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**FILED**  
**TEAM #2**

**MAR - 4 2013**

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Teresa L. Mendoza (*pro hac vice admission pending*)  
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**SUPERIOR COURT OF NEW JERSEY**  
**COUNTY OF HUDSON**  
**CIVIL DIVISION #9**

Attorneys for Defendants

Michael Ferguson, Benjamin Unger, Sheldon  
Bruck, Chaim Levin, Jo Bruck, Bella Levin,

Plaintiffs,

v.

JONAH (Jews Offering New Alternatives for  
Healing f/k/a Jews Offering New Alternatives  
to Homosexuality), Arthur Goldberg, Alan  
Downing, Alan Downing Life Coaching, LLC,

Defendants.

) SUPERIOR COURT OF NEW JERSEY  
) LAW DIVISION - HUDSON COUNTY  
) DOCKET NO. L-5473-12

) Civil Action

) **DEFENDANTS' AMENDED ANSWER**  
) **TO COMPLAINT & JURY DEMAND**

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Defendants JONAH, Inc. (incorrectly designated in the Complaint as JONAH (Jews Offering New Alternatives for Healing f/k/a Jews Offering New Alternatives to Homosexuality)), Arthur Goldberg, with offices at 80 Grand Street, Jersey City, New Jersey, Alan Downing, and Alan Downing Life Coaching, LLC, with offices at Four Mount Olive Street, Jackson, New Jersey, by way of Answer to the Complaint of plaintiffs Michael Ferguson, Benjamin Unger, Sheldon Bruck, Chaim Levin, Jo Bruck, and Bella Levin, say:

## PRELIMINARY STATEMENT

1. Defendants deny the allegations of paragraph 1, except they admit that plaintiffs purport to assert a claim under the New Jersey Consumer Fraud Act, and they refer to the text of the Act for its exact terms. In addition, defendants deny plaintiffs' mischaracterization of their services as alleged in paragraph 1.

2. Defendants deny the allegations of paragraph 2, except they admit that the plaintiffs named in Paragraph 2 asked defendants for, and received, help in dealing with unwanted same sex attraction. In addition, defendants deny plaintiffs' mischaracterization of their gender affirmation processes as "conversion therapy" as alleged in paragraph 2 and throughout the Complaint.

3. Defendants deny the allegations of paragraph 3, except they admit that Thaddeus Heffner received money from plaintiff Jo Bruck, and they are without knowledge or information sufficient to form a belief as to the truth of the allegation that any of the defendants received any money from plaintiff Bella Levin.

4. Defendants deny the allegations of paragraph 4, except they refer to the text of an alleged statement of the American Psychiatric Association for its actual date and exact contents. In addition, defendants specifically deny that they believe identifying as gay is a mental disorder.

5. Defendants deny the allegations of paragraph 5, except they refer to the text of alleged statements of the American Psychological Association and American Psychiatric Association for their respective actual dates and exact contents. In addition, defendants deny plaintiffs' incomplete and misleading characterization of the American Psychological Association's findings regarding

sexual orientation change efforts (“SOCE”) as alleged in paragraph 5.<sup>1</sup>

6. Defendants deny the allegations of paragraph 6, except they refer to the alleged findings of the American Psychological Association, American Psychiatric Association, and other unidentified peer organizations for their respective actual date and exact contents. In addition, defendants specifically deny that they promised plaintiffs any particular outcome.

7. Defendants deny the allegations of paragraph 7, except they refer to the text of alleged works of Joseph Nicolosi and Richard Cohen for their respective actual dates and exact contents, and they are without knowledge or information sufficient to form a belief as to the truth of the allegations regarding the American Counseling Association. In addition, defendants deny plaintiffs’ mischaracterization of treatment theories and techniques of Nicolosi and Cohen, persons who are not parties to this lawsuit, as alleged in paragraph 7.

8. Defendants deny the allegations of paragraph 8, except they refer to the alleged statements by Richard Cohen for their exact contents. In addition, defendants deny plaintiffs’ mischaracterization of treatment techniques of Cohen, a person who is not a party to this lawsuit, as alleged in paragraph 8.

