

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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ERIC E. HOYLE,

Plaintiff,

-vs-

08-CV-347-JTC

FREDERICK DIMOND, et al.,

Defendants.

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On July 23, 2008, the court issued an order granting a preliminary injunction in this case. The fifth paragraph of the injunction reads as follows:

Plaintiff shall immediately cease and desist from engaging in any communication with anyone whose identity and/or contact information plaintiff knows as a result of the confidential and proprietary records of the MHFM or as a result of living or working at MHFM. If plaintiff seeks to engage in any communication with such persons for purposes of case preparation or otherwise, he must make application to the court for permission.

(Item 23, p. 2).

In a motion filed July 8, 2011, plaintiff seeks an order vacating this portion of the injunction (Item 81). He also seeks an order compelling the disclosure of certain financial records. Defendants oppose both requests (Item 82).

To the extent that plaintiff seeks the court's permission to communicate with people he may have met while he lived at the Most Holy Family Monastery ("MHFM"), that permission is granted with certain conditions. The injunction was intended to prevent the plaintiff from using confidential and proprietary information to contact customers of the MHFM for his own purposes. From the court's review of the current record, it is apparent that in the years since this case was commenced, the pertinent allegations of the case and

the positions of the parties have become public knowledge, particularly through internet-based activity. If customers of MHFM have contacted the plaintiff, having learned of the lawsuit through media outlets, newspaper articles, websites, or word-of-mouth, the court sees no continued justification for preventing plaintiff from communicating with such persons for any purpose. However, plaintiff is still prohibited from using the confidential and proprietary information of MHFM, *i.e.*, its customer lists, to directly contact and communicate with the customers of MHFM, whose identities and contact information he would not have but for his work at MHFM. Additionally, plaintiff is, of course, prohibited by the injunction from making defamatory statements about the named defendants.

Turning to the motion to compel, plaintiff specifically requested the annual reports of MHFM prepared in accordance with its bylaws. Defendants have produced those annual reports and have stated that they have fully complied with this request (Item 82, ¶ 38). Accordingly, the motion to compel is denied.

Counsel for the parties shall appear for a conference on October 27, 2011 at 11:00 a.m. at the United States Courthouse, Room 602.

So ordered.

\_\_\_\_\_\s\ John T. Curtin\_\_\_\_\_  
JOHN T. CURTIN  
United States District Judge

Dated: October 4, 2011  
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