

**February 16**

Dear LCMS Board of Directors Member,

In the name of Jesus, greetings.

We are writing you again concerning one of the recent developments in the LCMS BOD's threat of legal action against us.

It has come to our attention that Ron Schultz has been responding to inquiries regarding the LCMS BOD's threat, denying that any threat has been made.

In a response to one inquiry, Mr. Schultz wrote:

"...contrary to what you may have heard, nor has the LCMS threatened to sue them. Apparently, Rev. Wilken has been telling people that the LCMS has threatened to sue him by referring to a letter our attorney wrote to his attorney encouraging them to negotiate in good faith. Rev. Wilken has taken part of the letter out of context and mischaracterized it as a threat by the LCMS."

As we have before, we are attaching a PDF file of the actual letter, dated December 16, 2008, which our attorney received from Tom Polycyn. The relevant section reads:

"Unless your client is willing to negotiate in good faith to finalize a mutually acceptable agreement in the near future, along the lines that were discussed last summer, we will be left with no alternative but to recommend that The Lutheran Church-Missouri Synod prosecute the opposition against Madsen's application and take action against your clients to enforce its rights to the trademark."

As you can see, this letter threatens to recommend to you, the members of the LCMS BOD, two actions. **First**, *"to... prosecute the opposition against Madsen's application."* **Second**, *"to... take action against your clients to enforce its rights to the trademark."*

The LCMS BOD has acted on the first recommendation, and is actively opposing Harry Madsen's trademark application for the "Issues, Etc." name.

Therefore, it is reasonable to expect that the LCMS BOD will also act on the second recommendation, *"to... take action against your clients to enforce its rights to the trademark."*

In any event, we have neither taken out of context, nor mischaracterized anything in this December 16th letter.

We have received no communication from the LCMS BOD that in any way indicates that its threat of legal action against us has been withdrawn or retracted.

We are disappointed that Mr. Schultz would deny the BOD's threat of legal action. We are further disappointed that he would accuse us of taking part of



the December 16th letter out of context, and of mischaracterizing the content of the letter.

If the LCMS BOD has withdrawn or retracted its threat of legal action against us, or wishes to do so, then we would appreciate it if this withdrawal or retraction would be communicated to us in writing.

Wir sind alle Bettler,

Todd Wilken, host

**Issues, Etc.**

Jeff Schwarz, producer

**Issues, Etc.**