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**SOUTHERN POVERTY LAW CENTER**

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New York, NY 10006  
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*Attorneys for Plaintiffs*

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  
HUDSON COUNTY, LAW DIVISION

Docket No. L-5473-12

CIVIL ACTION

**CERTIFICATION OF SCOTT D.  
MCCOY IN SUPPORT OF  
PLAINTIFFS' MOTION TO COMPEL**

I, Scott D. McCoy, hereby certify as follows:

1. I am an associate in the law firm Cleary Gottlieb Steen & Hamilton LLP, co-counsel for Plaintiffs Michael Ferguson, Benjamin Unger, Sheldon Bruck, Chaim Levin, Jo Bruck, and Bella Levin in this action. By order of this Court, I have been admitted *pro hac vice* as one of the counsel of record for the Plaintiffs in this case.
2. A true and accurate copy of the Certification Of Arthur Goldberg Regarding Documents Produced Pursuant To Court Order On Defendants' Motion To Quash Subpoena Duces Tecum on Shamash Listserv Mailing List Manager And David Rosenthal is attached as Exhibit A.
3. A true and accurate copy of pages 26-27 of a document produced via email by Defendants on July 5, 2013 and entitled "0511MFESBAG" is attached as Exhibit B.
4. A true and accurate copy of page 103 of a document produced via email by Defendants on July 5, 2013 and entitled "0511MFESBAG" is attached as Exhibit C.
5. A true and accurate copy of pages 1-3 of a document produced via email by Defendants on July 5, 2013 and entitled "0612MFESBAG" is attached as Exhibit D.
6. A true and accurate copy of pages 51-55 of a document produced via email by Defendants on July 5, 2013 and entitled "0511MFESBAG" is attached as Exhibit E.
7. A true and accurate copy of pages 16-20 of a document produced via email by Defendants on July 5, 2013 and entitled "0802SOESBAG" is attached as Exhibit F.
8. A true and accurate copy of pages 6-7 of a document produced via email by Defendants on July 5, 2013 and entitled "0507MFESBAG(1) (1)" is attached as Exhibit G.
9. A true and accurate copy of pages 45-47 of a document produced via email by Defendants on July 5, 2013 and entitled "0512AGMF" is attached as Exhibit H.

10. A true and accurate copy of pages 82-83 of a document produced via email by Defendants on July 5, 2013 and entitled "0501MFESBAG" is attached as Exhibit I.

11. A true and accurate copy of pages 13-18 of a document produced via email by Defendants on July 5, 2013 and entitled "0509MFESBAG (1)" is attached as Exhibit J.

12. A true and accurate copy of the Subpoena Duces Tecum to David Rosenthal is attached as Exhibit K.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: July 18, 2013  
New York, NY

  
Scott D. McCoy

**LITE DEPALMA GREENBERG, LLC**

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Defendants.

SUPERIOR COURT OF NEW JERSEY  
HUDSON COUNTY, LAW DIVISION

Docket No. L-5473-12

CIVIL ACTION

**CERTIFICATION OF  
ALLYN Z. LITE AS PER R. 1:4-4(C)  
(FACSIMILE SIGNATURE)**

Allyn Z. Lite, of full age, certifies as follows:

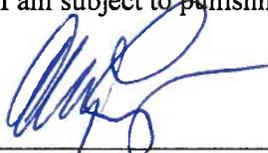
1. I am an attorney at law of the State of New Jersey and a member of the law firm Lite DePalma Greenberg, LLC located at Two Gateway Center, Suite 1201, Newark, New Jersey. This certification is made upon personal knowledge unless otherwise specified.

2. The Certification of Scott D. McCoy, Esq., in Support of Plaintiff's Motion to Compel is being submitted with a facsimile signature. The affiant has acknowledged the genuineness of his signature and a copy with original signature affixed will be filed if requested by the court.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: July 18, 2013

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



Allyn Z. Lite  
Jeffrey A. Shooman  
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*Attorneys for Plaintiffs*

# EXHIBIT A

Michael P. Laffey, Esq.  
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961 Holmdel Road  
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Tel: (858) 759-9948; Fax: (858) 759-9938

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

) **CERTIFICATION OF ARTHUR**  
) **GOLDBERG REGARDING**  
) **DOCUMENTS PRODUCED**  
) **PURSUANT TO COURT ORDER ON**  
) **DEFENDANTS' MOTION TO QUASH**  
) **SUBPOENA DUCES TECUM ON**  
) **SHAMASH LISTSERV MAILING LIST**  
) **MANAGER AND DAVID ROSENTHAL**

I, Arthur Goldberg, certify:

1. I am a defendant in the above-captioned action. As such, I have personal knowledge of the facts set forth below and could and would competently testify thereto if called upon to do so as a witness.

2. Plaintiffs in the this action served identical subpoena duces tecum on Shamash Listserv Mailing List Manager for MyJewishLearning, Inc. and its owner David Rosenthal. MyJewishLearning, Inc. calling for production of the "full archives" of the JONAH listserv.

3. Defendants moved to quash those subpoenas.

4. On June 7, 2013, the Court ruled on the motion to quash and entered an order reading in pertinent part: "Subpoena is valid as to production of depts' and depts' representatives communications on listserv from 1/1/05 through end date in 2010 subject to redaction of ID of Third Party[s] w/i 30 days." (A true and correct copy of Judge Bariso's Order is attached hereto.)

5. In compliance with that Order, JONAH Co-Director Elaine Berk and I undertook a search of the Shamash listserv to locate all e-mail correspondence that either of us sent during the specified time period. At our direction, part-time JONAH consultant Mary Flanagan searched the source listserv files for the e-mail addresses "jonahhelp@aol.com" and "EJSBTB@aol.com" and copied all emails where either of them appeared in the "from" line or in the "wrote" line (e.g., "jonahhelp@aol.com wrote:") into a readable ".txt." format. There are approximately 6,500 such e-mails.

6. We utilized Ms. Flanagan in this process because, unlike Mrs. Berk and myself, she has the technical expertise to work with the listserv files in their native format.

7. The only e-mail address that I used on the Shamash listserv was jonahhelp@aol.com, and the only e-mail address that Mrs. Berk used on that listserv was EJSBTB@aol.com. No other representative of JONAH participated in the Shamash listserv.

8. Neither David Matheson or Alan Downing were ever admitted to the Shamash listserv so it would have been impossible for them to send e-mails on it. Any attempted communication would have been rejected because they were not admitted.

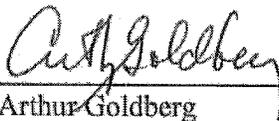
9. As Ms. Flanagan located and copied the above-described e-mails, Mrs. Berk and I reviewed them and redacted identifying information about third parties, such as e-mail addresses, names, ages, locations, by replacing that information with a string of Xs (e.g., "XXXXXX").

11. To date, Ms. Flanagan, Mrs. Berk and I have spent approximately 200 hours on this Shamash listserv production. We have been able to redact 1,038 e-mails thus far, which are being produced to plaintiffs' counsel together with this certification. We estimate that it will take approximately 1,100 hours to prepare the estimated 5,500 remaining e-mails for production in compliance with Judge Bariso's Order.

10. Defendants previously produced all e-mail correspondence to or from each of the plaintiffs on the Shamash listserv in our original document production.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.

Dated: July 5, 2013

  
\_\_\_\_\_  
Arthur Goldberg

COPY

FILED

JUN 07 2013

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PETER F. BARISO, JR., A.J.S.C.

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

Civil Action  
*Partially*

ORDER QUASHING SUBPOENA  
DUCES TECUM TO SHAMASH  
LISTSERV MAILING LIST MANAGER  
AND DAVID ROSENTHAL

*Part*

This matter having been opened to the Court by Michael P. Laffey Esq., Charles S. Limandri  
Esq. and Teresa L. Mendoza Esq. attorneys for plaintiffs and the Court having considered the  
papers and any opposition thereto it is on this 7<sup>th</sup> day of ~~May~~ June 2013;

ORDERED that the subpoena ~~duces tecum~~ served upon Shamash Listserv Mailing List  
Manager and David Rosenthal is hereby ~~quashed~~ *Partially* and it is,

FURTHER ORDERED that a copy of this order be served upon the all parties including

the subpoenaed parties within 7 days of the date herein.

- opposed -

  
A.J.S.C.  
PETER F. BARISO, JR., A.J.S.C.

Subpoena is valid as to production  
of defts' and/or defts' representatives communications  
on list since from 1/1/05 through end date  
in 2010, subject to redaction of ID of third  
party(ies) w/ 30 days.

Resons were placed on the record  
on 6/7/13.

# EXHIBIT B

Date: Sun, 13 Nov 2005 11:19:27 EST  
Reply-To: Jews Offering New Alternatives to Homosexuality  
<JONAH@SHAMASH.ORG>  
Sender: Jews Offering New Alternatives to Homosexuality  
<JONAH@SHAMASH.ORG>  
From: "Elaine B." <EJSBTB@AOL.COM>  
Subject: XXXX in XXXX "sexuality cannot be changed" LETTERS  
NEEDED!  
MIME-Version: 1.0  
Content-Type: multipart/alternative;  
boundary="-----1131898767"

-----1131898767  
Content-Type: text/plain; charset="UTF-8"  
Content-Transfer-Encoding: quoted-printable  
Content-Language: en

Dear Colleagues,  
=20

I read the article below in the XXXX (XXXX) and decided enough is enough!  
=20

While you can hear the anguish in XXX's voice (XXXX is the=  
=20

Director of XXXX I believ=  
e=20

he is well-intentioned, he is inadvertently saying untrue statements about=20  
reparative therapy and homosexuality. XXXX in this article states t=  
hat=20

homosexuality is "natural, healthy and good" and that reparative therapy ha=  
s=20

been "thoroughly discredited" and "completely ineffective". =20  
=20

TheXXXX consistently carries pro-gay articles without allowing "our sid=  
e=20

of the story" to be heard. I think JONAH got a mention last year in the=20  
XXXX in one article and we need our side of the gay debate to be allowed=  
a=20

fair hearing.  
=20

Your letters and E-mails to XXXXX (another English language=20  
Jewish weekly) have resulted in a turn-around in that newspaper's coverage=20=  
of the=20

ex-gay movement. In that case, the newspaper had previously been=20  
condemnatory of homosexuals in an unfair way - which is the opposite end of=  
the spectrum=20

from the XXXX which has championed homosexuality as normal. As you know=  
=20

from my recent postings, XXXX is now giving excellent coverage=20=  
to=20

JONAH and the ex-gay movement. In other words, your letters made a=20  
difference and educated a segment of the Jewish community about the true na=  
ture of =20

homosexuality.  
=20

Please send in E-mails to the XXXXX\_=20  
XXXX) (and it says to include street address) askin=  
=20

g that not only=20  
should they allow Letters to the Editor to be published from those who=20  
believe that no one is born gay and that change is possible, but also that=20=  
when=20  
articles and Op-Ed pieces normalizing homosexuality appear, it is only fair=  
that=20  
the "other side of the story" be given equal space.  
=20  
There are many Christians on my distribution lists and many Jews who live=20  
outside of the USA. I urge you to send in letters toXXXX also. We=  
=20  
need the Editors of XXXX to realize that we are working in a broad-b=  
ased=20  
coalition that includes a wide-spectrum of people around the world who will=  
=20  
no longer stand on the sidelines being silent while the gay community recru=  
its=20  
young adolescents by telling them they have no choice but to be true to=20  
themselves and join the gay community. These youngsters, and their familie=  
s,=20  
deserve to know the truth about homosexuality- no one is born gay and chang=  
e is=20  
very possible with the right help.  
=20  
Please help us make a difference once again!  
=20  
Shalom, Elaine  
Elaine Silodor Berk, Co-Director of JONAH

