

**DUKE, HOLZMAN, PHOTIADIS & GRESENS LLP**

ATTORNEYS AT LAW  
350 MAIN STREET  
SUITE 1800  
BUFFALO, NEW YORK 14202-3718.

716-855-1111

FACSIMILE 716-855-0327  
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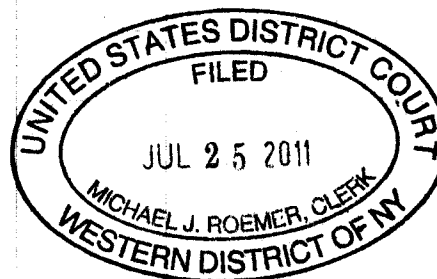
EMANUEL DUKE  
(1916-1999)

EDWIN P. YAEGER  
(1934-1992)

\* Also Admitted in PA  
\*\* Also Admitted in FL  
\*\*\* Also Admitted in TX  
+ Also Admitted in MA  
++ Also Admitted in CA

DONALD J. HOLZMAN  
GREGORY P. PHOTIADIS  
JAMES W. GRESENS  
PETER G. RUPPAR\*\*\*  
WILLIAM D. SCHULZ  
MICHAEL J. LOMBARDO\*  
HOWARD E. BERGER  
DENNIS P. CLEARY  
GARY M. KANALEY\*\*  
ROBERT L. BENCINI  
PATRICIA GILLEN  
CHARLES C. RITTER, JR.  
MATTHEW J. BECK  
BARBARA B. STRZEMSKI-HAASE  
ELIZABETH A. KRAENGL +  
THERESA A. DREW  
ANDREW J. STIMSON  
JENNIFER R. SCHARF ++

July 22, 2011



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

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

Dear Judge Curtin:

Plaintiff recently filed a Motion to Compel Discovery and for other relief in this matter. Attached to the motion was a copy of the deposition transcript of my client Brother Michael Dimond. The transcript of my client's deposition testimony was designated confidential in accordance with the Court's Amended First Stipulation and Order of Confidentiality filed on February 11, 2010. Unfortunately, plaintiff failed to comply with paragraph 11 of the Order and did not take "such measures" as necessary to preserve the confidentiality of this transcript.

Reserving all rights, we respectfully request that the Court direct that the motion, including the transcript of Brother Michael Dimond be placed under seal by Clerk of the Court. I have enclosed a copy of the court's Order for reference.

Very truly yours,

DUKE, HOLZMAN, PHOTIADIS & GRESENS LLP

*Charles C. Ritter, Jr.*  
Charles C. Ritter, Jr.

CCR/jaf  
Enclosure

cc: K. Wade Eaton, Esq.