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Gentlemen:

Chad Hardy has retained this firm in connection with certain actions taken against him by the Church of Jesus-Christ of Latter-day Saints (the "Church") and Brigham Young University. I have written separately to the University with regard to its actions. A courtesy copy of that letter is enclosed. I write you with regard to the actions of the Church in publishing false and defamatory statements about Mr. Hardy.

As you know, Mr. Hardy is involved in a business enterprise that produces the "Men on a Mission" calendar, featuring former Church missionaries. The calendar contains depictions of the former missionaries and descriptions of their experience, along with an express disclaimer. A portion of the proceeds from the sales of the calendar is donated to charity and directed to helping people in the different areas of the world where the missionaries served.

On March 21, 2008, Frank Davie, President of the Church's Warm Springs Stake in Las Vegas, Nevada, contacted Mr. Hardy on his business email account. President Davie said his purpose was to "get to know" Mr. Hardy. He also made reference to Mr. Hardy's involvement with the calendar.

On March 24, 2008, President Davie called Mr. Hardy at work, again requesting a meeting, and again stating that he wished to talk about the calendar. During this conversation, President Davie said the "brethren" (which Mr. Hardy understood to be a reference to unspecified but high-placed Church leaders in Salt Lake City) had heard Mr. Hardy was planning a calendar featuring former women missionaries of the Church and they were "very concerned."

Between March 24 and April 1, President Davie continued to contact Mr. Hardy requesting a meeting, and a meeting eventually was scheduled for April 15.

On April 15, President Davie and Bishop Olds met with Mr. Hardy and a friend of his in his home. During the two-hour meeting, President Davie expressed the view that the "Men on a Mission" calendar was inappropriate and asked Mr. Hardy to stop the publication and sale of the calendar. Mr. Hardy explained the purpose of the calendar project and his commitment to the positive messages conveyed by the calendar, but said he would discuss President Davie's concerns with his business partner. No other subject was discussed.

In the weeks following the meeting, President Davie continued to contact Mr. Hardy by email and telephone repeating his request that production of the calendar be stopped and his view that the calendar is "inappropriate" and "does not represent the Church or Church missionaries in the right way."

On June 5, 2008, Mr. Hardy wrote to President Davie that he understood and appreciated the personal concerns President Davie expressed. He explained that he is not the only one who is involved in the publication and distribution of the calendars but also has a responsibility to financial investors. He also reiterated his intention that the calendar project "in no way is meant to demean, disrespect or misrepresent the LDS church fundamental beliefs." He politely confirmed his decision to continue the project.

In response to this communication, President Davie requested a "one-on-one" meeting with Mr. Hardy, referring for the first time to unspecified matters "regarding [Mr. Hardy] personally." Mr. Hardy's inquiries yielded no further details, only repeated requests by President Davie to discuss some unspecified matter that "needs to be talked about between the two of us as it is quite personal."

In response to these requests, Mr. Hardy called President Davie on July 1, 2008. In this conversation, President Davie asked Mr. Hardy whether he was paying tithing and wearing his temple garments. Mr. Hardy responded honestly and forthrightly. President Davie also directly accused Mr. Hardy of being involved in a sexual relationship with the same friend who was present at the initial April 15 meeting in Mr. Hardy's home. This accusation is false, and Mr. Hardy forthrightly and unequivocally denied it. President Davie refused to identify the source of this false accusation. Mr. Hardy believes President Davie must have discussed this false accusation with unknown third parties.

Mr. Hardy wrote President Davie later that day expressing the hope that having confronted Mr. Hardy with this false accusation, President Davie was satisfied he had obtained the correct information. He also made it clear he did not see any purpose in further discussing his personal life or business affairs with President Davie.

The next day, President Davie wrote Mr. Hardy stating he had “broken [his] priesthood and temple covenants and engaged [himself] in a project that is considered inappropriate,” all allegedly “conduct unbecoming of a member of the Church.” President Davie advised Mr. Hardy he would be dispatching two Church elders to deliver a “Notice of a Church Disciplinary Council,” stating he had a “responsibility to take this action in [Mr. Hardy’s] behalf.”