---

Date: Sun, 13 Nov 2005 15:40:51 EST  
Reply-To: Jews Offering New Alternatives to Homosexuality  
<JONAH@SHAMASH.ORG>  
Sender: Jews Offering New Alternatives to Homosexuality  
<JONAH@SHAMASH.ORG>  
From: "Elaine B." <EJSBTB@AOL.COM>  
Subject: Re: XXXXX in XXXX "sexuality cannot be changed"  
LETTERS NEEDED!  
MIME-Version: 1.0  
Content-Type: multipart/alternative;  
boundary="-----1131914451"

-----1131914451  
Content-Type: text/plain; charset="US-ASCII"  
Content-Transfer-Encoding: 7bit

XXXXXXXXXXXX

Those who are happy being gay deserve to have that choice. However, the  
overwhelming number of gay men and lesbians (and their families) believe God  
created them gay and that they have no choice. They deserve to know the truth.

Homosexuality is not natural, normal and good. It is a same-sex attraction  
disorder similar to alcoholism, drug addiction, and obesity. We don't call

# EXHIBIT C

Subject: Fwd: Mutli-organizational calendar of SSA recovery events  
In-Reply-To: XXXX  
Content-Type: multipart/alternative;  
boundary="-----MailBlocks\_8C7B29D13CE0B1F\_1210\_904B\_FWM-R02.sysops.aol.com"  
MIME-Version: 1.0

-----MailBlocks\_8C7B29D13CE0B1F\_1210\_904B\_FWM-R02.sysops.aol.com  
Content-Type: text/plain; charset="us-ascii"

FYI

Arthur

=====  
Date: Tue, 8 Nov 2005 12:22:50 -0500  
Reply-To: Jews Offering New Alternatives to Homosexuality  
<JONAH@SHAMASH.ORG>  
Sender: Jews Offering New Alternatives to Homosexuality  
<JONAH@SHAMASH.ORG>  
From: jonahhelp@AOL.COM  
Subject: Re: [QUAR] Telling your Straight friends about your SSA  
In-Reply-To: XXXX  
Content-Type: multipart/alternative;  
boundary="-----MailBlocks\_8C7B2A02E3567DA\_1210\_9361\_FWM-R02.sysops.aol.com"  
MIME-Version: 1.0

-----MailBlocks\_8C7B2A02E3567DA\_1210\_9361\_FWM-R02.sysops.aol.com  
Content-Type: text/plain; charset="us-ascii"

XXXXXXXXX distinction between ssa and gay is important and needs to be understood by all. One is a feeling, the other is a political identity. They are separate and distinct states of mind.

Arthur

=====  
Date: Wed, 9 Nov 2005 11:25:18 -0500  
Reply-To: Jews Offering New Alternatives to Homosexuality  
<JONAH@SHAMASH.ORG>  
Sender: Jews Offering New Alternatives to Homosexuality  
<JONAH@SHAMASH.ORG>  
From: jonahhelp@AOL.COM  
Subject: Re: Please welcome XXXX to the list  
In-Reply-To: <20051109160550.51413.qmail@web53908.mail.yahoo.com>  
Content-Type: multipart/alternative;  
boundary="-----MailBlocks\_8C7B3614EF91832\_1210\_F3FE\_FWM-R02.sysops.aol.com"  
MIME-Version: 1.0

-----MailBlocks\_8C7B3614EF91832\_1210\_F3FE\_FWM-R02.sysops.aol.com  
Content-Type: text/plain; charset="us-ascii"

Particular books of value: XXXXXX, XXXX, XXXX, XXXX, XXXX.

Arthur

# EXHIBIT D

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Date: Fri, 1 Dec 2006 10:06:18 EST  
Reply-To: Jews Offering New Alternatives to Homosexuality  
<JONAH@SHAMASH.ORG>  
Sender: Jews Offering New Alternatives to Homosexuality  
<JONAH@SHAMASH.ORG>  
From: "Elaine B." <EJSBTB@AOL.COM>  
Subject: Report from XXXXXX on Taping for European TV on Nov 30  
MIME-Version: 1.0  
Content-Type: multipart/alternative;  
boundary="-----1164985578"

-----1164985578  
Content-Type: text/plain; charset="US-ASCII"  
Content-Transfer-Encoding: 7bit

Greetings,

I want to thank you for your prayers regarding the taping of the French TV show this past Wednesday.

It was a long day of many interviews with myself, a client, and my family. The host asked very good questions, however, we shall see how the piece is edited (please pray for that important process). They are off to interview XXXX, about his research (which I commented on as well). The show will depict both sides of the homosexual issue (revolving around nature vs nurture). They interviewed several ex-gays in France already.

The session with the client went very well. XXXXX was gracious and courageous enough to allow them to film a very deep process of his sharing. We had two mentors (a man and woman) who did some role play with him. This depicted the necessity of healing past relationships. The interviewer was deeply moved by the process.

My wife and I shared XXXXXXXX, what we went through and where we are today. It was a beautiful time. Also, they filmed scenes of our family together: Proof of the pudding--CHANGE IS POSSIBLE!

It will air in French and German speaking countries in Europe on Feb, 2007. I will inform you of the date, time and TV station.

Thank you again for your sincere prayers. They are deeply needed and appreciated. I/we are praying for you.

Bless you and your family, XXXXXX

XXXXXXXXX

---

Date: Fri, 1 Dec 2006 10:09:38 EST  
Reply-To: Jews Offering New Alternatives to Homosexuality  
<JONAH@SHAMASH.ORG>

Sender: Jews Offering New Alternatives to Homosexuality  
<JONAH@SHAMASH.ORG>  
From: "Elaine B." <EJSBTB@AOL.COM>  
Subject: XXXXXXXXXXXX Level II Parents Teleconferencing Classes &  
FREE SESSION  
MIME-Version: 1.0  
Content-Type: multipart/alternative;  
boundary="-----1164985778"

-----1164985778  
Content-Type: text/plain; charset="UTF-8"  
Content-Transfer-Encoding: quoted-printable  
Content-Language: en

=20  
=20

Greetings, =20

I pray that you have a wonderful Thanksgiving with your family. =20  
Many of the parents who have participated in our Parents Teleconferencing=20  
Class over the past six years have expressed a need for ongoing support and=  
a=20  
more in depth understanding of the issues facing them and their SSA loved=20  
ones. In response, we will offer a Level II Parents Teleconferencing Class=  
from=20

January 11, 2007. =20

A dear friend and colleague of mine, XXXXXXXXXXXXXXXX, will teach the classes.=  
=20

She has worked with the XXXXXXXXXXXXXXXX for over ten years=  
=20

and has assisted me with family healing sessions, teleconferencing classes,=  
=20

and healing seminars. She is now a professional Parent and Relationship Coa=  
ch.=20

I know she will be an excellent facilitator for our new Level II Parents =20  
Teleconferencing Class. I will supervise her throughout the program. =20

As our holiday gift to you, we will offer a FREE session to introduce XXXXXXXXXXXXXXXXs. This class will be  
held on XXXX.=XXXX

Please call our office to register and receive=20=  
the=20

special phone number and pin code for this free class. =20

Below is a complete syllabus of the class which will run from XXXX-=20  
XXXX. There will be a total of nine classes which w=  
ill=20

focus on educating you further about family dynamics, and equip you with th=  
e=20

tools necessary to create break through in your relationships. Please call=20  
the office to register, or register on-line (it will be posted in the next=20=  
few=20

days on the Teleconferencing Classes page of our site). =20

I am excited to offer you this Level II course for those who have completed=  
=20

the first series of Parents Teleconferencing Classes. I truly believe this=  
=20

will help your family=E2=80=99s growth and continued healing. =20

In God=E2=80=99s Grace and Love,=20

XXXXXXXXXXXXXXXX

XXXXr=20  
XXXXXXXXXXXXXXXXXXXX  
"Elaine B." <EJSBTB@AOL.COM> wrote:

XXXXXX,

Lots of good insights in your post. Lots of ways you can do something about them.

I know you've been getting closer to your dad and trying to distance yourself from your mom - keep moving in that direction. Make efforts to enhance your relationship with your dad and let your dad know what you can use from him - do you want him to call you twice a week? Let him know. Whatever it is you can think of that will help, try to get it.

Group therapy: I know you've resisted therapy, but I think you're ready and it will be very helpful. One of the 12 step groups might be very good for you - it doesn't have to be an "exact match" to your issues on the surface because underneath most of our issues are the same. So don't be thrown off by the title Sexaholics Anonymous - sure, most of the guys will have been sex addicts and you think you have little in common with them - but check it out, see what the meetings are like. You may find you have more in common with the men than you think. Your life has been very affected by your SSA even though you didn't act out.

I think reaching out to other men who know about your issues will be very helpful.

Elaine

=====  
Date: Sun, 3 Dec 2006 12:30:54 EST  
Reply-To: Jews Offering New Alternatives to Homosexuality  
<JONAH@SHAMASH.ORG>  
Sender: Jews Offering New Alternatives to Homosexuality  
<JONAH@SHAMASH.ORG>  
From: "Elaine B." <EJSBTB@AOL.COM>  
Subject: ReXXXXXXXX - go to XXXX XXX!  
MIME-Version: 1.0  
Content-Type: multipart/alternative;  
boundary="-----1165167054"

-----1165167054  
Content-Type: text/plain; charset="US-ASCII"  
Content-Transfer-Encoding: 7bit

XXXXXXXXXX,

I hear you and have a suggestion for you. There will be a XXXX XXXX in XXXX. This is a great opportunity for you since the XXXX weekends have been a turning point for many of our men.

It sounds like you have the money to attend - the weekend runs aboutXXXX - and I would advise you that if you have to give up therapy for a few weeks in order to afford the XXXX XXXX, it is worth it. At XXXX, you will have @ 30 men who are in various stages of walking away from homosexuality, plus at least 10 facilitators several of whom are ex-gays. My Co-Director, Arthur Goldberg, will be at the XXXX XXXX as will several other XXXX men.

To learn aboutXXXX and to apply, go toXXXX

# EXHIBIT E

I really appreciate your letter. I'm interested in hearing what the guys think about it.

Obviously, everyone starts from a different place, and winds up in a different place, but we all are very affected by what people say and by what society says - and that's both tragic and human.

