No. I believe that they did represent themselves
14 to be descending from the Order of Saint
15 Benedict.

16 Q. Okay. And is this a new argument now?

17 A. No.

18 Q. Okay. Explain to me how they represented
19 themselves to be descended.

20 A. They represented themselves or their monastery to
21 have been founded by a monk from Saint Vincent
22 Arch-abbey, Joseph Natale, who I believe they
23 claimed had been given permission to do so.

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1 Q. To form a Benedictine monastery?

2 A. Yes.

3 Q. Do you know how old Brother Michael was when that
4 monastery was formed by Joseph Natale?

5 A. First, I don't know that such a monastery was
6 really formed by him, so you have to do one
7 question at a time.

8 Q. Well, according to the information that you were
9 relying on that you've identified, that Brother

10 Joseph Natale organized a Benedictine monastery
11 sometime in the late '60's, is that right?

12 A. Yes.

13 Q. And Brother Michael and Brother Peter weren't
14 born for several years later at least, right?

15 A. I don't know. Perhaps. Probably so.

16 Q. And in terms of the representations regarding
17 Brother Joseph Natale, you had conversations with
18 Brother Peter and Brother Michael about Brother
19 Joseph Natale, right?

20 A. Yes.

21 Q. And they explained to you that they didn't come
22 and join Most Holy Family Monastery until the
23 1990's, correct?

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1 A. Yes, I believe so.

2 Q. And Brother Michael joined, I believe you're
3 aware, several years before Brother Joseph Natale
4 passed away in around '95 or '96?

5 A. Yes.

6 Q. And Brother Peter joined after Brother Joseph
7 Natale had passed away, correct?

8 A. I would have to refer to documents to know that,
9 but it sounds right.

10 Q. And in that regard, in your conversations with
11 them, you were aware that the information they
12 had about the origins of the monastery had been
13 supplied to them by Brother Joseph Natale?

14 A. No, not necessarily. I wasn't aware of that.

15 Q. They had many conversations with you where they
16 recounted his dealings and experiences with
17 Brother Joseph Natale, correct?

18 A. Yes, they did.

19 Q. And since they weren't alive at the time back in
20 the '60's when the monastery was first organized,
21 they couldn't have personally been witness to any
22 of the facts about its origin, correct?

23 A. Could you be more specific about what you mean by
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1 witness to the facts?

2 Q. They weren't there when it was organized?

3 A. I agree to that.

4 Q. They didn't come along for another twenty years
5 later at least, twenty-five, right?

6 A. Yes.

7 Q. And in your conversation with them, you were
8 aware when they would recount the history of the
9 monastery, it was what had been shared with
10 Brother Michael by Brother Joseph Natale?

11 A. I don't see what I would have to agree to that.

12 Q. Do you have any other sources Brother Michael had
13 for information about the history of the
14 monastery?

15 A. Could you clarify your question? Do you mean
16 could I imagine any source or do I know for a
17 fact?

18 Q. Are you aware of any? You're claiming that he
19 committed fraud, Mr. Hoyle. And I'm pointing out
20 to you that the information he relied on was

21 based on information that was conveyed to him
22 about events that he wasn't there. Are you aware
23 of any information to challenge that information

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1 that Brother Michael got from Joseph Natale?

2 A. For me to contest? I don't understand.

3 Q. Do you disagree with that?

4 A. I don't see what basis I have to make a
5 conclusion about that.

6 Q. So you believed it when you read it on the
7 website or it was explained to you, the history
8 of the monastery, correct?

9 A. Yes.

10 Q. And are you aware of any reason why Brother
11 Michael should not have believed it when it was
12 explained to him by Brother Joseph Natale?

13 A. No, not at that time.

14 Q. And in fact, you never went to the other brothers
15 at the monastery and had a discussion about
16 investigating the origins of the history; you
17 never challenged it, did you?

18 MR. EATON: Could you say what other brothers you're
19 referring to?

20 MR. RITTER: Brother Michael and Brother Peter.

21 THE WITNESS: Not that I recall.

22 BY MR. RITTER:

23 Q. Can you identify Exhibit 41? Do you have Exhibit

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1 41 in front of you?

2 A. Yes.

3 Q. It's got your Bates number on it.

4 A. I can't read it, but --

5 Q. It says Hoyle and there's a number, and the last

6 part is cut off. I'll represent to you I got

7 this from your attorney, okay?

