

**JONES
WALDO**
HOLBROOK &
MCDONOUGH PC

ATTORNEYS & COUNSELORS
EST. 1875

TEL: 801-521-3200
FAX: 801-328-0537

170 SOUTH MAIN ST, SUITE 1500
SALT LAKE CITY, UTAH 84101

WWW.JONESWALDO.COM

February 11, 2009

By Facsimile and United States Mail

Allan L. Sullivan
Snell & Wilmer
15 West South Temple, Suite 1200
Salt Lake City, UT 84101
Fax: (801) 257-1800

Dear Alan:


Thank you for your letter of February 9, 2009. As I previously explained, the purpose for Mr. Hardy's request for information and records pertaining to his excommunication is not to challenge the excommunication per se, but to enable him to participate meaningfully in the opportunity Brigham Young University has belatedly offered him to challenge its decision to withhold his degree based on the excommunication.

I'm afraid the church's unwillingness or inability to provide the requested information, combined with its continued reliance on the impossibly vague charge of "conduct unbecoming," may render that purported remedy virtually meaningless. It also implicates the precedents (which you know or can research as well as I) that make it clear a church's failure to honor the policies and procedures it has established to protect the just rights of its constituents and otherwise ensure adherence to basic standards of fairness and decency in the church's internal governance is not beyond the scope of judicial scrutiny or discovery.

Although the church's and the university's positions place him at even more of a disadvantage than he would face under the best of circumstances in challenging the university's decision, he will participate in the university review and do his best to persuade the university that his decision to honor his commitments and continue his involvement with the "Men on a Mission" calendar rather than give in to the inappropriate and unjustified pressure tactics from his stake president is fully consistent with any reasonable code of moral conduct. One can always hope that reason and fairness will prevail.

I appreciate your clearly articulating your client's position and promptly responding to my client's prior requests, and I share my client's hope that that the university review might obviate the need to explore some of these issues more fully in due course.

Very truly yours,



Stephen C. Clark

cc: Chad Hardy