

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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ERIC E. HOYLE

Plaintiff,

vs.

FREDERICK DIMOND, ROBERT DIMOND,  
and MOST HOLY FAMILY MONASTERY,  
a New York Not-for-Profit Corporation

Defendants

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**MOTION TO  
RECONSIDER**

**FRCP Rule 59 (e)**

**Index No. 08-cv-00347-JTC**

PLEASE TAKE NOTICE THAT plaintiff Eric E. Hoyle will move this Court, before the Honorable John T. Curtin, United States District Judge, at the United States Courthouse, 2 Niagara Square, Buffalo, New York, at a date to be set by the court, pursuant to Rule 59 (e) of the Federal Rules of Civil Procedure, to reconsider a portion of its Decision and Order of June 22, 2012, on the ground that said Decision and Order contained an error in its application of New York law with regard to the plaintiff's causes of action for unjust enrichment and money had and received.

Dated: July 16, 2012

/s/ K. Wade Eaton  
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