

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ERIC E. HOYLE,

Plaintiff,

DECLARATION

v.

FREDERICK DIMOND, ROBERT DIMOND,
and MOST HOLY FAMILY MONASTERY,

Civil Action No. 08-CV-347C

Defendants.

Pursuant to 28 U.S.C. § 1746, I, **Frederick (Brother Michael) Dimond**, declare the following:

1. I am a named defendant in the above-captioned action, together with Robert (Brother Peter) Dimond and Most Holy Family Monastery ("MHFM"). We three are sometimes collectively referred to hereinafter as "Defendants." I am the Superior of MHFM, which means that I am in charge of the MHFM religious community. As such, I have personal knowledge of the facts and circumstances involved in this action.

2. In opposition to the motion for summary judgment on defendants' counterclaim for conversion, plaintiff asserts that he did not deprive Defendants of possession of their property because they possessed copies. This assertion by plaintiff is false.

3. Plaintiff wrongfully took a large amount of documents, records, and electronic materials when he departed MHFM many of which were confidential and proprietary. (D.Statement of Undisputed Facts ¶¶ 66, 72-75, 77). Defendants were deprived of their property by plaintiff, including that defendants did not have copies of the financial records that plaintiff wrongfully took.

4. Plaintiff also alleged in his complaint there was a written agreement that he would receive \$750,000 if he departed MHFM. This claim is utterly baseless and untrue. No such agreement exists. Even plaintiff testified that he has no such document, does not recall what it allegedly said, and does not even know whether he or I signed this alleged document. No such document ever existed. Plaintiff has offered no proof whatsoever to support this allegation of his complaint. (Hoyle T. 74-75).

WHEREFORE, the Defendants respectfully request that the Court grant an Order awarding Defendants summary judgment against Plaintiff, and for such other and further relief as this Court deems just and proper.

Dated: March 16, 2012

/s/Frederick (Brother Michael) Dimond
Frederick (Brother Michael) Dimond