9. Defendants deny the allegations of paragraph 9. In addition, defendants deny plaintiffs’ mischaracterization of their treatment techniques as alleged in paragraph 9.

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<sup>1</sup> “The research on SOCE has not adequately assessed efficacy and safety.” American Psychological Association, *Report of the American Psychological Association Task Force on Appropriate Therapeutic Responses to Sexual Orientation* (August 2009) at 6. “We concluded that research on SOCE (psychotherapy, mutual self-help groups, religious techniques) has not answered basic questions of whether it is safe or effective and for whom. Any future research should conform to best-practice standards for the design of efficacy research. Additionally, research into harm and safety is essential.” *Id.* at 70. (Available at <http://www.apa.org/pi/lgbt/resources/therapeutic-response.pdf>.)

10. Defendants deny the allegations of paragraph 10.

11. Defendants deny the allegations of paragraph 11. In addition, defendants specifically deny that they made any misrepresentations to plaintiffs as alleged in paragraph 11.

#### **JURISDICTION AND VENUE**

12. Defendants admit that plaintiffs purport to assert a claim under the New Jersey Consumer Fraud Act and refer to the text of the Act for its exact terms, but deny that plaintiffs are entitled to any of the relief sought in the Complaint.

13. Defendants admit that JONAH, Inc. Maintains an office in Jersey City, New Jersey, and further admit that plaintiffs purport to assert that venue is proper in Hudson County and refer to the text of the Rule 4:3-2 for its exact terms, but deny that plaintiffs have asserted valid causes of action against them.

#### **PARTIES**

14. Defendants deny the allegations of paragraph 14, except they admit that JONAH, Inc. is a New Jersey non-profit corporation with offices located at 80 Grand Street, Jersey City, New Jersey. Defendants specifically deny plaintiffs' mischaracterization of their services as alleged in paragraph 14.

15. Defendants deny the allegations of paragraph 15, except they refer to the text of an alleged work of defendant JONAH for its actual date and exact contents.

16. Defendants deny the allegations of paragraph 16, except they admit that Arthur Goldberg resides in Jersey City, New Jersey and they further admit that Arthur Goldberg is co-founder, co-director and spokesman of JONAH. In addition, they deny plaintiffs' mischaracterization of services provided by affiliated counselors as "conversion therapy."

17. Defendants deny the allegations of paragraph 17, except they admit that Alan Downing resides in Jackson, New Jersey and they further admit that Alan Downing has provided services at the office of JONAH, Inc., does not possess any professional licenses, and is a principal of Alan Downing, Life Coaching Limited Liability Company, a New Jersey limited liability company with a registered office at 4 Mount Olive Lane, Jackson, New Jersey 08527.

18. Defendants deny the allegations of paragraph 18, and they further deny plaintiffs' mischaracterization of services provided to plaintiff Michael Ferguson as "conversion therapy," and they are without knowledge or information sufficient to form a belief as to plaintiff Ferguson's residence.

19. Defendants deny the allegations of paragraph 18, and they further deny plaintiffs' mischaracterization of services provided to plaintiff Benjamin Unger as "conversion therapy," and they are without knowledge or information sufficient to form a belief as to plaintiff Unger's residence.

20. Defendants deny the allegations of paragraph 20, and they further deny plaintiffs' mischaracterization of services provided to plaintiff Chaim Levin as "conversion therapy," and are without knowledge or information sufficient to form a belief as to plaintiff Levin's current residence.

21. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 21, except they deny plaintiffs' mischaracterization of services provided to plaintiff Chaim Levin as "conversion therapy," and deny that their services caused Levin to suffer harm.

22. Defendants deny the allegations of paragraph 18, and they further deny plaintiffs' mischaracterization of services provided to plaintiff Sheldon Bruck as "conversion therapy," and

they are without knowledge or information sufficient to form a belief as to plaintiff Bruck's residence.

23. Defendants deny the allegations of paragraph 23, except they admit that Jo Bruck is Sheldon Bruck's mother.

### **GENERAL ALLEGATIONS COMMON TO ALL COUNTS**

#### **Tenets of Conversion Therapy and Other Sexual Orientation Change Efforts**

24. Defendants deny the allegations of paragraph 24, except they refer to the text of an alleged statement of the American Psychological Association for its actual date and exact contents.

