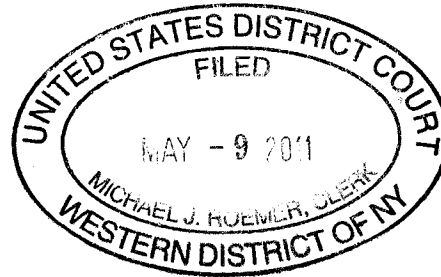


May 5, 2011



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

Honorable John T. Curtin
United States District Judge
U.S. Courthouse
68 Court Street
Buffalo, NY 14202

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

Dear Judge Curtin:

I write in response to the letter of Mr. Ritter dated April 29, 2011. Mr. Hoyle's journal consists of four notebooks covering the period from March 2, 2003 through January 4, 2008. Until very recently, I was aware of only two notebooks, covering the period from mid-2004 to January 4, 2008, which I have forwarded to your Chambers.

Since that submission I have received from my client two additional notebooks which cover the period from March 2, 2003 through June 28, 2004. Based on my review of all the notebooks, the earliest reference to Most Holy Family Monastery appears in an entry in the fourth notebook which I believe to be dated February 21, 2005. I have been unable to identify any references to Most Holy Family Monastery in any of the three prior notebooks.

Paragraph 19 of counsel's Declaration in support of his recent motion to compel [Docket Number 64-1] cites previous requests for "documents concerning plaintiff's religious views created by plaintiff between January 2005 and present" and "documents authored by plaintiff concerning a narrative or description of plaintiff's experience at MHFM." The documents responsive to these requests have been produced.

Counsel now seeks production of plaintiff's journal in its entirety, even for years prior to his awareness of MHFM, on the ground that plaintiff's private journal is material and relevant to the issues of plaintiff's "flightiness," the reasons for plaintiff's rejection of certain religious views and teachings, and the "true reasons" for his departure from the monastery MHFM. This would appear to be counsel's criteria for the Court's *in camera* review of these volumes.

Honorable John T. Curtin
United States District Judge
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Each of these issues was probed, without objection, during counsel's deposition of the plaintiff, which lasted some seven hours. In my view, counsel's insatiable desire to explore the written record of plaintiff's private reflections, much of which has nothing do to with his religious beliefs, and to have the Court review hundreds of pages of handwritten stream-of-consciousness to identify evidence of the plaintiff's "flightiness," etc., is beyond the pale.

Should the Court wish to extend its *in camera* review of the plaintiff's journal, we will, of course, provide the two remaining notebooks for examination.

Respectfully,

A handwritten signature in black ink, appearing to read "K Wade Eaton". The signature is fluid and cursive, with a large initial "K" and "W".

K Wade Eaton

cc: Charles C. Ritter, Jr., Esq.