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February 10, 2009

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:

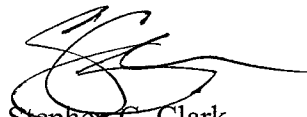
Thank you for your letter of February 6. We agree that your prior reference to a "decertification" of ecclesiastical endorsement was inappropriate. Indeed, the university's records recently produced confirm that no continuing ecclesiastical endorsement was required of Mr. Hardy since he completed his academic requirements online.

We are troubled by the statement in your letter that Mr. Hardy "should anticipate a thorough discussion of his conduct and compliance with the Honor Code." We understand from prior correspondence that the university's position is that it is justified in withholding Mr. Hardy's diploma based **solely** on his excommunication, and that it did so automatically and without any independent investigation of the facts. While the church has confused the issue by asserting the vague charge that Mr. Hardy was excommunicated for "conduct unbecoming" a member of the church, the fact of the matter is that Mr. Hardy was excommunicated for his decision to honor his commitments and continue his involvement with the "Men on a Mission" calendar rather than give in to inappropriate and unjustified pressure from his stake president to abandon his commitments and discontinue his involvement. Mr. Hardy will therefore be prepared to discuss that and explain why it is fully consistent with any reasonable code of moral conduct, including any obligations he had in connection with completing his course work online.

Please let me know if I have again misunderstood your statements or if you have a different view as to the proper scope of the university review.

I plan to attend the document inspection with Mr. Hardy on Friday morning. It remains unclear why the university has not simply copied the entire file with any third-party information redacted, as it was in the records already produced. We reserve our right to request copies of the documents that have been withheld upon completing our inspection.

Sincerely,



Stephen C. Clark

cc: Chad Hardy