25. Defendants deny the allegations of paragraph 25, except they refer to the text of alleged statements of the American Psychiatric Association and Just the Facts Coalition for their respective actual dates and exact contents.

26. Defendants deny the allegations of paragraph 26, except they refer to the text of an alleged work of Joseph Nicolosi for its actual date and exact contents. In addition, defendants deny plaintiffs' mischaracterization of the treatment theories and techniques of Nicolosi, a person who is not a party to this lawsuit, as alleged in paragraph 26.

27. Defendants deny the allegations of paragraph 27, except they refer to the text of an alleged work of Joseph Nicolosi for its actual date and exact contents. In addition, defendants deny plaintiffs' mischaracterization of the treatment theories and techniques of Nicolosi, a person who is not a party to this lawsuit, as alleged in paragraph 27.

28. Defendants deny the allegations of paragraph 28, except they refer to the text of an alleged work of Elaine Silodor Berk and defendant Arthur Goldberg for its actual date and exact contents. In addition, defendants deny plaintiffs' mischaracterization of their treatment techniques as alleged in paragraph 28.

29. Defendants deny the allegations of paragraph 28, except they refer to the text of an alleged work of defendant Arthur Goldberg for its actual date and exact contents. In addition, defendants deny plaintiffs' mischaracterization of their treatment techniques as alleged in paragraph 29.

30. Defendants deny the allegations of paragraph 30, except they refer to the text of alleged statements of the American Psychiatric Association, the American Counseling Association, the American Psychological Association, the American Psychoanalytic Association, the American Medical Association, the American Academy of Pediatrics, the National Association of Social Workers, and the World Health Organization for their respective actual dates and exact contents.<sup>2</sup>

31. Defendants deny the allegations of paragraph 31, except they refer to the text of alleged statements of the American Psychiatric Association and American Counseling Association for their respective actual dates and exact contents. In addition, defendants deny plaintiffs' incomplete and misleading characterization of those statements as alleged in paragraph 31. Defendants' treatment of persons struggling with unwanted same-sex attraction is focused on free will, free choice and the right of self-determination.

32. Defendants deny the allegations of paragraph 32, except they refer to the text of alleged statements by the American Psychiatric Association, the American Psychoanalytic Association, the World Health Organization, American Psychological Association, and the NASW for their respective actual dates and exact contents. In addition, defendants deny plaintiffs'

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<sup>2</sup> The Catholic Medical Association, the Christian Medical and Dental Association, the American College of Pediatricians, and the National Association for Research and Therapy of Homosexuality all advocate for the rights of patients and their therapists to engage in voluntary sexual orientation change efforts.

incomplete and misleading characterization of those statements as alleged in paragraph 32.<sup>3</sup>

Numerous studies have documented that many individuals have experienced relief from unwanted same-sex attractions as a result of receiving services substantially similar to those offered by defendants.<sup>4</sup>

33. Defendants deny the allegations of paragraph 33, except they admit that defendant Alan Downing is not licensed.

### General CFA Violations

34. Defendants admit the allegations of paragraph 34.

35. Defendants admit the allegations of paragraph 35.

36. Defendants admit the allegations of paragraph 36.

37. Defendants admit the allegations of paragraph 37.

38. Defendants deny that the allegations of paragraph 38, except they admit that they have helped persons resolve unwanted same-sex attractions.

39. Defendants deny the allegations of paragraph 39, except they refer to the text of alleged works of Elaine Silodor Berk and defendant Arthur Goldberg for their respective actual dates and exact contents.

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<sup>3</sup> “There are no scientifically rigorous studies of recent SOCE that would enable us to make a definitive statement about whether recent SOCE is safe or harmful and for whom.” American Psychological Association, *Report of the American Psychological Association Task Force on Appropriate Therapeutic Responses to Sexual Orientation* (August 2009). (<http://www.apa.org/pi/lgbt/resources/therapeutic-response.pdf>)

<sup>4</sup> See, e.g., Jones S. L., Yarhouse M. A., *A longitudinal study of attempted religiously mediated sexual orientation change*, *Journal of Sex & Marital Therapy*, 37:404-427 (2011) ([www.tandfonline.com/doi/abs/10.1080/0092623X.2011.607052](http://www.tandfonline.com/doi/abs/10.1080/0092623X.2011.607052)); National Association for Research and Therapy of Homosexuality (NARTH) Scientific Advisory Committee, *What Research Shows: NARTH's Response to the American Psychological Association's (APA) Claims on Homosexuality*. *Journal of Human Sexuality*, 1-128 (2009).



