

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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ERIC E. HOYLE

Plaintiff,

vs.

DECLARATION

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

Index No. 08-cv-00347-JTC

Defendants

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Eric E. Hoyle hereby declares under penalty of perjury:

1. I am the plaintiff in this action. I submit this declaration in order to correct my testimony at my examination before trial on February 9, 2011.

2. I testified that I did not take the MHFM mailing list or any part thereof (transcript p. 53, lines 17-19). I should have qualified this with "as far as I recall." It is possible that the full mailing list or some part thereof may have been among my electronic files in January 2008, but if so, it was apparently among the files I deleted in January 2008 before leaving New York state. I found no such mailing list among the files I retained past that time.

3. From my EBT transcript, pp. 268, lines 15-20:

Q. Now, when this set of facts under the heading the Order of Saint Benedict and Plaintiff's claims was filed in court, did you think that it was untrue and false?

A. I believed it was unclear to the point of being worthy of reproach.

The correct answer to this question is that I had no opinion about the document at the time it

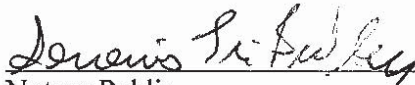
was filed, because I did not see it until several days later. When I did see it, I thought it failed both to convey my belief that the publicly recognized Order of St. Benedict does not profess the Catholic faith, and to specify how the defendants fraudulently claimed to belong to the Order of St. Benedict. After further consideration, I decided to clarify these points in paragraphs 10-14 of my affidavit of August 8, 2008.

4. My inaccuracy in answering these questions was not intentional, and I am sorry that it happened.

  
Eric E. Hoyle

Sworn to before me this

14 day of December, 2011

  
Notary Public

**SEVERIUS ELI BRADLEY**  
Notary Public - North Carolina  
Forsyth County  
My Commission Expires April 5, 2016