

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ERIC E. HOYLE,

Plaintiff,

v.

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

Defendants.

**NOTICE OF MOTION FOR
VOLUNTARY DISMISSAL
OF DEFENDANTS'
COUNTERCLAIMS
WITHOUT PREJUDICE**

Civil Action No. 08-CV-347C

PLEASE TAKE NOTICE that Defendants Frederick Dimond, Robert Dimond, and Most Holy Family Monastery will move this Court, before the Honorable John T. Curtin, Senior United States District Judge, at the United States Courthouse, 2 Niagara Square, Buffalo New York 14202, at a date and time to be set by this Court, for an order pursuant to Fed. R. Civ. Proc. Rule 41(c) for an Order dismissing defendants' counterclaims without prejudice.

Dated: December 18, 2013

DUKE, HOLZMAN, PHOTIADIS
& GRESENS LLP

By:

/s/Charles C. Ritter, Jr.
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