40. Defendants deny the allegations of paragraph 40, except they refer to the text of alleged work of Elaine Silodor Berk for its actual date and exact contents.

41. Defendants deny the allegations of paragraph 41, except they refer to the text of alleged works of Elaine Silodor Berk and defendant Arthur Goldberg for their respective actual dates and exact contents.

42. Defendants deny the allegations of paragraph 42.

**Defendants' Conversion Therapy Services to Plaintiffs**

43. Defendants deny the allegations of paragraph 43, except they admit JONAH refers persons to counselors in a variety of locations in person, including JONAH's location in Jersey City, and via Skype.

44. Defendants deny the allegations of paragraph 44, except they refer to the text of a work of defendant JONAH for its actual date and exact contents.

45. Defendants deny the allegations of paragraph 45, except they admit that defendant Alan Downing employed a therapeutic body-acceptance technique with plaintiff Chaim Levin that called for plaintiff Levin to remove articles of clothing only as long as he was willing to do so. The point of the technique is to remove shame. Defendant Downing continually confirmed that plaintiff Levin was comfortable and felt in control at all times during the process.

46. Defendants deny the allegations of paragraph 46.

47. Defendants deny the allegations of paragraph 47, except they admit that defendant Alan Downing employed a therapeutic body-acceptance technique with plaintiff Benjamin Unger that called for plaintiff Unger to remove articles of clothing only as long as he was willing to do so.

48. Defendants deny the allegations of paragraph 47, except they admit that defendant

Alan Downing employed a therapeutic body-acceptance technique with plaintiff Michael Ferguson that called for plaintiff Ferguson to remove articles of clothing so long as he was willing to do so.

49. Defendants deny the allegations of paragraph 49, except they refer to the text of an alleged article by Helen Chernikoff for its actual date and exact contents.

#### **Reviving Past Trauma**

50. Defendants deny the allegations of paragraph 50, except they refer to the text of an alleged announcement on defendant JONAH's website for its actual date and exact contents. The quoted language comes from a page on the People Can Change website promoting a therapeutic retreat known as "Journey into Manhood." (See <http://www.peoplecanchange.com/tum/>.)

51. Defendants are without knowledge or information sufficient to form a belief as to the allegations of paragraph 51, except that defendants admit that defendant Alan Downing has employed a therapeutic process similar to one alleged in paragraph 51, and deny that defendant Downing would have failed to address any distress or shame experienced by plaintiff Chaim Levin during such a therapeutic process.

52. Defendants deny the allegations of paragraph 52.

53. Defendants deny the allegations of paragraph 53, except they admit that counselor Thaddeus Heffner attempted to break the cultural stereotypes of what it means to be masculine and "to put Bruck 'in touch'" with his own masculinity.

#### **Male Figures**

54. Defendants deny the allegations of paragraph 54. Defendants further deny the mischaracterization of the Jewish ritualistic cleansing bath, called a "Mikveh," in which many observant Jewish men participate on a regular basis for religious purposes, often with their fathers or other male family members and friends.

55. Defendants are without knowledge or information sufficient to form a belief as to the allegations of paragraph 55, except that defendants admit that a therapeutic process similar to the one alleged in paragraph 55 has been employed during therapeutic weekend retreats (called “Journey Into Manhood”) designed and overseen by People Can Change, an organization which is separate from JONAH and the other defendants. Defendants also admit that defendant Alan Downing has acted as a volunteer facilitator on such weekend retreats, but deny that defendant Downing was present for the process alleged in this paragraph 55.

56. Defendants deny the allegations of paragraph 56, except they admit that anti-gay harassment and bullying can result in men being disconnected from a true and authentic sense of their masculinity and the mainstream world of men.