8 Do you recognize this handwriting? I do.

9 It looks just like the handwriting in your

10 journal.

11 A. Yes, it's mine.

12 Q. That's your handwriting, right?

13 A. Yes.

14 Q. And do you see about four lines down it says,

15 regardless? Do you see that line?

16 A. Yes.

17 Q. It says, regardless of what our evil enemies say,

18 we believe we are a true Benedictine monastery.

19 That's what you wrote, right?

20 A. Yes.

21 Q. Do you remember when you wrote it?

22 A. No.

23 Q. Would you agree with me, however, you wrote this

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1 while you were living at the Most Holy Family

2 Monastery?

3 A. No, definitely not.

4 Q. Well, let me ask the obvious question. You say,

5 regardless of what our enemies say, we believe.

6 See the use of the word our and we? Who are you

7 referring to?

8 A. I do. That was a script understood to be spoken

9 by Frederick and Robert Dimond.

10 Q. That you wrote?

11 A. Yes.

12 Q. Okay. So what you were doing, then, is writing

13 out a script for a position that they could take

14 in one of these radio broadcasts, I take it?

15 A. No. I was writing a comedy.

16 Q. A comedy?

17 A. Yes.

18 Q. Was this intended to be -- as you sit -- at the

19 time you were writing this you referenced,

20 regardless of what our evil enemies say.

21 A. Yes.

22 Q. Is it fair to say that you were aware at the time

23 you wrote this that there were individuals who

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1 were criticizing or questioning the Benedictine

2 status of Most Holy Family Monastery?

3 A. Yes.

4 Q. And despite those challenges, you continued to

5 believe that the monastery was truly Benedictine?

6 A. No.

7 Q. Well, you wrote we believe we are a true

8 Benedictine monastery, right?

9 A. Yes.

10 Q. And when you were living there, you believed

11 that, right?

12 A. Yes, when I was living there.
13 Q. And what did your enemies say about why you
14 weren't a Benedictine monastery?
15 A. I don't believe I ever heard that until I
16 received a message on You Tube -- actually, I did
17 hear it earlier; when Frederick was on a radio
18 show and said -- I believe the claim was
19 something about Natale not having permission or
20 something along those lines.

21 Q. About Brother Natale not having the permission to
22 establish a Benedictine monastery?

23 A. Yes. Something along those lines, that his story

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1 had been false.

2 Q. So you had heard that type of talk while you were
3 at the monastery, and it didn't concern you at
4 the time?

5 A. I had heard it on that one occasion. And aside
6 from that, I don't know that I heard it. It was
7 not a matter that came up with any frequency at
8 all.

9 Q. But it did come up at least once?

10 A. I believe it came up twice, yes.

11 Q. Twice. Okay. I want to ask you about -- you've
12 got some claims about UPS billing labels in this
13 case, is that right? You made an allegation that
14 they overcharge or undercharge UPS. Is that
15 true, Eric?

16 A. I did make that allegation.

17 Q. Is that still part of your claim in this case

18 against the Dimonds?

19 A. I believe it's stated in some of the papers that
20 are in the --

21 Q. Okay. Is the essence of your claim that in
22 weighing packages to determine the proper charge
23 or postage for UPS, that it was the practice to

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1 round down the weight and charge?

2 A. Yes.

3 Q. And you're claiming that that was somehow
4 fraudulent or illegal?

5 A. It's my understanding that UPS policy is for the
6 package weight to be rounded up.

7 Q. Did you yourself, while you were at the
8 monastery, weigh packages to be shipped out UPS?

9 A. Yes.

10 Q. Did you, in fact, round down yourself when you
11 did the billing and shipping label?

12 A. Yes.

13 Q. So you yourself engaged in that practice?

14 A. I did.

15 Q. And what is the basis for your claim that it is
16 contrary to UPS policy to round down?

17 A. I had a telephone conversation with a UPS
18 representative in which I was either told or
19 given the impression that that was their policy.

20 Q. Was that a phone call after you left the
21 monastery?

22 A. Yes.

23 Q. Why were you making that kind of phone call after

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1 you left?

2 A. I was concerned about having been involved in

3 something that was not honest.

4 Q. Because you yourself had done it?

5 A. Yes.

6 Q. Is it also true that that was part of your

7 ongoing effort to take them down, referring to

8 the monastery?

9 A. You're asserting that I had an ongoing effort to

10 take them down, which I did not.