On July 9, 2008, Mr. Hardy was summoned to appear before a Church disciplinary council to answer the charge of “conduct unbecoming a member of the Church.” Mr. Hardy contacted President Davie the following day and asked to be told the specific charges against him. President Davie did not mention the alleged sexual relationship, but stated that in addition to refusing to stop production of the calendar, Mr. Hardy had not paid tithing and was not wearing the temple garments. On July 11, 2008, the Associated Press reported that President Davie confirmed sending the summons and said the calendar was the primary concern, but also added: “There is more involved, and he and I will have our meeting.”

On July 13, the disciplinary council, comprised of President Davie, his counselors and members of the local church hierarchy, met with Mr. Hardy at the Warm Springs Stake Center in Las Vegas. President Davie informed the council that Mr. Hardy had been summoned before the council, and that he had admitted not paying tithing and wearing the temple garments. He then asked Mr. Hardy to address the body, which Mr. Hardy did, focusing on the calendar project. This was followed by questions and discussions, again all focused on the calendar project, after which Mr. Hardy was told to leave the room. A short time thereafter, President Davie informed Mr. Hardy the council had excommunicated him. At no time during the disciplinary council proceedings was there any reference to the false allegations of a sexual relationship.

On July 22, Hardy received a letter dated July 16 from President Davie stating the decision of the council was excommunication for “conduct unbecoming a member of the church.” No details were given. Mr. Hardy confirmed to the media that the only issues raised with him were the calendar, tithing and garments.

Since the Church emphasizes that members are not excommunicated for such things as a failure to pay tithing or wear temple garments, the only reasonable conclusion is that Mr. Hardy was excommunicated for the allegedly “inappropriate” calendar. The media properly reported that conclusion.

Unfortunately, building on President Davie's reference to there being "more involved" in the Church disciplinary proceeding, the Church proceeded to dispute the fact that Mr. Hardy was excommunicated for the calendar. Specifically, after conferring with President Davie, who repeated the scurrilous accusation that the excommunication was "warranted for several reasons other than the infamous calendar," the Church published an item on September 30, 2008 on its official media website, newsroom.lds.org, expressly disputing the fact that Mr. Hardy was excommunicated for the calendar.

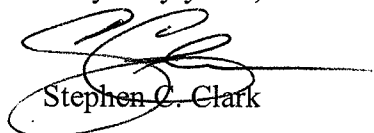
Because the item did not specify the only other conduct that was raised with Mr. Hardy in the proceeding, which is non-excommunicable conduct, it left the clear implication that Mr. Hardy was guilty of some excommunicable conduct. A search of the Church's official website, www.lds.org., confirms that excommunication generally follows findings of serious transgression such as murder, rape, abortion, adultery, fornication, homosexual relations, child abuse, spouse abuse, deliberate abandonment of family responsibilities, robbery, burglary, embezzlement, theft, sale of illegal drugs, fraud, perjury, or false swearing.

Mr. Hardy was neither charged with nor guilty of any such offense in his disciplinary proceeding. Assuming his involvement with the calendar was so "inappropriate" as to be considered an excommunicable offense, the Church should have made this clear and left it at that. Instead, compounding the injury President Davie inflicted on Mr. Hardy by falsely accusing him of immorality and publishing scurrilous innuendo in the media, the Church created the clear implication that Mr. Hardy was *not* excommunicated for involvement with the calendar, but for other serious transgression of the type that in Church practice justify excommunication.

Based on the foregoing, we respectfully request confirmation that Mr. Hardy was excommunicated for his involvement with the calendar, period, full stop. We specifically request that this confirmation be provided in writing to this firm. We also request that all information and documents pertaining to the Church's disciplinary action be provided for our review. We would like to work together on a suitable statement for distribution via the same media as the original false and defamatory implication that he was excommunicated because of other unspecified but serious immoral or illegal conduct.

As he has consistently said in his own comments to the media, Mr. Hardy harbors no ill will toward the Church. His interest is in correcting the record and clearing his good name. I look forward to working with you to that end. If you are unwilling to follow this course of action toward an amicable resolution of this matter, please let me know so I can advise Mr. Hardy as to his other options.

Very truly yours,



Stephen C. Clark

Enclosure  
cc: Chad Hardy