57. Defendants are without knowledge or information sufficient to form a belief as to allegations of paragraph 55, except that defendants admit that a therapeutic process similar to one alleged in paragraph 55 has been employed during therapeutic weekend retreats (called “Journey Into Manhood”) designed and overseen by People Can Change, an organization which is separate from JONAH and the other defendants.

58. Defendants deny the allegations of paragraph 58.

### **Repudiating Femininity**

59. Defendants deny the allegations of paragraph 59, except they admit that defendant Alan Downing has employed a therapeutic technique similar to the one alleged in paragraph 59.

### **Male Touch**

60. Defendants deny the allegations of paragraph 60, except they admit that defendant Alan Downing has experienced same-sex attractions in the past, and admit that defendant Downing would greet plaintiff Benjamin Unger with a hug so long as he was comfortable with such a greeting.

**Denigrating Gay People**

61. Defendants deny the allegations of paragraph 61.<sup>5</sup>

62. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 62, except they deny that they have ever relied on the research of Paul Cameron.

63. Defendants deny the allegations of paragraph 63.

64. Defendants deny the allegations of paragraph 64, except they refer to the text of an alleged work of David H. Barlow for its actual date and exact contents.

**COUNT I**

**(By Benjamin Unger Against All Defendants)**

**VIOLATIONS OF THE CFA**

**(UNCONSCIONABLE PRACTICES, DECEPTION, FRAUD  
FALSE PRETENSES, FALSE PROMISES, MISREPRESENTATIONS)**

65. Defendants incorporate by reference all preceding paragraphs.

66. Defendants deny the allegations of paragraph 66.

67. Defendants deny the allegations of paragraph 67.

68. Defendants deny the allegations of paragraph 68, except they admit that they have helped many men experience a decrease in unwanted same-sex attraction and an increase in authentic sexual attraction toward the opposite sex. The degree to which this occurs differs with each individual. No promises can be made or are made regarding individual results.

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<sup>5</sup> It is not the defendants, but official government reports that well document the serious potential health risks for “men who have sex with men.” See <http://www.cdc.gov/hiv/topics/msm/pdft/msm.pdf> (“Gay, bisexual, and other men who have sex with men (MSM) represent approximately 2% of the U.S. population, yet are the population most severely affected by HIV.”); see also “Official takes aim at STD spikes” in the *Bay Area Reporter* <http://www.ebar.com/news/article.php?sec=news&article=11111> (“Men who have sex with men account for 80 percent of the infections, or primary, syphilis cases statewide.”).

69. Defendants deny the allegations of paragraph 69.

70. Defendants deny the allegations of paragraph 70, except they admit that their methods are scientifically based and that they cite to numerous researchers and therapists.

71. Defendants deny the allegations of paragraph 71, except they admit that plaintiff Benjamin Unger was already depressed and experiencing a high level of anxiety when he commenced counseling with defendant Alan Downing. Downing referred Unger to a specialist who deals with OCD in men with unwanted same-sex attraction, and Unger reported to Downing that he was satisfied with the work he was doing with the specialist.

72. Defendants deny the allegations of paragraph 72.

73. Defendants deny the allegations of paragraph 73.

74. Defendants deny the allegations of paragraph 74.

75. Defendants deny the allegations of paragraph 75.

76. Defendants deny the allegations of paragraph 76.

## **COUNT II**

**(By Chaim and Bella Levin Against All Defendants)**

**VIOLATIONS OF THE CFA**

**(UNCONSCIONABLE PRACTICES, DECEPTION, FRAUD  
FALSE PRETENSES, FALSE PROMISES, MISREPRESENTATIONS)**

77. Defendants incorporate by reference all preceding paragraphs.

78. Defendants deny the allegations of paragraph 78.

79. Defendants deny the allegations of paragraph 79.

80. Defendants deny the allegations of paragraph 80.

81. Defendants deny the allegations of paragraph 81.

82. Defendants deny the allegations of paragraph 82, except they admit that their methods

are scientifically based and that they cite to numerous researchers and therapists.<sup>6</sup>

83. Defendants deny the allegations of paragraph 83, except they are without knowledge or information sufficient to form a belief as to the truth of the allegation that plaintiff Bella Levin provided money to her son to pay for group or individual sessions.

84. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 84, except they admit that Levin has an outstanding balance for coaching services that were provided to him.

85. Defendants deny the allegations of paragraph 85.

86. Defendants deny the allegations of paragraph 86.

87. Defendants deny the allegations of paragraph 87.

### **COUNT III**

**(By Sheldon and Jo Bruck Against JONAH and Arthur Goldberg)**

#### **VIOLATIONS OF THE CFA**

**(UNCONSCIONABLE PRACTICES, DECEPTION, FRAUD  
FALSE PRETENSES, FALSE PROMISES, MISREPRESENTATIONS)**

88. Defendants incorporate by reference all preceding paragraphs.

89. Defendants deny the allegations of paragraph 89.

90. Defendants deny the allegations of paragraph 90, except they admit that plaintiff Sheldon Bruck first contacted plaintiff Arthur Goldberg and that parental permission was requested and granted for Bruck to receive the services he voluntarily sought from defendants.

91. Defendants admit the allegations of paragraph 91.

92. Defendants deny making the allegations of paragraph 92, except they admit that plaintiff Sheldon Bruck received counseling by Thaddeus Heffner via Skype.

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<sup>6</sup> See, e.g., JONAH's Responses to Plaintiffs' Request for Production Nos. 6 and 14.

93. Defendants deny the allegations of paragraph 93.

94. Defendants are without knowledge or information sufficient to form a belief as to the allegations of paragraph 94.

95. Defendants deny the allegations of paragraph 95.

96. Defendants deny the allegations of paragraph 96.

97. Defendants deny the allegations of paragraph 97, except they admit that plaintiff Sheldon Bruck's parents paid Thaddeus Heffner \$500 for five counseling sessions.

98. Defendants deny the allegations of paragraph 98.

99. Defendants deny the allegations of paragraph 99.

100. Defendants deny the allegations of paragraph 100.

#### **COUNT IV**

**(By Michael Ferguson Against Defendants Downing and JONAH)**

**VIOLATIONS OF THE CFA**

**(UNCONSCIONABLE PRACTICES, DECEPTION, FRAUD  
FALSE PRETENSES, FALSE PROMISES, MISREPRESENTATIONS)**

101. Defendants incorporate by reference all preceding paragraphs.

102. Defendants deny the allegations of paragraph 102.

103. Defendants deny the allegations of paragraph 103.

104. Defendants deny the allegations of paragraph 104.

105. Defendants deny the allegations of paragraph 105.

106. Defendants deny the allegations of paragraph 106, except they admit that plaintiff Michael Ferguson paid defendant Alan Downing directly for individual sessions and that group and individual sessions took place at JONAH's offices.

107. Defendants deny the allegations of paragraph 107, except they admit that plaintiff Michael Ferguson paid defendant Alan Downing approximately \$1,050 for life coaching services.

108. Defendants deny the allegations of paragraph 108.
109. Defendants deny the allegations of paragraph 109.
110. Defendants deny the allegations of paragraph 110.
111. Defendants deny the allegations of paragraph 111.
112. Defendant deny that plaintiffs are entitled to any of the relief requested in paragraph 112.

**FIRST AFFIRMATIVE DEFENSE**

The Complaint fails to assert a claim upon which relief can be granted against these defendants.

**SECOND AFFIRMATIVE DEFENSE**

The harm alleged in the Complaint was caused by the acts or omissions of plaintiffs and/or other persons and/or entities not subject to the control of these defendants.

**THIRD AFFIRMATIVE DEFENSE**

The harm alleged in the Complaint was caused by conditions not subject to the control of these defendants.

**FOURTH AFFIRMATIVE DEFENSE**

The relief demanded in the Complaint is barred or limited by the doctrines of contributory negligence or comparative negligence and/or by the provisions of the New Jersey Comparative Negligence Act, N.J.S.A. 2A:15-5.1 et seq.

**FIFTH AFFIRMATIVE DEFENSE**

Plaintiffs failed to mitigate their alleged damages, if any.