11 Q. We're sitting here today.

12 A. You need to ask questions.

13 Q. While you were at the monastery, did you believe

14 Saint Vincent's Arch-abbey was a legitimate

15 Catholic Benedictine monastery?

16 A. I believe that Saint Vincent Arch-abbey had

17 departed from the Catholic religion, and so they

18 had failed to be truly Catholic.

19 Q. And therefore, if they were not truly Catholic,

20 they could not be truly Benedictine?

21 A. That was my understanding because the Dimonds had

22 said so, but now I see a reason to distinguish

23 between the organizational legitimacy of a place

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1 such as Saint Vincent and its religious beliefs.

2 Q. The Order of Saint Benedict -- Saint Benedict was

3 a Catholic, right?

4 A. Yes.

5 Q. A true Catholic?

6 A. Yes.

7 Q. And in order to be Benedictine, you have to be a

8 true Catholic, correct?

9 A. What do you mean by true Catholic? Do you mean a

10 person who believes Catholic faith?

11 Q. Someone who adheres and follows the Roman

12 Catholic religion as you identified at the

13 beginning, the religion you follow.

14 A. I believe that a person could be held to be a

15 legitimate Benedictine who inwardly beheld his

16 dissent or denial of certain Catholic doctrines,

17 in which case he would have his membership in the

18 organization and no one could tell him that he

19 didn't hold the Catholic faith. So in that sense

20 he would not be a true Catholic, but he could

21 still be held to be a legitimate Benedictine.

22 Q. I want to put it in my terms. Is what you're

23 basically saying that if there was a Benedictine

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1 monastery that existed prior to Vatican Two, and

2 then they declined to adopt the new mass and the

3 other teachings of the publicly recognized

4 Catholic church of today, that they could be

5 legitimately Benedictine? Is that what you're

6 referring to?

7 A. That's not what I was referring to. I was

8 referring to a case in which a person in a

9 Benedictine monastery that has no problem at all
10 simply doesn't believe the Catholic religion but
11 pretends to.

12 Q. A person -- I know it's getting late. Is there
13 any such person in the entire world?

14 A. Well, I imagine there have been plenty throughout
15 the years. I think the term -- precise term for
16 it is an occult heretic.

17 Q. So it would be a member of a monastery who
18 declines to adopt the monastery's beliefs?

19 A. No. A member of the monastery who behaves
20 according to all outward appearances just as he
21 should, but inwardly does not believe the
22 Catholic religion. That was the answer to your
23 question earlier. I'm sorry it's complicated.

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1 Q. So someone who doesn't truly adhere or follow the
2 Catholic religion could thereby be a true
3 Benedictine?

4 A. Yes, he could be a legitimate Benedictine, which
5 I believe is what you asked.

6 Q. By being a fake Catholic?

7 A. Yes. He would be held to be a member of the
8 church. No one could tell.

9 MR. RITTER: Why don't you give me like two minutes
10 and then we'll finish.

11 (Whereupon, a short recess was then taken.)

12 MR. RITTER: Mr. Hoyle, just a little mop-up and
13 we'll try to get out of here in like five or ten
14 minutes.

15 You're smiling, Wade, because you know
16 lawyers' estimate of time, but I think I'm going
17 to be able to do it.

18 BY MR. RITTER:

19 Q. I have a question for you regarding telephone
20 calls. There were a large volume of recorded
21 telephone calls that you produced in this
22 lawsuit. Are you familiar with that?

23 A. Yes. Yes.

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1 Q. And those were telephone calls that you made to
2 various individuals you had had contact with, I
3 believe when you were at the Most Holy Family
4 Monastery, or many of them?

5 A. Many of them, yes, I believe.

6 Q. Now, for example, you called one or more
7 individuals in the State of Florida. Did you
8 have a practice or procedure whereby you obtained
9 a person's consent before you recorded the call
10 or did you unilaterally record the call?

11 A. As best I recall, I didn't ask for consent, but I
12 looked up what states were one-party consent
13 states and only recorded calls to those states.

14 Q. And if you had called anyone that was in -- was
15 not in a one-party consent state, then you would
16 have asked for their consent, and it would have
17 been recorded on the audio if you had called such
18 a person?

19 A. I believe what I did was just not record. I

20 don't believe I asked for consent. I don't
21 remember doing so, but it's possible I did
22 sometimes.