I do think some of our guys don't work hard enough on their SSA, but some of them work very hard and can't get through the co-morbid problems that keep them from moving - like depression, OCD, addictive behaviors, etc., etc.

Sadly, there also is a difference in guys who have never been attracted to women (as far as they remember - Freud will say these men were attracted to their mothers (in a normal way) when they were very little but that they were emotionally enmeshed with their moms and the panic they felt by feeling that way about their mommy, and their sensitive nature, combined to freeze them in their developmental tracks). We have seen several guys in this pattern reduce their SSA tremendously but they were not able to develop OSA - and they worked very hard. However, just the fact that they now feel they are a man among men was worth the journey they took even if they didn't complete the journey.

However, the more typical JONAH guy can usually develop an adequate amount of OSA if he works very hard. Certain conditions can hold them back: lack of money for the therapy and weekends they need; fear of letting go of their friends and social groups to find new ones; not really believing in reparative/change therapy because so few men who have changed have come forward as role models (particularly a lack of Jewish role models), and a million other individual reasons/excuses/problems.

Obviously, I could go on and on - but I loved reading your letter because it's full of hope and determination - we need lots of that around here.

Elaine

=====  
Date: Tue, 22 Nov 2005 19:41:42 EST  
Reply-To: Jews Offering New Alternatives to Homosexuality  
<JONAH@SHAMASH.ORG>  
Sender: Jews Offering New Alternatives to Homosexuality  
<JONAH@SHAMASH.ORG>  
From: "Elaine B." <EJSBTB@AOL.COM>  
Subject: APA Insiders Say Psychology Losing Scientific Credibility - NARTH  
Article  
MIME-Version: 1.0  
Content-Type: multipart/alternative;  
boundary="-----1132706502"

-----1132706502  
Content-Type: text/plain; charset="ISO-8859-1"  
Content-Transfer-Encoding: quoted-printable

=20

from \_Events/Announcements\_ (<http://www.narth.com/menus/events.html>) =20  
Psychology Losing Scientific Credibility,

Say APA Insiders  
At NARTH Conference, APA Past-President  
Charges His Association with Stifling Discourse and Distorting Research =20  
ByXXXXi=20  
In a harsh critique of his own profession, a former XXXXI=20  
XXXX told fellow clinicians at the NARTH Conference that=20  
social science is in a state of alarming decline. =20  
Speaking to a rapt audience of about 100 fellow professionals at XXXX=  
=20  
XXXX, psychologists XXX=  
s,=20  
and XXXX. had much to say about the profession they ha=  
d=20  
served throughout their long and distinguished careers -- charging=20  
"intellectual arrogance and zealotry" within a profession that they say is=20=  
now=20  
dominated by social-activist groups. =20  
XXXX said he has had a career-long commitment to promoting=20  
diversity. Therefore has been dismayed to see activists exploit the stature=  
of the=20  
parent body to further their own social aims -- pushing the APA to take=20  
positions in areas where they have no conclusive evidence. =20  
When APA does conduct research, XXXX said, they only do so "when=20  
they know what the outcome is going to be, and the outcome is going to be=20  
favorable [to their preferred causes]." =20  
When writing their newly released book XXXX,=  
=20  
XXXX invited the participation of a number of fellow=20  
psychologists who flatly turned them down -- fearing loss of tenure, loss o=  
f=20  
promotion, and other forms of professional retaliation. "We were bombarded=  
by horror=20  
stories," XXXX said. "Their greatest fear was of the gay lobby, whi=  
ch=20  
is very strong in the APA." =20  
In recent years, the American Psychological Association has come very close=  
=20  
to ratifying a statement which would declare therapy to modify sexual=20  
orientation "unethical." XXXX considered this a misuse of APA's power=  
, for "it=20  
is the consumer who has the right to set the goal for the therapeutic =20  
enterprise." =20  
"Why does free choice go only one way?" XXXX added. =20  
XXXX described a 2004 resolution by the APA in favor of gay marriage,=20  
which APA said should be instituted because it "promoted mental health." Wh=  
at=20  
was the evidence APA offered? (Such a bold statement, of course, would be u=  
sed=20  
in the courts to decide key social issues.) The references APA cited, it =20  
turned out, actually proved only one claim -- that as a general matter, "lo=  
ving=20  
relationships are healthy"! "That was one of the worst resolutions,"=20  
XXXX said. =20  
"When we speak in the name of psychology we are to speak only from facts an=  
d=20  
clinical expertise," he explained. If psychology speaks out on every social=

=20  
issue, "very soon the public will see us as a discredited organization --=20  
just another opinionated voice shouting and shouting." =20  
"In recent years," said his co-authorXXXX -- who describes himsel=  
f=20  
and XXXX as lifelong liberals -- "psychology has been ultra-liberal" an=  
d=20  
not particularly welcoming to the views of people of religious faith. =20  
XXXX described the difficulties he has encountered with the American=20  
Psychological Association since the Association instituted a "strategic dec=  
ision=20  
not to respond" to XXXX in an effort to avoid attracting attention to i=  
t.=20  
Initially, the APA prohibited its member-publications from reviewing =20  
XXXX. "So much for diversity and open-mindedness," XXXX add=  
ed wryly.=20  
=20  
Judicial Malfeasance by Activists=20  
Joining them in yet another stinging critique of the mental-health=20  
profession was psychiatrist XXXX In his talk entitled XXXX  
=20  
XXXX," XXXX offered a long, elaborately referenc=  
ed=20  
description of ethics breaches in the recent legal cases that have set the=20  
stage for groundbreaking changes in family-law policy. =20  
XXXX said the mental-health associations had allowed themselves to be=20  
used by gay activists who distorted the research findings to serve their ow=  
n=20  
socio-political aims. This distortion of the science, he said, has been so=20  
great that it is "appalling beyond imagination." =20  
XXXX currently teaches XXXX at XXXX. He=20  
showed the legal briefs to his students and told them, "Whether you become=20=  
a=20  
leftist or a rightist, don't hold yourself to such a standard." =20  
Called as an expert witness in some of those court cases, XXXX had the=  
=20  
opportunity to pore through hundreds of research papers offered as evidence=  
=20  
by the gay activists who had been invited to represent the views of the maj=  
or =20  
mental-health associations. =20  
Given carte blanche, the activists wrote briefs that were "sophisticated,=20  
nuanced" but in many cases, almost entirely untrue. To XXXXX's dism=  
ay,=20  
the brief-writers' testimony rarely matched the references they provided as=  
=20  
corroborating evidence. =20  
He quoted XXXX, Ph.D.,XXXX whose brief claimed that=  
=20  
"Research has...found no inherent association between homosexuality and=20  
psychopathology." The references she provided were largely self-references=20=  
-- =20  
referring not to corroborating sources, but directly back to her own publis=  
hed=20  
work. Paradoxically, in those same studies, XXXX had consistently found=20  
more mental-health problems in lesbians and gay men -- and she did not find=

XXXX=20

"social homophobia" was the cause for these problems. In fact, XXXX had=20

concluded in one of her own referenced papers that "further research is=20  
needed to explore the causal mechanisms underlying this association." =20

In another brief, XXXX described the testimony of gay-activist=20  
psychologist XXXX, who wrote on behalf of the APA. XXXX, h=  
e says,=20

distorted what the authors of his cited research had said; omitted availabl=  
e=20

contrary evidence; failed to mention the evidence for spontaneous changes=20=  
of=20

sexual identity; and defined the term "homosexual" in an arguable manner th=  
at=20

worked most effectively to meet the aims of his brief. In support of the=20  
argument that same-sex attracted people are as well-adjusted as straights,=20=  
he =20

referenced the "notoriously flawed and out-of-date XXXX study, its claims=  
=20

long-since and multiple times overturned." =20

Pedophile Supporters

Offering Family Law Testimony=20

In theXXXX case, psychologist XXXX was invited to b=  
e=20

a contributor. XXXX has been an editor of XXXX, XXXX=20

XXXX a, and once said in an interview in that journal, "If it [man-boy=20  
sexual contact] is consensual, it can be constructive." Another writer inv=  
ited to=20

compose the brief was XXXX., who has also written=20

affirmatively of man-boy "intergenerational intimacy" in the Journal of Ho=  
mosexuality. =20

A frequent contributor to legal testimony in many cases is lesbian=20

activist-researcher XXXX., who in a previous case was=20=  
cited for=20

contempt of court for XXXX" -- picking and =20

choosing study subjects from among her friends. "Her conduct was a clear=20  
violation of a court order," saidXXXX, "yet she is still writing brie=  
fs in=20

current court cases." =20

In discussing the overall "scope and type of malfeasance," XXXX=20

concluded the following: =20

1. "Briefs appear to be authored by a small circle of individuals who=20  
are called on repeatedly, with footnoted references that almost never prope=  
rly=20

substantiate their case." =20

2. A common tactic is to reference studies "that are trivial or=20  
out-of-date, while ignoring more important, recent, larger, better, and sup=  
erceding=20

research." =20

3. "A substantial portion of the authorities cited [through footnotes]=  
=20

will be themselves." =20

4. "The most common pattern is by far the simplest: the overwhelming=20  
mountain of contrary evidence is simply never mentioned."

"The malfeasance is relentless," XXXX concluded. "It is appalling=20  
beyond imagination." =20

Other Speakers=20

During the luncheon, XXXX offered a rousing address. =20

"As I reviewed the brief history of XXXX," he said, "it is nothing short of=20

amazing what has been accomplished." To continue this forward momentum, he=20  
said, XXXX members should get more involved in the public sphere; work wit=

hin=20  
the national associations, and remember to continually remind those who=20  
would silence them, that "diversity includes me." =20

Dr. XXXX then read from a letter he wrote to the American Psychological=20  
Association: =20

"In your addresses and written messages, you have repeatedly focused on the=

=20  
importance of diversity. Even in the recent Monitor, you noted that APA has=

=20  
demonstrated 'a lack of sensitivity or downright rudeness' toward marginali=

zed=20  
groups. While it is not my intent to be offensive, it seems that your =20

response to APA members who are members of XXXX reflects that insensitivit=

y of=20  
which you are so critical. =20

"Client autonomy is central to XXXX's mission. XXX's official position i=

s=20  
that homosexuality is an adaptation. For some men and women, this adaptatio=

n=20  
is distressful and unsatisfying. XXXX supports an individual's right to=20  
either claim a homosexual identity or to pursue change in their adaptation=

in=20  
accordance with the ethical principle of client self-determination. =20

"Though not all of the patients that XXXX members treat are religious, man=

y=20  
are. Is it not a blatant disregard for their religious values and an affron=

t=20  
to real diversity to marginalize these individuals by failing to acknowledg=

e=20  
their right to choose how they will adapt sexually? =20

"The focus of XXXX's attention is a 'marginalized group within a=20  
marginalized group' -- those who feel that homosexual attractions are not w=

ho they are=20  
and seek help in reconciling their unwanted sexual attractions with their=20

value systems. Would you or APA not find a place at the table for such =20  
individuals or would you add to their distress by refusing to acknowledge t=

hat they=20  
exist? Would you deny the importance of client autonomy and client=20

self-determination?" =20  
"APA's continuous messages of respect for diversity rings hollow if it does=

