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February 4, 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 December 19, 2008. It is frustrating to Mr. Hardy that the church refuses to provide information about the basis for his excommunication, particularly since it chose to engage in a public discussion and to suggest its action was based on some inappropriate moral misconduct. He was the subject of the action, and is simply seeking to set the record straight. With all due respect, if the church's expressions of concern for him were genuine, it would join him in that effort. Instead, your letter declines to clearly abjure the suggestion of inappropriate moral misconduct and indeed furthers the false impression of the same by referring to the July 16, 2008 letter containing examples and references wholly inapposite here. I continue to hope litigation will not be necessary to set the record straight, so please consider a separate basis for Mr. Hardy's request - he needs the information he has requested not only to clear his name, but also to have any meaningful opportunity to challenge Brigham Young University's decision to withhold his degree on the standards and through the procedures the university has established.

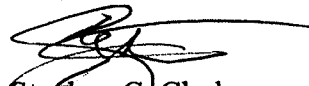
Mr. Hardy's understanding is that his excommunication related solely to his involvement with the "Men on a Mission" calendar. His position is that even if the church can arbitrarily excommunicate him for his involvement with the calendar, such conduct does not provide a basis for withholding his degree. Although the university's policies and procedures remain unclear notwithstanding repeated requests for clarification, it appears the university contends Mr. Hardy should pursue a university review and possibly a challenge to President Davie's decision and/or a direct appeal to the university president for an exception to the ecclesiastical endorsement requirement in order to establish that the true basis for his excommunication was not any conduct violative of the Honor Code, and therefore he should obtain the diploma he earned. One thing the university has made clear is that he will have a heavy burden of proof to show his excommunication was groundless and his degree should be released. How can he do that without access to all the potentially relevant information?

We have researched the matter and we are not aware of any basis under Nevada statutory or case law that would justify the church's withholding records of a disciplinary action requested by the subject of the disciplinary proceeding in this context. Indeed, it seems patently unfair to purport to offer a remedy and at the same time deny access to information necessary to pursue the remedy.

Therefore, we respectfully renew Mr. Hardy's request that all information and documents pertaining to the Church's disciplinary action be provided for our review so that we can assist Mr. Hardy in preparing to pursue any remedies available to him under the university's policies and procedures. Mr. Hardy has scheduled a university review for Friday, February 13. Therefore, we would appreciate receiving the records no later than Friday, February 6.

Thank you for your courteous attention to this matter.

Very truly yours,



Stephen C Clark

Enclosure  
cc: Chad Hardy