23 Q. So as you sit here today, as best you can recall,

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1 you didn't ask anyone for consent; you tried to
2 avoid states that required consent?

3 A. I didn't avoid the states. I just didn't record
4 conversations with people that --

5 Q. And you were consciously aware that some states'
6 law required consent of both parties to a phone
7 call in order for it to be recorded?

8 A. Yes.

9 Q. In fact, you researched it to be sure you knew
10 which states?

11 A. I tried to research it.

12 Q. After you left the monastery, did you send
13 e-mails to customers or people who had dealings
14 with the monastery from the Most Holy Family
15 Monastery e-mail address that you essentially
16 pirated after you were gone?

17 A. You need to break that up into individual
18 questions.

19 Q. All right. Did you use the monastery's e-mail
20 address to send e-mails to anyone after you
21 departed the monastery on December 31st, 2007?

22 A. Based on documents provided by the Dimonds, I
23 believe I did, but it was inadvertent.

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1 Q. And some of the e-mails that you sent were to
2 direct people to your Genesis website?

3 A. Yes, I believe they were, some of them.

4 Q. And your Genesis website had a donation link or a
5 button that they could click whereby you
6 solicited donations from the people who visited
7 the website?

8 A. Yes.

9 Q. Did you receive any donations?

10 A. No.

11 Q. Have you received any donations?

12 A. Through that website?

13 Q. Since you left the monastery in 2007.

14 A. Could you clarify what you mean by donations?

15 Q. Have people given you money for your religious
16 cause?

17 A. Could you clarify what my religious cause is?

18 Q. Has anybody given you money having anything to do
19 with your religious -- based on anything having
20 to do with your religious beliefs?

21 A. Yes.

22 Q. And how much?

23 A. The best I recall, a hundred dollars.

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1 Q. Are you currently in correspondence and dealings
2 with Gerry Matatics or Matatics?

3 A. That's fine. Matatics.

4 Q. You've been corresponding with him recently?

5 A. Yes.

6 Q. Regarding religious matters?
7 A. Yes, partly.
8 Q. Before you joined Most Holy Family, you rebuked
9 him and told him you were cutting off your
10 financial support of him. Do you remember that?
11 A. Yes.
12 Q. And have you changed your position on whether you
13 share his religious beliefs or not?
14 A. Yes.
15 Q. And what's your position now?
16 A. As far as I believe, we're in agreement.
17 Q. And that's a change in both your and his
18 religious beliefs since 2005, then?
19 A. Yes. Well, yes with mine for sure. I believe he
20 may have made the change in 2005 or shortly
21 thereafter. I'm not sure when he made the
22 change.
23 Q. All right. Now, is it true that you've changed

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1 your position on who was a Benedictine or what
2 monasteries are Benedictine since you left Most
3 Holy Family?
4 I'm listening. I'm just being a pest.
5 A. I'm not sure how to answer that question
6 precisely.
7 Q. Is it true that you've changed your position on
8 who is a Benedictine or what monasteries are
9 Benedictine since you began this legal action?
10 A. Could you repeat the question?
11 Q. Is it true that you have changed your position on

12 who is a Benedictine or what monasteries are
13 Benedictine since you began this lawsuit?
14 A. I have a hard time recalling what the development
15 of my understanding of that issue has been. I
16 could say, though, that I have learned more about
17 the structure of the Benedictine Order as it has
18 existed for many decades, and that I have become
19 more aware of the distinction between persons who
20 have followed the Benedictine procedures and
21 persons who have not.
22 Q. At the beginning of this lawsuit, right when you
23 left the monastery, say January 2nd, 2008, wasn't

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1 it your belief that in order to be a Benedictine,
2 you had to be a true Roman Catholic?
3 A. Yes, I would have agreed with that statement back
4 then.
5 Q. And you no longer agree with that statement
6 today?
7 A. I think properly understood it's a fine
8 statement.
9 Q. All right. So let me make sure I understand
10 this, then. So your testimony is that for
11 purposes of this lawsuit it's your position that
12 to be legitimately Benedictine, you have to be
13 legitimately and truly Roman Catholic, as you've
14 defined being Roman Catholic?
15 A. I would say that to be truly Benedictine and to
16 deserve recognition as such by Catholics, one

17 needs to profess the Catholic faith. And members
18 of the organizations that historically have been
19 Benedictine who do not maintain the Catholic
20 faith today could properly be said to have failed
21 to do all that is required of a Benedictine monk.