=20  
not represent different worldviews....either you support client autonomy or=

=20  
you do not; either you support client self-determination or you do not; eit=

her=20  
your actions reflect diversity, or they do not. =20

"XXXX members and supporters have impressive publication records in=20  
respected journals such as Professional Psychology, Archives of Sexual Beha=

avior,=20  
Psychological Reports, Journal of Marriage and Family Therapy and the Jour=

nal=20  
of Law and Family Studies. =20  
"Listen to one XXXX supporter," he concluded, "and tell me who you think h=  
e=20  
is. He said: 'I am here as the champion of one's right to choose....It is m=  
y=20  
fervent belief that freedom of choice should govern one's sexual=20  
orientation...If homosexuals choose to transform their sexuality into hete=  
rosexuality,=20  
that resolve and decision is theirs and theirs alone, and should not be=20  
tampered with by any special interest group.' This statement was made by Dr=  
. =20  
XXXX -- aXXXXXt." =20  
Also during the luncheon, attorney XXXX noted that XXXX's critics=20  
are supported by tens of millions of dollars from foundations on the left,=20  
which effectively permits them to "steer the culture through grants." In an=  
=20  
effort to begin reversing that trend, he recently created the XXXX =20  
, with one of its initial grants being made toXXXX. =20  
On Sunday, XXXXr offered an address describing the use of=20  
EMDR (Eye Movement Desensitization Reprocessing) therapy to help clients=20  
overcome the effects of trauma and to actualize their heterosexual potentia=  
l. Dr. =20  
XXXX says he had had considerable success using the technique with=20  
same-sex attracted clients. =20  
Also offering an address wasXXXX., the mother of XXXX=  
=20  
XXXX, XXXX. In a warm, inspirational and emotionally stirring=20  
speech, XXXX offered support for families who have suffered from the =20  
discovery of a loved one's same-sex attractions. =20  
On Friday, XXXXi offers a Men's Track workshop for in-depth=20  
training of psychotherapists, while a Women's Track training workshop was=20  
offered byXXXX., XXXX, a=  
nd =20  
XXXX. =20  
Other speeches and roundtable discussions were offered by XXXX=20  
XXXX, XXXX, XXXXs, XXXX, XXXX, XXXX, XXXX, XXXX, XXXX=20  
XXXX, and XXXX. =20

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Date: Tue, 22 Nov 2005 21:08:24 EST  
Reply-To: Jews Offering New Alternatives to Homosexuality  
<JONAH@SHAMASH.ORG>  
Sender: Jews Offering New Alternatives to Homosexuality  
<JONAH@SHAMASH.ORG>  
From: "Elaine B." <EJSBTB@AOL.COM>  
Subject: Article by XXXXI on XXXX  
MIME-Version: 1.0  
Content-Type: multipart/alternative;  
boundary="-----1132711704"

-----1132711704  
Content-Type: text/plain; charset="ISO-8859-1"  
Content-Transfer-Encoding: quoted-printable

# EXHIBIT F

To unsubscribe email: JONAH-unsubscribe-request@SHAMASH.ORG  
For other options go to: <http://listserv.SHAMASH.ORG/>

-----1202180428  
Content-Type: text/html; charset="UTF-8"  
Content-Transfer-Encoding: quoted-printable  
Content-Language: en

---

Date: Tue, 5 Feb 2008 15:09:17 EST  
Reply-To: "J.O.N.A.H. Mailing List" <JONAH@SHAMASH.ORG>  
Sender: "J.O.N.A.H. Mailing List" <JONAH@SHAMASH.ORG>  
From: Elaine B <EJSBTB@AOL.COM>  
Subject: Re: its official  
MIME-Version: 1.0  
Content-Type: multipart/alternative;  
boundary="-----1202242157"

-----1202242157  
Content-Type: text/plain; charset="US-ASCII"  
Content-Transfer-Encoding: 7bit

Great! I'm impressed with your determination and that you took action so quickly to follow your plans so you can achieve your goals.

Elaine

---

Date: Tue, 5 Feb 2008 15:17:43 EST  
Reply-To: "J.O.N.A.H. Mailing List" <JONAH@SHAMASH.ORG>  
Sender: "J.O.N.A.H. Mailing List" <JONAH@SHAMASH.ORG>  
From: Elaine B <EJSBTB@AOL.COM>  
Subject: Re: Briefly about myself  
MIME-Version: 1.0  
Content-Type: multipart/alternative;  
boundary="-----1202242663"

-----1202242663  
Content-Type: text/plain; charset="US-ASCII"  
Content-Transfer-Encoding: 7bit

It's good for you to tell this story which just shows that you considered certain aspects of "maleness" a mystery. Hopefully, letting go of this story will help reduce any shame that you feel.

From what you told us, you appeared to have been "colonized by the feminine" - which is XXXX's term for a boy who feels more comfortable in the female world because he felt he didn't fit in with the other boys. Many of the men we deal with can tell similar stories.

Elaine

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Date: Tue, 5 Feb 2008 23:22:44 EST  
Reply-To: "J.O.N.A.H. Mailing List" <JONAH@SHAMASH.ORG>  
Sender: "J.O.N.A.H. Mailing List" <JONAH@SHAMASH.ORG>  
From: Elaine B <EJSBTB@AOL.COM>

Subject: NARTH's President Chairs Symposium at APA Convention  
MIME-Version: 1.0  
Content-Type: multipart/alternative;  
boundary="-----1202271764"

-----1202271764  
Content-Type: text/plain; charset="US-ASCII"  
Content-Transfer-Encoding: 7bit

NARTH's President Chairs Symposium  
At APA Convention In San Francisco

ByXXXX.

Dr. XXXX (at podium) hosted a symposium titled, "Reforming APA Advocacy." Seated to his right is XXXX. A symposium sponsored by Division 1 (Society for General Psychology) was held at the annual convention of the American Psychological Association in San Francisco on August 20. Though relegated by APA to a Monday-morning slot, the gathering was well attended -- reflecting substantial interest both in the topic and in the presenters.

The symposium, "Reforming APA Advocacy," was chaired byXXXX. Presenters included XXXXX and XXXXX -- both former APA presidents -- and XXXX, a former member of APA's Board of Directors. Not only were these esteemed participants once APA insiders, but their curriculum vitae classify them as among the most influential leaders in psychology today.

XXXX and XXXXX are also former keynote speakers at XXXXX Conferences.

Summarizing his impression of the symposium, XXXX said: "I believe that XXXX, XXXXX and XXXX have a wealth of insight into the dysfunction currently existing in the XXXX, as well as solid ideas on how to remedy the problems. They all seem to converge on the notion of returning the vote back to the membership, rather than letting the Council decide social-policy matters."

XXXX opened the symposium by citing his motivation for proposing it: his admiration for a new book edited by XXXXX and XXXXX, XXXX.

The book, reviewed byXXXXX describes it as perhaps the most important critique of the mental health profession during this decade.

Political Agendas Controlling Science

XXXX, a former APA president presents the case for a return to science-based psychology. XXXX and XXXX, along with an Academy-Award roster of prominent mental health professionals, conclude that "psychology, psychiatry, and social work have been captured by an ultra-liberal agenda." "Misguided political correctness tethers our intellects," they observe, and "if psychology is to soar like an eagle, it needs both a left wing and a right wing."

Chapter after chapter in this well-written book documents how APA has again and again taken position statements and issued resolutions without adequate scientific data or demonstrable clinical experience.

XXXX cites the issue of homosexuality as illustrative of how political correctness and a narrow definition of "diversity" have dominated APA. XXXX notes,

In the current climate, it is inevitable that conflict arises among the various subgroups in the marketplace. For example, gay groups within APA have repeatedly tried to persuade the association to adopt ethical standards that prohibit therapists from offering psychotherapeutic services designed to ameliorate "gayness," on the basis that such efforts are unsuccessful and harmful to the consumer. Psychologists who do not agree with this premise are termed homophobic.

Such efforts are especially troubling because they abrogate the patient's right to choose the therapist and determine the therapeutic goals. They also deny the reality of data demonstrating that psychotherapy can be effective in changing sexual preference in patients who have a desire to do so. The spirited presentation by XXXX began with the following introductory comment:

In his President's Column in the Monitor on Psychology (October 2006), APA President XXXX declared, "Psychological science is not politically correct." Coming after almost three decades of politically correct APA proclamations, most [of which] are gratuitous and devoid of scientific verification -- with some even silly -- it caused me to reminisce about another president...that one of the United States. It was Richard Nixon who declared on TV at the height of the Watergate Scandal, "I am not a crook." Even though they are light years apart in the level of importance to society, there is an escapable similarity in the absurdity of both statements in the face of the existing facts.

In his eloquent style, XXXX provided a case for the continuing erosion of psychological science by APA, focusing on the "dozens of proclamations, ranging from boxing to Zionism to the silliest of all -- the naming of athletic-team mascots -- all without one shred of scientific evidence."

"In the meantime," XXXX noted, "dire social problems persist and even increase as psychology, the science that should be addressing these, has its hands tied by political correctness. 'PC' has a chilling effect on scientific inquiry, making taboo the investigation of certain problems that should be the province of psychology.... APA proclamations have the effect of ending debate -- carving into stone ignorance and lack of scientific understanding."

Demoralization Of The Membership

Of APA membership, XXXX concluded, "A large number who remain in the APA are demoralized and detached, maintaining their membership because they need the benefits such as malpractice insurance...Much of the membership is essentially disenfranchised, getting to vote only for the president, while divisions and their sub-divisions elect the Council of Representatives, the Board of Directors, and control the numerous committee and task force appointments. The APA is a bloated bureaucracy run by an oligarchy of about 200 who recycle themselves through various offices in a kind of musical chairs."

XXXX fears that "Unless psychology alters this nihilistic course, it will eventually be totally discredited."

Last year, XXXX proposed a governance overhaul that was strongly endorsed by APA past-president XXXX. The proposal called for the removal of control of the APA from the divisions and returning control to the membership based on a one-member, one-vote democratic principle for all the offices within APA. XXXX predicted that his proposal would be DOA -- dead on arrival. "It was worse," XXXX noted. "My proposal was stillborn."

"Without reform, psychology will continue to decline," noted XXXX. He concluded that unless something is done soon, "it will be too late for

reform, and will require desperation."

XXXX's presentation began by describing his dilemma. After more than 50 years of active membership and substantial commitment, he admitted that he was agonizing about resigning from the membership of APA.

Cited as the cause for such drastic consideration were two reasons:

1. APA's "abuse of its public stature in the interest of advancing controversial social and/or political goals," and
2. The "fecklessness" of APA's recent leadership.

