

**JONES
WALDO**
HOLBROOK &
MCDONOUGH PC

February 12, 2009

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

By Facsimile and United States Mail

Michael R. Orme
Assistant to the President
General Counsel
Brigham Young University
A-357 ASB
Provo, Utah 84602-1333
Fax: (801) 422-0265

Re: Chad Hardy v. Brigham Young University

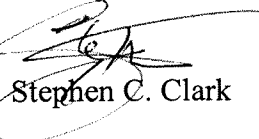
Dear Mr. Orme:

Thank you for your letter of earlier today. I respectfully disagree with and reject your position as to the proper scope of the university review. The only "important consideration" in this case is whether the university is justified in withholding Mr. Hardy's diploma based solely on his excommunication. Mr. Hardy will be prepared to show that his excommunication resulted from a fit of pique or some other inappropriate and unjustified vendetta and in no way establishes his lack of moral standing.

Mr. Hardy has faith – evidence of things certainly not heretofore seen in the university's original decision or in its subsequent clumsy attempts to repair the numerous breaches of its own policies and procedures – that the dean of students will be genuinely open to reason and fairness in judging the morality of the conduct that led to his unwarranted excommunication, and he looks forward to the belated opportunity to be heard on that issue.

It may be, as your recent communications suggest, that the university intends to conduct the review as a kangaroo court. I hope that I have been clear that Mr. Hardy will approach the review in good faith and with the proper focus. I also trust that to the extent the university might be tempted to characterize this as a "refusal to cooperate" or contrive some other post-hoc justification for summarily affirming its decision, it will conclude any such effort would only further underscore its own lack of honor in this matter.

Sincerely,



Stephen C. Clark

cc: Chad Hardy