22 Q. Take a look at Exhibit 44. Right there. This is
23 an attachment to an e-mail that you sent to

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1 Bridget Burrows regarding thoughts on the Order
2 of Saint Benedict. Do you see that?

3 A. Yes.

4 Q. You prepared this document?

5 A. I believe so.

6 Q. At the end of the second block of paragraphs in
7 the middle of the page you write, so I do not
8 encourage or agree with the idea that the persons
9 commonly acknowledged as the OSB are legitimately
10 such in the sight of God. Do you see that
11 statement?

12 A. I do.

13 Q. And OSB refers to the Order of Saint Benedict?

14 A. Yes.

15 Q. And when you say persons commonly acknowledged

as

16 the OSB, you're referring to persons commonly
17 acknowledged as Benedictine, right?

18 A. Yes.

19 Q. And I believe you just tried to explain to me
20 that somebody could be legitimately Benedictine
21 but be -- without being a true Catholic by faking

22 to be a true Catholic. Is that right?

23 A. That's what I was saying, yes.

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1 Q. Okay. But here you've made an interesting
2 distinction, Mr. Hoyle. You have said that
3 Benedictines who are generally acknowledged to be
4 Benedictines, you don't agree with the idea that
5 they are legitimately such in the sight of God.

6 Do you see that?

7 A. Yes.

8 Q. Okay. By that standard, would a person who is
9 pretending to be Catholic be a true Benedictine
10 in the sight of God?

11 A. I don't know.

12 Q. Isn't that the purpose of what you wrote there?

13 A. No. I thought you were speaking about a
14 different question.

15 Q. Let me be clear. I want to back up here. You
16 say Benedictines who are commonly acknowledged.
17 In other words, you're referring to Vatican Two
18 Benedictines, right?

19 A. Yes. That's what I'm referring to here, yes.

20 Q. And you're saying that you don't encourage or
21 agree with the idea that they're legitimately
22 Benedictine in the sight of God, right?

23 A. That's what I said here, yes.

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1 Q. And is that your position in this lawsuit?

2 A. Yes. From a religious point of view I believe

3 that because they've departed from the Roman
4 Catholic faith, they lack something that should
5 be in place for people to be truly Roman Catholic
6 Benedictines.

7 Q. So in the sight of God, to be a true Benedictine,
8 one has to be a true Catholic?

9 A. I like that statement. I think that statement is
10 well put.

11 Q. You would agree with that statement?

12 A. Yes.

13 Q. You write on the second page, second last
14 paragraph, second sentence of the paragraph that
15 starts however -- you say, however, I was
16 deceived by Most Holy Family in a different way.

17 A. I see it.

18 Q. After that you write, I understood that Most Holy
19 Family Monastery claimed to be a faithful remnant
20 of the OSB, and that Most Holy Family Monastery
21 was not presently affiliated with those commonly
22 considered as OSB. Do you see that statement?

23 A. Yes.

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1 Q. Are you acknowledging there that when you joined
2 the monastery you were aware that they were not
3 affiliated with the publicly recognized Order of
4 Saint Benedict?

5 A. Yes, I was recognizing -- I was aware that they
6 were not presently united with the people who had
7 descended from the past Roman Catholic

8 Benedictine monasteries, that there was a
9 separation in -- a separation between the two
10 groups.

11 Q. Okay. Move up one paragraph. It says, you
12 write, it is true that -- I'll say the monastery,
13 advertises itself as Benedictine and OSB without
14 giving an upfront explanation that it is not
15 affiliated with what is commonly known to the
16 public as the OSB. Do you see that statement?

17 A. Yes.

18 Q. That position, you promoted that position
19 yourself while you were at Most Holy Family as
20 well, didn't you?

21 A. Yes, in sending out materials at times I may have
22 been involved in the type of communications where
23 that occurred.

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1 Q. And you would agree that while you were there,
2 the webpage for the monastery referred to
3 themselves as Our Benedictine Community and gave
4 an explanation of what Most Holy Family deemed
5 that to mean?

6 A. It did, yes.

7 Q. And that was there for anyone to read in the
8 public, right?

9 A. It's true, it was.

10 (Discussion off the record.)

11 BY MR. RITTER:

12 Q. Last couple questions.

13 While you were at Most Holy Family, did you

14 believe that Saint Vincent's Arch-abbey as it
15 existed at that time was a legitimate Benedictine
16 monastery?