Included in XXXX's paper were grave concerns about APA's continued violation of the Leona Tyler Principle, an accepted position adopted by the Council of Representatives. The principle forbids APA from taking positions or issuing proclamations where there is inadequate science and/or demonstrable clinical experience. (This principle does not prevent any psychologist from taking a position or advocating for particular issues either individually, or in groups. However, when there is an absence of data derived from science or practice, APA as a group must remain silent.)

Banning Therapy For Unwanted Homosexuality

Citing APA's previous attempt to ban psychotherapy aimed at reducing unwanted homosexuality, XXXX concluded that this effort was "ill-advised," noting that "the causation of homosexuality remains unknown," and "success/failure rates of sexual-identity change as a function of psychotherapy are equally unknown, (perhaps currently unknowable)," and suggesting that the correct application of the Leona Tyler Principle would have found any consideration of this anti-therapy proposal "out of order" from the very outset.

XXXX's response to the XXXX and XXXX papers was equally spirited.

As a more recent APA president, XXXX provided additional data supporting the "growing chorus in APA demanding reform" of APA's political advocacy. He expressed concern that APA has become "a politically correct profession, with crowd control by the thought police."

XXXX noted the corrosive effects of sociopolitical ideologies, the presence of liberal biases, APA's politicization, and its inappropriate involvement in public and political issues."

The audience response to the symposium was overwhelmingly positive, with many participants citing similar concerns. Longtime APA member XXXX echoed those concerns about APA's preoccupation with political correctness, and demonstrated the corrosive effects on psychology of adherence to such "correctness."

XXXX concluded that a "return to the 'Tyler Principle' is sound and important to pursue."

Of the potential ban on providing psychological care for those with unwanted homosexual attractions, XXXX declared, "I'm persuaded that there is no compelling scientific reason to ban work with homosexual persons who want to make a change in orientation."

What was clear from the response to this symposium is that there is a widening effort from APA members for more input into the resolutions and position statements made by APA. There was also a clear mandate to re-institute the Tyler Principle as a way of preventing special interest groups from masquerading activism as science, as well as a demand for a more democratic form of governance.

Perhaps the time has come for grassroots efforts to demand reform in APA advocacy -- now.

\*\*\*\*\*Biggest Grammy Award surprises of all time on AOL Music.  
(<http://music.aol.com/grammys/pictures/never-won-a-grammy?NCID=aolcmp0030000002548>)

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The JONAH mailing list is hosted by  
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a service of Hebrew College, which offers online courses and  
an online MA in Jewish Studies, <http://hebrewcollege.edu/online/>

To unsubscribe email: [JONAH-unsubscribe-request@SHAMASH.ORG](mailto:JONAH-unsubscribe-request@SHAMASH.ORG)

-----  
Date: Wed, 6 Feb 2008 19:17:48 EST  
Reply-To: "J.O.N.A.H. Mailing List" <JONAH@SHAMASH.ORG>  
Sender: "J.O.N.A.H. Mailing List" <JONAH@SHAMASH.ORG>  
From: Elaine B <EJSBTB@AOL.COM>  
Subject: New JONAH article: Before & After Letters to My Son's Therapist  
MIME-Version: 1.0  
Content-Type: multipart/alternative;  
boundary="-----1202343468"

-----1202343468  
Content-Type: text/plain; charset="UTF-8"  
Content-Transfer-Encoding: quoted-printable  
Content-Language: en

=20

=20

XXXX=20

XXXX=20

=20

Before and After Letters to My Son's Therapist

Written By XXXX =20

LETTER ONE: NOVEMBER 2006=20

Dear Ms. Therapist,=20

My wife and I want to thank you for the E-mail. It sounds like you =20  
sincerely have our son's best interest at heart. =20

It is our sincere hope that you have had the opportunity to read all the =20  
information we sent to you regarding same-sex attraction (SSA). After readi=  
ng=20

this material, we recognized how we made mistakes in raising our son. The =20  
consequences are surfacing more and more every day. Recognizing our=20  
responsibility is one part of what has become a continuing education course=  
in parenting=20

skills and understanding what causes homosexuality. It is unfortunate that=20  
our politically correct world has bought the notion that being gay is genet=  
ic.=20

Hopefully, someone will determine how to break the news to our society that=  
=20

no one is born gay. And, more to the point, we are hopeful that you can wor=  
k=20

with our son to help him recognize his emotional adaptations to childhood =20  
pain that in turn resulted in his SSA.=20

You are correct that ego-syntonic homosexuality was removed from the list=20

# EXHIBIT G

=====  
Date: Sun, 24 Jul 2005 17:16:13 EDT  
Reply-To: Jews Offering New Alternatives to Homosexuality  
<JONAH@SHAMASH.ORG>  
Sender: Jews Offering New Alternatives to Homosexuality  
<JONAH@SHAMASH.ORG>  
From: Jonahhelp@AOL.COM  
Subject: Jewish Press Letter  
MIME-Version: 1.0  
Content-Type: multipart/alternative;  
boundary="part1\_d8.29fd00fe.30155f1d\_boundary"

--part1\_d8.29fd00fe.30155f1d\_boundary  
Content-Type: text/plain; charset="ISO-8859-1"  
Content-Transfer-Encoding: quoted-printable

Hi,

On my way out of town, I dashed off this letter to XXXX at the XXXX. Hopefully, she will print it. Those of you who read the XXXX, please let me know if it shows up. Thanks, Arthur

Dear XXXX,

I have been following your series of articles and information concerning those struggling with Same-Sex Attraction (SSA) and noted the various times JONAH (Jews Offering New Alternatives to Homosexuality) has been mentioned.

I would like to comment on the recent letter published from XXXX as well as provide a brief overview about our organization. XXXX states that he learned he could control his sexual activity but is doubtful he can change his sexual attractions. In truth, numerous scientific studies back up our belief that a significant number of those with SSA have the additional power--with proper assistance--to change their sexual fantasies, arousals, and identity. One of the more recent studies along these lines was done by Columbia University Professor, Robert Spitzer. It was published in the Archives of Sexual Behavior. His study is particularly relevant because prior to doing his study (in which some JONAH members participated), he publically stated his belief to the contrary.

Just as there are two types of teshuvah ("kapparah" or acquittal, and "taharrah" or purification), so too are there two types of growth out of SSA. One changes only behavior and identity while the other's personal growth permits one to fill in his/her developmental gaps, thereby returning their inner core to the pure soul with which Hashem created him/her. In the latter case, the transformation is complete in much the same way as one who is able to perform the deeper level of teshuvah.

For the Jew who seeks liberation from his/her homosexual fantasies and arousals, and even more so for those gay or lesbian Jews struggling to free themselves from a lifestyle that is inconsistent with their inner spiritual voices, the world-wide lack of available Torah based resources is appalling. In fact, it is potentially catastrophic. To fill this dreadful gap is why some half-dozen years ago, my co-director Elaine Berk and I formed JONAH.

Our approach recommends gender affirmative processes (GAP), a series of activities designed to alleviate the "gender double bind" in which so many strugglers find themselves. It is critically important that the Jewish community as a whole learn (contrary to the conventional wisdom of the street and the campus) that gender affirming therapies (such as reparative therapy) have proven highly effective in transitioning clients affected with a homosexual condition into a satisfying and stable heterosexuality. It is crucial that Orthodox and traditional Jews be made fully aware of the powerful healing synergy that can be generated by integrating traditional Torah concepts and values with the theories and methods currently in use by specially trained psychotherapists of all faiths to guide gay and lesbian clients through sexual reorientation.

JONAH offers outreach, counseling, and referrals to those identifying themselves as gay or lesbian and to sexually conflicted Jews, as well as to their parents and friends, via a panoply of resources, including its website, www.jonahweb.org. The demand for our services has been overwhelming. Within a relatively short span of existence, and with a purely volunteer staff engaged in personal "mitzvah" work, we have grown into an international organization in which countless individuals in many different countries have been assisted.

We strive to serve those struggling with SSA and their families through a variety of support groups, both in person and through E-mail. We also maintain a growing body of information to bring together the resources necessary to help a Jewish individual journey out of homosexuality.

In addition to helping individual strugglers and their families and friends, we are eager to educate the Jewish community by speaking at various Shuls and community centers. At these speaking engagements, we often bring individuals who have successfully transitioned out of homosexuality so that the audience may hear real live testimonials from those who have transformed themselves.

We urge anyone interested in this topic to contact us, either through contact us on our website, or by leaving a message with a call back number at 201-20433 3444.

It is my fervant hope that through discussions like yours, the Jewish community will be sufficiently educated to understand (1) that no one is born gay, (2) that SSA is an emotional adaptation to real emotional pain often inflicted during early childhood, and (3) that personal growth strategies are available for those who seek release from their SSA.

I applaud your courage in discussing this topic and thank you for it.

Arthur Goldberg, co-director, JONAH

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Date: Sun, 24 Jul 2005 21:54:23 EDT  
Reply-To: Jews Offering New Alternatives to Homosexuality  
<JONAH@SHAMASH.ORG>  
Sender: Jews Offering New Alternatives to Homosexuality  
<JONAH@SHAMASH.ORG>  
From: Jonahhelp@AOL.COM  
Subject: New Member  
MIME-Version: 1.0  
Content-Type: multipart/alternative;  
boundary="part1\_158.553e29f7.3015a04f\_boundary"

--part1\_158.553e29f7.3015a04f\_boundary  
Content-Type: text/plain; charset="US-ASCII"  
Content-Transfer-Encoding: 7bit

Hi Everyone,

XXX has just joined the listserv. He is from XXXXX and learned about us from the XXXX write-ups that have been discussed here on the listserv.

XXX is in his late 20's and comes from an Orthodox background, having attended one of the well-known Yeshivas. He has been married for nearly 3 years. His wife knows about his issues since he had explained it to her before marriage and informed her "about a thing he had with a guy when he was 21." Although he has not acted out since his marriage, he is now dealing with fantasy issues.

Please welcome him to the JONAH family.

Thanks,  
Arthur

---

Date: Mon, 25 Jul 2005 13:33:43 EDT  
Reply-To: Jews Offering New Alternatives to Homosexuality  
<JONAH@SHAMASH.ORG>  
Sender: Jews Offering New Alternatives to Homosexuality  
<JONAH@SHAMASH.ORG>  
From: Jonahhelp@AOL.COM  
Subject: Re: Interesting Conversation with My Wife Last Night about SSA  
MIME-Version: 1.0  
Content-Type: multipart/alternative;  
boundary="part1\_149.49a74223.30167c77\_boundary"

# EXHIBIT H

Elaine

---

Date: Thu, 15 Dec 2005 11:02:18 EST  
Reply-To: Jews Offering New Alternatives to Homosexuality  
<JONAH@SHAMASH.ORG>  
Sender: Jews Offering New Alternatives to Homosexuality  
<JONAH@SHAMASH.ORG>  
From: "Elaine B." <EJSBTB@AOL.COM>  
Subject: Re: JONAH in article in South Africa - XXXX  
MIME-Version: 1.0  
Content-Type: multipart/alternative;  
boundary="-----1134662538"

-----1134662538  
Content-Type: text/plain; charset="US-ASCII"  
Content-Transfer-Encoding: 7bit

XXXX,

I don't know how large an attachment the list takes but it's usually not a problem. Actually, if you send the attachment to me personally, then I'll try to copy and paste it to the list. I will be away next week - and return on 12/24 - so if I don't take care of it right away, I'll do it when I get back.

