

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ERIC E. HOYLE

Plaintiff,

vs.

FREDERICK DIMOND, ROBERT DIMOND,
and Most Holy Family Monastery,
a New York Not-for-Profit Corporation

Defendants

**PLAINTIFF'S FIRST
REQUEST FOR
DOCUMENTS**

Index No. 08-cv-00347-JTC

Pursuant to Federal Rules of Civil Procedure 26 and 34, plaintiff hereby requests that defendant Most Holy Family Monastery produce for inspection and copying the documents described herein, which are in the possession, custody or control of said defendant and/or its officers, agents, employees, accountants or attorneys.

Defendant is requested to produce all responsive documents for inspection and photocopying in the time and manner specified by the Federal Rules of Civil Procedure at the offices of attorneys for plaintiff: Chamberlain D' Amanda Oppenheimer & Greenfield LLP, 1600 Crossroads Building, Two State Street, Rochester, New York 14614.

DEFINITIONS AND INSTRUCTIONS

1. As used herein, the following terms are defined thus:
2. "Plaintiff" shall mean Eric E. Hoyle.
3. "Defendant" shall mean the defendant New York Not-for-Profit Corporation presently known as Most Holy Family Monastery, and shall include said corporation when known by any other name since its incorporation.

4. The term “the relevant period” is defined as January 1, 2002 to the present.

Requests which do not refer to “the relevant period” are without limitation as to date or time.

5. Refer to Rule 26 of Local Rules of Civil Procedure for definition of a “document.”

6. Refer to Rule 26 of Local Rules of Civil for definition and procedures related to privileged information.

7. In the event that any document covered by this request has been destroyed, discarded or otherwise lost, a list is to be furnished identifying each such document that has been destroyed, discarded or otherwise lost, together with the following information:

(a) the date of the document’s creation;

(b) the name of its author or preparer identified by title and employment;

(c) the name of each person who was sent or furnished with the document, or in any way received or viewed the document, or has had custody of the document, together with an identification of each such person by title and employment;

(d) a brief description of the document;

(e) the date of destruction, discard or loss;

(f) the names of each person who authorized the destruction or discard of the document identified by title and employment; and

(g) the name of the person who destroyed or discarded the document identified by title and employment.

8. Unless otherwise indicated, the documents to be produced include all documents prepared, sent, dated or received, or those which otherwise came into existence at any time during the relevant period described above. This request shall include all documents and information which relate in whole or in part to such period, or to events or circumstances during

such period, even though dated, prepared, generated or received prior or subsequent to that period.

9. This request is a continuing request. All documents coming into the custody or control of Most Holy Family Monastery subsequent to an initial production, and which are responsive to this request, shall be produced forthwith in accordance with the Federal Rules of Civil Procedure.

10. Each document requested herein is requested to be produced in its entirety and without deletion or excisions, regardless of whether you consider the entire document to be relevant or responsive to these requests. If you redact any portion of a document, you should stamp or print the word "redacted" conspicuously on each page of the document that has been redacted.

11. The fact that a document is produced by a third party or by the Plaintiffs does not relieve you of the obligation to produce your copy of the same document, even if the two documents are identical in all respects.

12. All documents shall be produced in the file folder, envelope or other container in which the documents are kept or maintained. If, for any reason, the container cannot be produced, produce copies of all labels, other identifying marks or writing on the container.

13. Each document should be produced in the form and manner that it was found or maintained. Documents attached to each other should not be separated. Documents separated from each other should not be bound.

DOCUMENTS REQUESTED

1. All documents pertaining, relating or referring to the founding and operations of Most Holy Family Monastery, including but not limited to: (a) its Benedictine charter; (b) all codes, rules, constitutions, by-laws, and other guiding or governing documents of Most Holy

Family Monastery; (c) all written policies or procedures now or formerly observed at Most Holy Family Monastery; (d) all written materials provided by Most Holy Family Monastery to its prospective entrants, postulants, novices, or professed brothers, describing the obligations, privileges, or expectations that apply to them; (e) all material published, produced, or distributed by Joseph Natale or by Most Holy Family Monastery under his headship; (f) Joseph Natale's acts and communications as head of Most Holy Family Monastery; (g) the admission, changes in status or dismissal of members of Most Holy Family Monastery; (h) the election of Frederick Dimond as superior of Most Holy Family Monastery; (i) any communications between Most Holy Family Monastery or its members and the publicly recognized OSB organization or its members, including but not limited to St. Vincent Archabbey or its members; and (j) defendant's corporate status and corporate filings with officials of the State of New York.

2. Copies of all publications or items of personal property previously or currently produced or distributed by Most Holy Family Monastery.

3. All documents pertaining, relating or referring to transfers of assets by plaintiff to defendant Or any of its agents or members, the defendant's custody, use and transfer of said assets, including but not limited to all bank records, stock records, records of investments in real property and payments, loans or advances to third parties including individuals, corporations, trusts, partnerships and any document pertaining, relating or referring to any agreement, understanding, commitment or acknowledgement of the defendant's obligation to return to the plaintiff any monetary or other assets upon plaintiff's departure from Most Holy Family Monastery.

4. All records of communications to Most Holy Family Monastery or its agents claiming or implying that plaintiff had contacted Most Holy Family Monastery customers, supporters, or donors after his departure from Most Holy Family Monastery on December 31,

2007.

5. All documents pertaining, relating or referring to the revenue and expenses of Most Holy Family Monastery during the relevant period, including but not limited to all bank records, stock records, records of investments in real property and payments, loans or advances to third parties including individuals, corporations, trusts and partnerships.

6. A copy of the book referenced at paragraph 69 of the defendant's Answer to the Amended Complaint.

7. Copies of all documents referenced at paragraph 156 of the defendant's Answer to the Amended Complaint.

8. All documents which support the claims asserted in the defendant's counterclaims, including but not limited to the damages which the defendant alleges it has suffered as the result of the plaintiff's actions.

Date: July 13, 2009

CHAMBERLAIN D'AMANDA
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