

# Exhibit D

## JONES DAY

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April 22, 2010

### VIA EMAIL

R. Kelly Hamilton, Esq.  
4030 Broadway  
P.O. Box 824  
Grove City, OH 43123

Re: John Doe, et al. v. Mount Vernon City School Dist. Bd. of Ed., et al.,  
Case No. 2:08 CV 575

Kelly:

Today we received some materials from you in compliance with the orders given by Judge Frost during our April 21, 2010 telephone conference. We thank you for delivering John Freshwater's personal copy of *Finding Common Ground* and will have it returned to your office tomorrow.

The other materials that you delivered, however, do not comply with the Court's orders because they remain illegible or incomplete. We prefer to resolve this issue without the Court's further intervention. To that end, we request that the following be delivered to our offices in the next 24 hours:

1. *Bush/Powell Poster*: You delivered an improved copy of this poster, but it remains illegible. Most importantly, the Bible verse at the top of the poster is cropped out of the copy. Please provide us with the original poster so that we can produce a clear and complete copy. We will return the poster to you within 24 hours.
2. *Ten Commandments Poster*: The Court also ordered you to provide us with a copy of the Ten Commandments poster that you introduced as Employee Exhibit 144 at the termination hearing. Whether or not you submitted this as an exhibit, the Dennises requested and the Court ordered that you provide a copy.
3. *Textbooks*: Much of the conference call yesterday centered on John Freshwater's personal copy of *Finding Common Ground*. You provided that textbook, but we remain without a complete copy of *Cells, Heredity, and Classification*, and the few pages that you did provide are mostly illegible. Also, you mentioned during the call that you copied the covers of several textbooks at John Freshwater's church during 2008. Please provide all of these materials to us, including the complete copy of *Cells, Heredity, and Classification*, and we will return the materials to you within 24 hours.

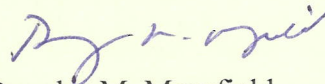
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4. *Student Affidavits*: The affidavits of the previously undisclosed students that we received from Mr. Deschler are mostly illegible. (Bates Nos. 110-123.) You did not supplement those materials today. Please supplement these affidavits with legible copies.

Please bring these materials *and any additional materials* responsive to the Dennises' discovery requests, their Motion to Compel, the Court's Order unequivocally granting the Motion to Compel, and the Court's orders made by telephone conference yesterday. After you have submitted all of these materials, we expect that, in compliance with Judge Frost's order, you will provide us in a timely manner with affidavits from you and John Freshwater attesting to the fact that you and John are in full compliance with any and all of the Dennises' requests and the Court's orders.

Additionally, we look forward to receiving from you your billing records since April 2008 recording anything relevant to affidavits. The Court was quite broad in its description of these records. These are due at least three days before the yet unscheduled deposition of John Freshwater during the first week of May.

Very truly yours,



Douglas M. Mansfield

cc: Robert H. Stoffers, Esq.  
Jason R. Deschler, Esq.