Now, will you be in NYC on Wed. 12/28? Arthur and I will both be in Manhattan at a JONAH Parent's meeting - so that would be perfect. If you will be skiing then, let me know the exact dates you will be in the City after skiing because I'll be leaving again on Jan 3.

Elaine

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Date: Thu, 15 Dec 2005 23:35:49 EST  
Reply-To: Jews Offering New Alternatives to Homosexuality  
<JONAH@SHAMASH.ORG>  
Sender: Jews Offering New Alternatives to Homosexuality  
<JONAH@SHAMASH.ORG>  
From: "Elaine B." <EJSBTB@AOL.COM>  
Subject: Exodus President on "Good Morning America" @ Brokeback Mountain  
MIME-Version: 1.0  
Content-Type: multipart/alternative;  
boundary="-----1134707749"

-----1134707749  
Content-Type: text/plain; charset="UTF-8"  
Content-Transfer-Encoding: quoted-printable  
Content-Language: en

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=20  
=20

ABC's Good Morning America Features Exodus President Discussing Controversial New Movie  
Ex-Gay Organization Says Hollywood's One-sided Portrayal of Gay Life in Brokeback Mountain is Damaging and Harmful

--

Dated: December 8, 2005

(<http://abcnews.go.com/Video/playerIndex?id=3D1381312>)

Orlando, FL -Alan Chambers, President of Exodus International, the largest evangelical network of former homosexuals in the world, was featured on ABC

Good Morning America yesterday discussing Brokeback Mountain controversial

new movie centered around the issue of homosexuality. (click picture at right to view the video clip)

(<http://abcnews.go.com/Video/playerIndex?id=3D1381312>)

Hailed as a fictional love story, Brokeback Mountain, stars Heath Ledger and

Jake Gyllenhaal as two cowboys in the 1960s who embark upon a troubled lifelong secret homosexual relationship that spans the course of

each of their marriages to women and their eventual divorces. Ang Lee, the acclaimed director of the film, states that a frequent theme in his movies is

social obligation vs. free will and this one is no exception. Brokeback Mountain

clear intent is to show that an unaccepting society is to blame for the tragedy that unfolds in the lives of the main characters.

Chambers, himself a former homosexual, says that while some of the themes explore the unhappiness, pain and promiscuity in gay life, the movie

overarching premise sends the wrong message to Americans about culture and sexuality.

Brokeback Mountain is a story of unbridled obsession and painful oppression

emotions that I and thousands of others who have left homosexuality are well

familiar with, said Chambers. The hopeless desperation we experienced,

however, came from accepting the culture's born-gay mantra and resigning

ourselves to a life dominated by our unwanted same-sex attractions.

Through Jesus Christ, we found not only a way out of homosexuality and a

path towards change, but ultimate healing and purpose in life, said Chambers.

We hear from thousands of individuals who are grappling with the same problems and are tired of messages, such as the ones presented in this film,

that only further add to their confusion and desperation. Our hope is to empower

them with more information and offer the same hope that has brought life and

freedom to hundreds of thousands of us over the years.

Exodus International is a resource and referral organization with over 130 member ministries across North America. It is the largest global network of

=20  
former homosexuals and has been in existence for 30 years. Exodus International=20  
onal=20  
receives more than 400,000 inquiries each year from those affected by=20  
unwanted homosexuality.=20  
To learn more about Exodus, visit \_Exodus.to\_ (<http://www.exodus.to/>) or =20  
\_ExodusYouth.net\_ (<http://www.exodusyouth.net/>) =20  
###=20  
=20  
=20

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=20  
WHEN IS THE NEXT EXODUS CONFERENCE? =20  
\_Click here to learn more about this year's national Conference\_=20  
(<http://www.exodus2004.org/index.cfm>) =20  
HOW CAN I FIND A MEMBER MINISTRY IN MY AREA?=20  
\_Click here for an interactive map to find a ministry near you.\_=20  
(<http://www.exodus.to/ministry.shtml>) =20  
HOW CAN I LEARN MORE ABOUT EXODUS YOUTH?  
\_Click here to visit the Exodus Youth Website\_ (<http://www.exodusyouth.net/>=  
)=20  
=20  
HOW CAN I SUPPORT EXODUS?=20  
\_Click here for an overview of support needs.\_=20  
([http://www.exodus.to/support\\_exodus.shtml](http://www.exodus.to/support_exodus.shtml)) =20  
\_Click here to make a secure online credit card gift\_=20  
([http://www.exodus.to/support\\_exodus\\_donation.shtml](http://www.exodus.to/support_exodus_donation.shtml)) .=20  
HOW CAN I RECEIVE YOUR MONTHLY NEWSLETTER,=20  
THE EXODUS IMPACT?  
\_Click here to register.\_ ([http://www.exodus.to/stay\\_up\\_to\\_date.html](http://www.exodus.to/stay_up_to_date.html)) =20  
HOW CAN I FIND OUT MORE INFORMATION=20  
ABOUT EXODUS INTERNATIONAL?=20  
Please visit our website at: <http://www.exodus.to/> (<http://www.exodus.to/>)=  
=20  
=20

=====  
Date: Fri, 16 Dec 2005 11:07:19 EST  
Reply-To: Jews Offering New Alternatives to Homosexuality  
<JONAH@SHAMASH.ORG>  
Sender: Jews Offering New Alternatives to Homosexuality  
<JONAH@SHAMASH.ORG>  
From: "Elaine B." <EJSBTB@AOL.COM>  
Subject: Re: JONAH in article in South Africa - David J - JONAH's web site  
MIME-Version: 1.0  
Content-Type: multipart/alternative;  
boundary="-----1134749239"

-----1134749239  
Content-Type: text/plain; charset="US-ASCII"  
Content-Transfer-Encoding: 7bit

XXXX,

# EXHIBIT I

it is bershert, XXXX. G-d's way of telling you that you did the right thing.

Arthur

---

Date: Tue, 25 Jan 2005 23:45:08 EST  
 Reply-To: Jews Offering New Alternatives to Homosexuality  
 <JONAH@SHAMASH.ORG>  
 Sender: Jews Offering New Alternatives to Homosexuality  
 <JONAH@SHAMASH.ORG>  
 From: Jonahhelp@AOL.COM  
 Subject: Re: Hatterer Survey: Measuring Growth Out of SSA - comments  
 please!  
 MIME-Version: 1.0  
 Content-Type: multipart/alternative;  
 boundary="part1\_b9.5010a2e8.2f287a54\_boundary"

--part1\_b9.5010a2e8.2f287a54\_boundary  
 Content-Type: text/plain; charset="US-ASCII"  
 Content-Transfer-Encoding: 7bit

FYI. XXXX still practices psychiatry. he is in his 80's and  
 lives in NYC. I have spoken on the phone with him 2 or 3 times.  
 Arthur

---

Date: Wed, 26 Jan 2005 16:07:45 EST  
 Reply-To: Jews Offering New Alternatives to Homosexuality  
 <JONAH@SHAMASH.ORG>  
 Sender: Jews Offering New Alternatives to Homosexuality  
 <JONAH@SHAMASH.ORG>  
 From: Jonahhelp@AOL.COM  
 Subject: NARTH translation project  
 MIME-Version: 1.0  
 Content-Type: multipart/alternative;  
 boundary="-----1106773665"

-----1106773665  
 Content-Type: text/plain; charset="UTF-8"  
 Content-Transfer-Encoding: base64

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 IGFuZCB0aG91Z2h0IHNVbWUgb2YgeW91IHdvdWxkIGZpbmQgaXQgIG9mlAppbnRlcmVzdC4g  
 SXQgaXMGYmVsb3cuCk1lc3Qgd2lzaGVzLApBcnRodXIKIAogICAgICAKwrcgICAgICAgIElh  
 a2luZyBncmVhdCBhZHhbmNlcyAgb24gdGhlIFRyYW5zbGF0aW9ucyBQcm9qZWN0LiAgQ3Vy  
 cmVudGx5LCBvbiAKdGhlIE5BUlRIIHdlYnNpdGUsIHRoZXJlIGFyZSAoOSkgRnJlbnNoLCAo  
 MSkgSGVicmV3LCAoOckgIEl0YWxpYW4sICgxKSBQb2xpc2gsIAooMSkgUG9ydHVndWVzZSwg  
 YW5kICgyKSBtGFuaXNoIGFydGlvbGVzLiAgIApQZXJtaXNzaW9uIHdhcyAganVzdCBncmFu  
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 IArigJxQYXJlbnTigJlZlEd1aWRlIHRvICBQcmV2ZW50aW5nIEhvbW9zZXh1YWxpdmHnigJ0g  
 [and so on; this gibberish represents an image in a text file]

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----- Original Message ----- From: Jonahhelp@AOL=2ECOM Sent: 1/26/2005 4:07:=  
 45 PM  
 To: JONAH@SHAMASH=2EORG Subject: NARTH translation project=20

As a NARTH board member, I received the following information in preparation for the monthly board meeting and thought some of you would find it of interest. It is below. Best wishes, Arthur

Making great advances on the Translations Project. Currently, on the NARTH website, there are (9) French, (1) Hebrew, (8) Italian, (1) Polish, (1) Portuguese, and (2) Spanish articles.

Permission was just granted to us to pull excerpts from Dr. Nicolosi's 1999 book, Parent's Guide to Preventing Homosexuality that have been translated by a Spanish publisher.

We have received several articles that have been translated into Romanian that are ready to be posted on the website. Also, we are working with a woman who will start translating material into Chinese.

=====  
Date: Thu, 27 Jan 2005 19:17:57 EST  
Reply-To: Jews Offering New Alternatives to Homosexuality  
<JONAH@SHAMASH.ORG>  
Sender: Jews Offering New Alternatives to Homosexuality  
<JONAH@SHAMASH.ORG>  
From: Jonahhelp@AOL.COM  
Subject: Re: NARTH translation project  
MIME-Version: 1.0  
Content-Type: multipart/alternative;  
boundary="-----1106871476"

-----1106871476  
Content-Type: text/plain; charset="US-ASCII"  
Content-Transfer-Encoding: 7bit

Thanks for your suggestions XXXXX.

Your emails were bouncing recently according to the information we received from the listserv people. Please make sure it doesn't continue otherwise they may knock you off the list.

Best,  
Arthur

=====  
Date: Sun, 30 Jan 2005 21:17:15 EST  
Reply-To: Jews Offering New Alternatives to Homosexuality  
<JONAH@SHAMASH.ORG>

# EXHIBIT J

you who have traveled this path.

May you be inscribed in the book of life.