**SIXTH AFFIRMATIVE DEFENSE**

The relief sought by plaintiffs is barred by the doctrines of estoppel, waiver and laches.

**SEVENTH AFFIRMATIVE DEFENSE**

These defendants performed all duties, if any, owed to plaintiffs, and these defendants breached no duties, if any, owed to plaintiffs.

**EIGHTH AFFIRMATIVE DEFENSE**

Plaintiffs' claims against defendants arising from any conduct by Thaddeus Heffner are barred by the learned profession exception to the New Jersey Consumer Fraud Act.

**TENTH AFFIRMATIVE DEFENSE**

Plaintiffs' claims against defendants arising from an conduct by Thaddeus Heffner are barred by plaintiffs' failure to submit an affidavit of merit. N.J.S.A. 2A:53A-26 et seq.

**TENTH AFFIRMATIVE DEFENSE**

Plaintiffs' claims are politically motivated and are not justiciable. They should be addressed, if at all, and presently are being addressed, through the legislative process. (Senate Bill 2278.)

**ELEVENTH AFFIRMATIVE DEFENSE**

The relief demanded by plaintiffs is barred by the political question doctrine.

**TWELFTH AFFIRMATIVE DEFENSE**

The plaintiffs seek to have the Court improperly enforce the New Jersey Consumer Fraud Act in a manner that would violate the defendants' rights to freedom of speech, freedom of religion, and freedom of association under the First and Fourteenth Amendments to the United States Constitution and/or Article I, Paragraphs 1, 3 through 6, and 18 of the New Jersey Constitution.

**THIRTEENTH AFFIRMATIVE DEFENSE**

The relief demanded by plaintiffs is barred by Article III, Paragraph 1 of the New Jersey Constitution.

**FOURTEENTH AFFIRMATIVE DEFENSE**

The relief demanded by plaintiffs is barred or limited by the New Jersey Charitable Immunity Act. N.J.S.A. 2A:53A-7a et seq.

**FIFTEENTH AFFIRMATIVE DEFENSE**

Each of the plaintiffs was informed in writing that there was no guarantee as to the result of the services provided by defendants, and each of the plaintiffs consented in writing to accept those services on such terms.

**SIXTEENTH AFFIRMATIVE DEFENSE**

The relief demanded in the Complaint is barred, in whole or in part, by the applicable statute of limitations.

**SEVENTEENTH AFFIRMATIVE DEFENSE**

Plaintiffs lack standing to obtain the relief demanded in the Complaint, in whole or in part.

WHEREFORE, defendants demand judgment against plaintiffs dismissing the Complaint with prejudice, awarding defendants their attorneys' fees and costs of suit, and providing such other and further relief as the Court deems equitable and just.

**JURY DEMAND**

The defendants demand trial by a jury for all of the triable issues of the Complaint.

**CERTIFICATION PURSUANT TO RULE 4:5-1**

Defendants certify that to the best of their knowledge this matter is not the subject of any other action pending in any court or arbitration proceeding and no other action or arbitration proceeding is contemplated. Plaintiffs are not aware of any non-party who should be joined in this action.

**DESIGNATION OF TRIAL COUNSEL**

Pursuant to Rule 4:25-4, plaintiffs designate Charles S. LiMandri and Michael P. Laffey as their trial counsel in this case.

**CERTIFICATION OF SERVICE**

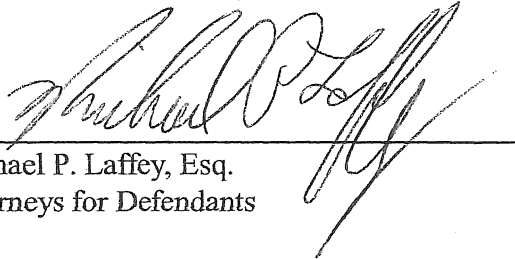
I hereby certify that this Answer has been served within the time limits set by the Rules of Court and any extension thereto.

MESSINA LAW FIRM, P.C.

Dated: February 26, 2013

By: \_\_\_\_\_

Michael P. Laffey, Esq.  
Attorneys for Defendants

A handwritten signature in black ink, appearing to read "Michael P. Laffey", is written over a horizontal line. The signature is cursive and somewhat stylized.