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NOT FOR SERVICE OF PAPERS

April 29, 2011

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Hon. John T. Curtin  
United States District Judge  
U.S. Courthouse  
68 Court Street  
Buffalo, New York 14202

**RECEIVED**

MAY - 2 2011

JOHN T. CURTIN  
UNITED STATES DISTRICT JUDGE-  
WESTERN DISTRICT OF NEW YORK

**Re: Hoyle v. Dimond et al.**  
**08-CV-347C**

**Attn: Karen M. McMahon**

Dear Ms. McMahon:


We are in receipt of a letter to the Court from K. Wade Eaton, Esq. regarding submission of "the second volume of Eric Hoyle's journal."

In this letter, Mr. Eaton references the existence of a "first volume" but that "nothing from that volume was provided to Mr. Ritter" because there are no references to the defendant. This is the first disclosure that there exists a "first volume" to Mr. Hoyle's journal which has been withheld from discovery. As mentioned in our motion to compel, Mr. Hoyle's journal is a single complete document which, absent some identifiable privilege, should be produced in its totality. Moreover, we believe the journal, including the "first volume," is material and relevant to issues of Mr. Hoyle's "flightiness," ongoing adoption and subsequent condemnation of various religious views and teachings, and the true reasons for his decision to leave Most Holy Family Monastery.

Accordingly, Mr. Hoyle's entire journal, including the "first volume," should be produced to the Court for *in camera* review and, in our review, directed to be produced to defendants thereafter. Thank you.

Very truly yours,

DUKE, HOLZMAN, PHOTIADIS & GRESENS LLP

  
Charles C. Ritter, Jr.

CCR/jaf

cc: K. Wade Eaton, Esq.