Best,  
Arthur

=====  
Date: Wed, 28 Sep 2005 00:50:42 EDT  
Reply-To: Jews Offering New Alternatives to Homosexuality  
<JONAH@SHAMASH.ORG>  
Sender: Jews Offering New Alternatives to Homosexuality  
<JONAH@SHAMASH.ORG>  
From: Jonahhelp@AOL.COM  
Subject: Sexual Reorientation Therapy Clients Rate Their Therapeutic  
Experience  
MIME-Version: 1.0  
Content-Type: multipart/alternative;  
boundary="part1\_12f.6684c277.306b7b22\_boundary"

--part1\_12f.6684c277.306b7b22\_boundary  
Content-Type: text/plain; charset="UTF-8"  
Content-Transfer-Encoding: base64

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VmFsdWVzIGF0IEdyb3ZlIENpdHkgQ29sbGVnZQoKwqAKCINlcHRlbnRlciAyNywgMjAwN0K  
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ZXJhcGlzdHMgd2hvIGNvbGxhYm9yYXRlIHdpdGggcGVvcGxlIHNIZWtpbmcgY291bnNlGlu  
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ciByZXZpZXdlZCAKc2Nob2xhcnc2IHBl1Ymxc2Y2F0aW9uLiAKCIRoZSBhcnRpb2xlLCDigJx  
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IHNIeHVhbCBvZW9yaWVuZGF0aW9uLiBQcmllvciAKcmVzZWZyY2ggaGFzIHNVdWdodCB0byBk  
ZXRlcm1pbmUgaWYgcGVvcGxlIGV4cGVyaWVuY2UgYmVuZWZpdCBvciBoYXJlIGZyb20gCnJl







Y2UgYSBnYXkgaWRlbnRpdHkuIDxCUj4KPEJSPgo8Qj5Nb3N0IG9mIHRoZSBwYXJ0aWNpcGFu  
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b3IgdG8gdGhlcmFweSBYXRIZCB0aGVtc2VsdmVzIGFzIGVpdGhlciBleGNsdXNpdmVseSBv  
ciBwcmVkb2lpbmFudGx5IGhldGVybn3NleHVhbCBhdCB0aGUgdGltZSBvZiB0aGUgc3R1ZHku  
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eSB0byBtdWNoIHByb2Zlc3Npb25hbCBhbmQgY3JpdGJjYWwgb3BpbmlvbiByZWdhcmRpbmcg  
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IHdobyByZXNwZWN0ZWQgdGhlaXIgb2JqZWN0aXZleyB3ZXJIIIGRlc2NyaWJIZCBhcyBiZWlu  
ZyBnZW5lcmFsbHkgaGVscGZ1bCB0aGVyYXBpc3RzLiBxaGVuIHRoZXJhcGlzdHMgZGVwYXJ0  
ZWQgZnJvbSB0aGUgb2JqZWN0aXZleyBhbmQgcGVyc3B1Y3RpdmVzIG9mIHRoZSBwYXJ0aWNp  
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QU5HPSIwIj48QII+CjxCUj4KPC9GT05UPjwvSFRNTD4=  
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Received: from Jonahhelp@aol.com by imo-d23.mx.aol.com (mail\_out\_v38\_r5.5.) id  
q.12f.6684c277 (4340) for <jonah@shamash.org>; Wed, 28 Sep 2005  
00:50:42 -0400 (EDT)

X-ASG-Orig-Subj: Sexual Reorientation Therapy Clients Rate Their Therapeutic  
Experience

MIME-Version: 1.0

Content-Type: multipart/alternative;  
boundary="part1\_12f.6684c277.306b7b22\_boundary"

X-Mailer: 8.0 for Windows sub 6811

X-Spam-Flag: NO

X-Virus-Scanned: by Atypica Spam Firewall at atypica.com

X-Barracuda-Spam-Score: 0.00

X-Barracuda-Spam-Status: No,  
SCORE=0.00 using per-user scores of TAG\_LEVEL=3.0  
QUARANTINE\_LEVEL=3.5 KILL\_LEVEL=4.3

Message-ID: <12f.6684c277.306b7b22@aol.com>

Date: Wed, 28 Sep 2005 00:50:42 EDT

Reply-To: Jews Offering New Alternatives to Homosexuality

Date: Wed, 28 Sep 2005 01:26:46 EDT

Reply-To: Jews Offering New Alternatives to Homosexuality  
<JONAH@SHAMASH.ORG>

Sender: Jews Offering New Alternatives to Homosexuality  
<JONAH@SHAMASH.ORG>

From: Jonahhelp@AOL.COM

Subject: Re: Sexual Reorientation Therapy Clients Rate Their Therapeutic  
Experience

MIME-Version: 1.0

Content-Type: multipart/alternative;  
boundary="part1\_8.712d728e.306b8396\_boundary"

--part1\_8.712d728e.306b8396\_boundary

Content-Type: text/plain; charset="US-ASCII"

Content-Transfer-Encoding: 7bit

XXXX,

What I posted was the press release summary, not the complete study. For more  
information, I suggest you read the study itself or feel free to contact  
XXXXX who is most accessible by email.

Best,  
Arthur  
>

=====  
Date: Thu, 29 Sep 2005 13:26:47 -0400

Reply-To: Jews Offering New Alternatives to Homosexuality

# EXHIBIT K

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

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.

Docket No: L-5473-12

(From an action pending in the Superior  
Court of New Jersey, Hudson County, Law  
Division)

**SUBPOENA DUCES TECUM**

THE PEOPLE OF THE STATE OF NEW YORK

To: David Rosenthal  
45 Salem Road  
Roslyn Heights, NY 11577

WE COMMAND YOU, that all business and excuses being laid aside, to appear and attend before a person authorized to give oaths on May 1, 2013 at 10:00 a.m., at One Liberty Plaza, New York, New York, 10006, and at any recessed or adjourned date to give testimony in this action, as described in Exhibit 1.

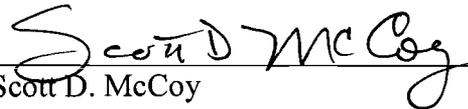
YOU ARE FURTHER COMMANDED TO bring with you and to produce at that time (and not sooner) the books, papers, documents and other tangible things identified in the attached Schedule A to Exhibit 1.

This action is pending in the Superior Court of New Jersey, Hudson County, Law Division, entitled *Ferguson, et al. v. JONAH, et al.*, Docket No. L-5473-12. The parties and their respective counsel of record in this action are identified in the attached Exhibit 2.

Failure to comply with this subpoena is punishable as a contempt of Court and shall make you liable to the person on whose behalf this subpoena was issued for a penalty not to exceed fifty dollars and all damages sustained by reason of your failure to comply.

Dated: New York, NY  
April 3, 2013

CLEARY GOTTlieb STEEN & HAMILTON LLP

By:   
Scott D. McCoy

One Liberty Plaza  
New York, NY 10006  
Telephone: (212) 225-2000  
Facsimile: (212) 225-3999  
E-mail: smccoy@cgsh.com

*Attorneys for Plaintiffs  
Michael Ferguson, Benjamin Unger, Sheldon Bruck,  
Chaim Levin, Jo Bruck, and Bella Levin*

## **Exhibit 1**

**LITE DEPALMA GREENBERG, LLC**

Allyn Z. Lite  
Jeffrey A. Shooman  
Two Gateway Center – Suite 1201  
Newark, NJ 07102  
(973) 623-3000

**SOUTHERN POVERTY LAW CENTER**

Morris Dees (*pro hac vice*)  
Christine P. Sun (*pro hac vice*)  
Samuel E. Wolfe (*pro hac vice*)  
Alesdair H. Ittelson (*pro hac vice*)  
400 Washington Ave.  
Montgomery, AL 36104  
(334) 956-8200

**CLEARY GOTTLIEB STEEN & HAMILTON LLP**

James L. Bromley (*pro hac vice*)  
Scott D. McCoy (*pro hac vice*)  
One Liberty Plaza  
New York, NY 10006  
(212) 225-2000

*Attorneys for Plaintiffs*

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  
HUDSON COUNTY, LAW DIVISION

Docket No: L-5473-12

CIVIL ACTION

SUBPOENA DUCES TECUM

**The State of New Jersey, to:**

**David Rosenthal  
45 Salem Road  
Roslyn Heights, NY 11577**

YOU ARE HEREBY COMMANDED to appear in person at One Liberty Plaza, New York, New York, 10006 on May 1, 2013 at 10:00 a.m. and there to testify as a witness in the above-captioned matter.

YOU ARE ALSO COMMANDED to bring with you and to produce at that time (and not sooner) the books, papers, documents and other tangible things identified in Schedule A attached hereto.

If you are notified that a motion to quash the subpoena has been filed, you shall not produce or release the subpoenaed evidence until ordered to do so by the court or the release is consented to by all parties to the action.

Failure to produce according to the command of this Subpoena shall subject you to such penalties as are provided by law.

Dated: April 3, 2013

A handwritten signature in cursive script that reads "Scott D. McCoy". The signature is written in black ink and is positioned above a horizontal line.

Scott D. McCoy  
Cleary Gottlieb Steen & Hamilton LLP  
Attorneys for Plaintiffs

## SCHEDULE A

## DEFINITIONS

The following definitions apply to each of the requests for documents set forth herein and are deemed to be incorporated into each of these requests.

- a. “Any and all documents” means every document within Your possession, custody or control.
- b. “Communication” means all verbal and written means of transmission or exchange of information, including but not limited to statements, admissions, denials, inquiries, discussions, conversations, negotiations, agreements, contracts, understandings and meetings.
- c. “Defendant” means JONAH, Inc. a/k/a JONAH (Jews Offering New Alternatives for Healing f/k/a Jews Offering New Alternatives to Homosexuality), Arthur Goldberg, Alan Downing, or Alan Downing Life Coaching LLC.
- d. “Document” or “documents” means all materials, as defined in R. 4:18-1(a), including without limitation all written, recorded, printed, typed, transcribed, filmed, digitized, or graphic matter, and all other tangible things and media upon which any handwriting, typing, printing, drawing, representation, electrostatic, or other copy, sound, or video recording, magnetic, or electrical impulse, visual reproduction, or communication is recorded, reproduced, or represented. This includes books, records, correspondence, reports, memoranda, electronic mail (i.e., e-mail), instant messages, social networking site messages and communications, text messages, all other forms of electronic communication, contracts, tables, tabulations, graphs, charts, diagrams, plans, schedules, appointment books, calendars, diaries, time sheets, reports, studies, analyses, drafts, telegrams, teletype or telecopy messages, archived voicemail, files, telephone logs and messages, checks, microfilms, microfiche, pictures, photographs, printouts, pamphlets, handouts, worksheets, electronic data compilations, tapes, diskettes, floppy disks, hard disks, optical disks, backup tapes, drives, removable media, typed or handwritten notes

(including notes of sessions) minutes, or transcripts of proceedings. Documents shall include originals and all non-identical copies (whether different from the original because of notes made in or attached to such copy, or otherwise), and other data or data compilations of whatever nature stored in any medium (including those from which information can be obtained or translated if necessary into a reasonably useable form), and any preliminary versions, drafts, or revisions of any of the foregoing. This term is further intended to include any computer records reflecting earlier drafts, revisions, addenda, amendments, and the like with regard to any responsive document. If documents are produced in electronic format, please include an electronic searchable objective index for all fields.

e. “Including” means including, but not limited to.

f. “Person” means any natural person, association, business, group, organization, legal entity, government entity, or other entity.

g. “Plaintiff” means Michael Ferguson, Benjamin Unger, Sheldon Bruck, Chaim Levin, Jo Bruck, or Bella Levin.

h. “Regarding” or “Relating to” any given subject means all documents which assess, concern, constitute, contain, describe, discuss, embody, evidence, identify, record, reflect, regard, show, state, or refer or relate, directly or indirectly, in any way, to the subject matter identified.

i. “You” or “Your” as used herein means the person to whom these document requests are addressed, including any affiliates, employees, partners, representatives, or agents of the person to whom these document requests are addressed.