17 A. I believed that its founding was legitimate, but
18 that its present leadership had departed from
19 Catholic doctrine.

20 Q. And while you were at Most Holy Family --
21 actually, before you joined Most Holy Family, did
22 you share the Dimond brothers' belief that Saint
23 Vincent Arch-abbey was a heretical monastery?

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1 A. Yes.

2 Q. And while you were at Most Holy Family Monastery,
3 did you share the Dimond brothers' belief that
4 Saint Vincent's Arch-abbey was not truly
5 Benedictine?

6 A. Yes.

7 Q. Do you still believe that today?

8 A. Well, as I said, I believe that the religious
9 beliefs that are held at Saint Vincent's are not
10 truly Catholic, and therefore at variance with
11 the Order of Saint Benedict as it has stood
12 throughout the centuries.

13 Q. So therefore, to use your phrase, in the eyes of
14 God and under legitimate Catholic doctrine, Saint
15 Vincent's Arch-abbey is not legitimately
16 Benedictine?

17 A. Yes, understanding that as it's been explained
18 already by myself.

19 MR. RITTER: Do you think that you could get me a
20 better copy of Exhibit 42 and 41?

21 MR. EATON: I don't think so. I think I've looked at
22 those and --

23 MR. RITTER: Give it a shot.

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1 MR. EATON: I think this is the best copy I can make.

2 The only thing I will do is darken it, make
3 another copy and darken it with the Xerox
4 machine. You're welcome to do that. There were
5 several of those.

6 BY MR. RITTER:

7 Q. Actually, let me ask the question this way. Did
8 you ever, prior to joining Most Holy Family, have
9 any contact with Saint Vincent's Arch-abbey?

10 A. No, not that I recall.

11 Q. And while you were at Most Holy Family, did you
12 have any contact with Saint Vincent's Arch-abbey?

13 A. Not that I recall.

14 Q. And you have contacted them since you left?

15 A. Yes.

16 Q. And you could have contacted Saint Vincent's
17 Arch-abbey before you joined Most Holy Family?

18 A. It would have been possible.

19 Q. And did you ever contact -- strike that. Did you
20 ever have any interest in joining Saint Vincent's
21 Arch-abbey, becoming a member?

22 A. No.

23 Q. Why not?

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1 A. At any time that I would have been interested, my
2 understanding was that they didn't profess the
3 Catholic faith at that monastery.

4 Q. And the Catholic faith that you refer to, the
5 summer of 2005 through the summer -- excuse me,
6 December of 2007, you and the Dimond brothers
7 were in agreement on all points regarding the
8 Catholic faith, its beliefs, its standards,
9 correct?

10 A. As far as I know, yes. Anything that was
11 dogmatic we were -- anything we believed to be
12 dogmatic we were in agreement on.

13 Q. And the only reason that you -- I screwed it up.
14 I'm sorry. The reason you departed was because
15 your beliefs regarding mass attendance evolved
16 and changed?

17 A. Yes, that was the immediate cause of my
18 departure.

19 Q. And they in no way represented -- misrepresented
20 to you anything having to do with the Catholic
21 religion as they interpreted and adhered to it?

22 A. Could you clarify that question?

23 Q. The Catholic religion that you and the Dimonds

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1 practiced, you were in agreement with them about
2 the protocol, the standards, the requirements of
3 it, correct?

4 A. As far as I know, yes.

5 Q. And as you sit here today, you're not aware of
6 anything about the manner in which they professed
7 the Catholic religion that they misrepresented to
8 you?

9 A. Do you mean on which they were mistaken or on
10 which they falsified their own beliefs?

11 Q. On which they knowingly made a false statement to
12 you.

13 A. About their own beliefs?

14 Q. Right.

15 A. I'd have no way of knowing that, if they were
16 falsifying what they really believed entirely. I
17 have no knowledge of such a thing.

18 Q. So you're not making any claim in this lawsuit
19 that they committed any sort of fraud or made a
20 fraudulent statement relating to what their
21 Catholic beliefs were?

22 A. No, I don't believe there's any claim of that
23 nature.

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1 (Discussion off the record.)

2 BY MR. RITTER:

3 Q. What's the basis for the claim that you've made
4 that Joseph Natale did not receive permission
5 from someone at Saint Vincent's Arch-abbey to
6 start a Benedictine community?