## INSTRUCTIONS

a. Whenever necessary to bring within the scope of this Request documents that might otherwise be construed to be outside its scope:

- i. “and” and “or” shall be construed conjunctively and disjunctively;
- ii. “all” and “each” shall be construed as “all and each;”
- iii. the use of the singular form of any word shall include the plural and vice versa;
- iv. the use of a verb in any tense shall be construed as the use of that verb in all other tenses; and
- v. the use of the feminine, masculine or neuter genders shall include all genders.

b. No paragraph herein shall be construed with reference to any other paragraph for the purpose of limitation.

c. Unless otherwise indicated, the relevant time period for purposes of these Requests is between January 1, 1998 and the date trial commences.

d. All documents shall be produced in the manner in which they are maintained in the usual course of business. A request for a document shall be deemed to include a request for any and all file folders or binders within which the document was contained, transmittal sheets, cover letters, exhibits, enclosures, or attachments to the document in addition to the document itself.

e. All documents requested herein shall be produced in their entirety, along with any attachments, drafts, and non-identical copies, including copies that differ due to handwritten notes or other notes or markings.

f. Where a requested document is in a language other than English, in whole or in part, and an English or other translation(s) exists in whole or part, produce both the original non-English document and the English translation(s).

g. Provide all Electronically Stored Information (“ESI”) in the forms and manner specified in the attached ESI Production Specifications (Schedule B).

h. In the event respondent withholds any document called for by this Request on the basis of a claim of privilege or other right of nondisclosure, respondent shall provide, not later than the date responses to these requests are due, a privilege log separately identifying: (i) each document withheld; (ii) the type of document withheld (memorandum, letter, report, e-mail, etc.); (iii) the date of its creation, (iv) its subject matter; (v) its author; (vi) all persons who drafted, sent, received or were to receive any copy or version of it; and (vii) the basis for withholding the document.

i. In the event that any document called for by this Request has been destroyed or discarded, respondent shall provide, not later than the date responses to these requests are due, a written document identifying the document so lost, discarded, or destroyed as completely as possible, providing at least the following information: (i) the type of document withheld; (ii) any addressor and addressee; (iii) any indicated or blind copy recipients; (iv) the document’s date, subject matter, number of pages, and attachments or appendices; (v) all persons to whom the document was distributed, shown or explained; (vi) the document’s date of destruction or discard, manner of destruction or discard, and reason for destruction or discard; and (vii) the persons authorizing and carrying out such destruction or discard.

j. If objection is made to any of the Requests, the response shall state whether documents are being withheld from inspection and production on the basis of such

objection, or whether inspection and production of the responsive documents will occur notwithstanding such objection.

k. If there are no documents responsive to any particular request, the response shall state so in writing.

l. This Request is continuing in nature. You are required promptly to serve supplementary responses and produce additional documents if You obtain further or different information.

## DOCUMENTS REQUESTED

- Request No. 1: The full archives of the listserv identified as jonah@listserv.shamash.org or as jonah@shamash.org.
- Request No. 2: The full archives of any other listserv created, co-created, owned, managed, or administered by or on behalf of any Defendant or by any user of an account created or co-owned by or on behalf of any Defendant.
- Request No. 3: Any and all postings made to any Shamash.org listserv by any Defendant or Plaintiff other than those covered by requests 1 and 2.
- Request No. 4: Any and all documents or communications relating to any Defendant.
- Request No. 5: Any and all communications regarding this lawsuit.
- Request No. 6: Documents sufficient to show Your hosting, document retention, and archiving policies and practices.

SCHEDULE B

## ESI Production Specifications

### 1. FILE FORMATS

- 1.1 Each document shall be provided with all of its attachments with family relationships indicated using the Beg\_Family and End\_Family metadata fields described in 2.1 below.
- 1.2 All documents shall be produced in standard single-page Group IV TIFF format, *except* that the following shall be produced in native format:
  - (a) any audio, audiovisual, video, and any other file that is unreadable or has limited accessibility in the Group IV TIFF format; and
  - (b) Microsoft Excel files and other spreadsheets to the extent such files do not require redactions.
- 1.3 The parties shall meet and confer in good faith to determine a reasonable manner for producing the relevant information to the extent a response to discovery requires production of information contained in a database or any other format not reasonably producible in TIFF or native format.
- 1.4 Documents produced in TIFF format shall be produced with Bates numbers stamped on each page. Bates numbers shall be of constant length, be sequential across a document and its attachments, be unique across the entire production, and contain no special characters except dashes.
- 1.5 Any native files that are produced shall also be produced with a one-page Bates-numbered TIFF image slip-sheet stating “Document has been produced in native format.”
- 1.6 The responding party will make reasonable efforts to ensure that documents produced in TIFF format are readable. For good cause, the requesting party may request that documents originally produced in TIFF format be re-produced in native format, which request shall not unreasonably be denied. The requesting party shall identify documents for re-production by Bates number and provide an explanation of the need for native files.
- 1.7 The responding party will make reasonable efforts to process fully all documents for production. For any documents not fully processed, the responding party shall produce a TIFF image with the reason the document was not processed.
- 1.8 A Concordance-compatible image load file shall be included with each production.
- 1.9 Documents produced in the Group IV TIFF format shall be produced such that comments, notes, speaker notes, track changes, hidden rows, hidden columns, and any other hidden or invisible text are displayed.
- 1.10 Any redactions applied to documents shall contain text indicating the basis for redaction (e.g., “A/C Privilege”).

## 2. METADATA

2.1 For each document, the responding party shall provide the metadata specified below, to the extent they can reasonably be extracted or otherwise provided, in a delimited text file.

Metadata Field	Description	Examples
<b>Production Metadata Fields for All Documents</b>		
Beg_Doc	Bates number for the first page of the document	[Bates Prefix]-00000001
End_Doc	Bates number for the last page of the document	[Bates Prefix]-00000010
Beg_Family	Bates number for the first page of the parent document (i.e., an email or other document containing attachments)	[Bates Prefix]-00000001
End_Family	Bates number of the last page of the last attachment to the parent document	[Bates Prefix]-00000015
Confidentiality Designation	The confidentiality designation of the document, if any	Confidential, Highly Confidential
Redaction	For documents containing redactions, the basis for such redactions	Privileged, Personal, Proprietary
Exception	For documents not processed, the reason for the document not being processed	Encrypted, Corrupted
Hash Value	The MD5 or SHA-1 hash value for the item	
Native File Link	File path to the native file on the production media if applicable (a.k.a. production file path)	Prefix001\NATIVES\000\ Prefix00000001.msg
Custodian	Name of the custodian or custodians who possessed this item or exact duplicates thereof.	Jones, Barbara
Document Type	Type of item being produced	Email, Email Attachment, Electronic Document, Hardcopy Document
Device	Device from which the document was collected	Laptop hard drive, Desktop hard drive, Blackberry, shared drive, Exchange server
File Path	Original location of the file when collected from the source custodian or system	C:\My Documents\Deal Documents
<b>Additional Document Metadata Fields for Hardcopy Documents</b>		
Location	Original location of the document	Office, Home office, Secretary's office
Box	Any label on the box or filing cabinet where the document was originally located	ABC Corp. Acquisition
Folder	Any label on the folder where the document was originally located	Correspondence, Board Materials

<b>Metadata Field</b>	<b>Description</b>	<b>Examples</b>
<b>Additional Document Metadata Fields for Electronic Documents and Attachments</b>		
Original file name	Original name of the file when collected from the source custodian or system	example.doc, file.xls
File Type	File type or application used to create the underlying native file	Excel, Word, PowerPoint, MP3
Master Date	For email attachments, the date of the parent email	MM/DD/YYYY
Title	Title of the document	Purchase Agreement
Author	Author of the document	Barbara Jones
Creation Date	Date the item was created	MM/DD/YYYY
Modified Date	Date the item was last modified	MM/DD/YYYY
<b>Additional Document Metadata Fields for Email and Other Electronic Communications</b>		
Date Sent	Date and time the email message was sent, using a 24-hour clock, in Greenwich Mean Time (GMT)	MM/DD/YYYY HH:MM:SS
Date Received	Date and time the email message was received, using a 24-hour clock, in Greenwich Mean Time (GMT)	MM/DD/YYYY HH:MM:SS
To	Addressee(s) of the email message	Barbara Jones barbarajones@co.com
From	Name and email address of the person who sent the email message	Barbara Jones barbarajones@co.com
CC	Recipient (s) included in the "cc" line of the email message	Barbara Jones barbarajones@co.com
BCC	Recipient(s) included in the "bcc" line of the email message	Barbara Jones barbarajones@co.com
Subject	Subject line of the email message	FW: your message
Email Folder	The name of the email folder in which the email message was located	Inbox, Sent, Deal Documents

### 3. EXTRACTED TEXT

- 3.1 For each document, the responding party shall provide a text file containing the text extracted directly from the native electronic version of that document, unless the document was redacted, is an image file, is a scanned hardcopy document, or is in another format from which text cannot be reasonably extracted. In these instances, provide a text file created using optical character recognition (OCR) to the extent reasonably practicable.
- 3.2 The text file name containing the extracted or OCR text should be named with the Beg\_Doc number of the document.

4. **DEDUPLICATION**

- 4.1 A document is an exact duplicate of another document only if it and all its family members have the same MD5 or SHA-1 hash values as the other document and its family members.
- 4.2 If a document and its exact duplicates are associated with the same custodian, the responding party shall withhold the exact duplicates from production.
- 4.3 If a document and its exact duplicates are associated with different custodians, the responding party shall withhold the exact duplicates from production and provide a metadata field for the produced document indicating the custodians for whom duplicates were withheld.

**PROOF OF SERVICE**

I, \_\_\_\_\_, being over the age of 18, served the attached subpoena by delivering a copy to \_\_\_\_\_ at \_\_\_\_\_ and by handing him/her the fee of \$2.00 for one day's attendance and, if applicable, a mileage fee of \$\_\_\_\_\_, as allowed by law.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated \_\_\_\_\_

## Exhibit 2

Counsel of Record

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