7 A. I was informed by the present arch-abbot of Saint
8 Vincent that, if I remember right, upon review of
9 the records, Joseph Natale had been at Saint
10 Vincent Arch-abbey as a postulant, but had

11 departed before receiving vows, and thus had not
12 become a Benedictine monk, and he had no
13 permission from Saint Vincent to found anything.

14 Q. And that person that -- was that an oral
15 conversation or did they write you a letter?

16 A. I believe there was a telephone conversation and
17 an e-mail.

18 Q. And did that person indicate that that was based
19 on personal knowledge, that they knew Brother
20 Joseph Natale?

21 A. As best I recall, it was based on records at
22 Saint Vincent Arch-abbey.

23 Q. And you've never received a copy of those

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1 records, have you?

2 A. Not that I'm aware of.

3 Q. Other than that communication with this
4 individual at Saint Vincent's Arch-abbey, is
5 there any other factual basis for your claim that
6 Joseph Natale did not receive permission from
7 someone at Saint Vincent's Arch-abbey to start a
8 Benedictine community?

9 A. Can you clarify what you mean by factual basis?

10 Q. A document, a witness who has told you that
11 that's not true. Some form of evidence or proof.

12 A. Yes, I've been told or have read a statement from
13 some -- a handful of people who have stated the
14 same thing.

15 Q. Of the things you read on the Internet, in other

16 words?

17 A. To -- read on the Internet and -- I'm not
18 positive about this, but I think one phone
19 conversation.

20 Q. And who was the phone conversation with?

21 A. I believe it was John Maffei.

22 Q. John Maffei?

23 A. Yes. M-A-F-F-E-I, Maffei.

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1 Q. And who is he?

2 A. According to him, he was a personal friend of
3 Joseph Natale.

4 Q. And do you know his whereabouts, his address,
5 phone number?

6 A. I believe his address is Broomall, Pennsylvania.
7 It's near the location of the Most Holy Family
8 Monastery site in New Jersey, old site.

9 Q. So let me sum it up this way. I think this will
10 be the last one. Can you testify that you are
11 absolutely positive, beyond all doubt, that
12 Brother Joseph Natale did not receive permission
13 from someone at Saint Vincent's Arch-abbey to
14 start a Benedictine community?

15 A. As you phrase the question, no.

16 MR. RITTER: I think we're done. Thanks for staying.

17 Unless, Wade, you want to ask him some
18 questions.

19 MR. EATON: No, that's fine.

20 MR. RITTER: I just want to put this on the record,
21 and it was something that came up before. We're

22 going to reserve our right to keep the deposition
23 open, particularly with respect to the journal,

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1 that we didn't receive the entire thing, that
2 there were redactions on. Other than that, I
3 guess we're done for today.

4 MR. EATON: Any further questioning will be limited
5 to -- if the Court requires us to turn over the
6 journal, any further questioning will be limited
7 to the contents of the journal.

8 MR. RITTER: And I would say that that's generally
9 true, with the caveat that depending on what's in
10 the journal, it may open up things in other
11 areas, although I expect that we've covered
12 everything that I need to cover.

13 MR. EATON: I think you have.

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1 I HEREBY CERTIFY that I have read the

2 foregoing 306 pages and that, except as to those
3 changes set forth in the attached errata form(s),
4 they are a true and accurate transcript of the
5 testimony given by me in the above-entitled
6 action on February 8, 2011.

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ERIC EFIRD HOYLE

Sworn to before me this

_____ day of _____ 2011.

Notary Public.

Sue Ann Simonin Court Reporting
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1 STATE OF NEW YORK)

2 SS:

3 COUNTY OF ERIE)

4

5 I, Sue Ann Simonin, a Notary Public in and

6 for the State of New York, County of Erie, DO

7 HEREBY CERTIFY that the testimony of ERIC EFIRD

8 HOYLE was taken down by me in a verbatim manner
9 by means of Machine Shorthand, on February 8,
10 2011. That the testimony was then reduced into
11 writing under my direction. That the testimony
12 was taken to be used in the above-entitled
13 action. That the said deponent, before
14 examination, was duly sworn by me to testify to
15 the truth, the whole truth and nothing but the
16 truth, relative to said action.

17 I further CERTIFY that the above-described
18 transcript constitutes a true and accurate and
19 complete transcript of the testimony.

20

21

SUE ANN SIMONIN,
Notary Public.

22

23

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