

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION - CIVIL PART  
HUDSON COUNTY  
DOCKET NO. HUD-L-5473-12  
APP. DIV. NO. \_\_\_\_\_

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MICHAEL FERGUSON, et al., :  
 : TRANSCRIPT  
Plaintiffs, :  
vs. : OF  
 :  
JONAH, ARTHUR GOLDBERG, ALAN : TRIAL  
DOWNING and ALAN DOWNING LIFE :  
COACHING, L.L.C., :  
 :  
Defendants. :  
 :  
 :

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Place: Hudson County Superior Court  
Administration Building  
595 Newark Avenue  
Jersey City, N.J. 07306

Date: June 8, 2015  
Volume 2 of 2  
Pages 201 - 275

B E F O R E:

HONORABLE PETER F. BARISO, JR., A.J.S.C.,  
And a Jury.

TRANSCRIPT ORDERED BY:

JODI ERICKSON, ESQ.,  
(Cleary, Gottlieb, Steen & Hamilton, L.L.P.)

Audio Recorded by: C. Ortiz

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Audio Recorded by: C. Ortiz

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1 600 pages. You use the word "neuroses" with respect to  
2 certain types of homosexual behavior I believe. What  
3 were you referring in apparently the one place where  
4 you used that word in the context of homosexual  
5 behavior?

6 A Well it was -- it's really talking about a  
7 compulsion of people who are in a compulsive pattern, a  
8 repetition pattern. I believe that sentence -- the  
9 first part of that sentence talks about a pattern of  
10 cyclical something or other. I don't really know the  
11 exact words. But it's, it's talking about patterns.  
12 And so it's really talking about a compulsion. And  
13 it's not, it's not giving a psychological definition,  
14 per se.

15 Q Okay. But that, that's true of a  
16 heterosexual that has, say, a pornography addiction,  
17 where they're acting compulsively and in a way maybe  
18 that they themselves don't want to be doing.

19 A Absolutely. And in fact I believe somewhere in  
20 there I talk about the fact that, you know, I -- that  
21 we talk about -- I talk in here about homosexuality.  
22 But understand that because this book is so long and  
23 so, so much detailed on homosexuality, I'm not ignoring  
24 the fact that heterosexuals can also have this kind of  
25 compulsive, repetitious behavior.

1 Q Okay, thank you. You were asked about  
2 whether you've used the phrase "gay to straight". Can  
3 you explain more specifically what's involved if  
4 someone -- first of all, do people who come to JONAH  
5 usually identify as gay?

6 A No, most people who come to us, come to us  
7 confused. And they basically say, you know, I'm  
8 conflicted, I'm not sure. You know, my religious  
9 values are telling me one thing. My feelings are tell  
10 -- or my behavior or society's, you know, message of my  
11 identity is telling me something else. And so, they  
12 have this conflict that they're dealing with.

13 Q If someone is happy being gay and they have  
14 no desire to change, would you even presume to help  
15 them change?

16 A No, I basically tell them there's lots of places  
17 where they can go for gay affirmative counseling.

18 Q Okay. And you're not, you're not going to  
19 judge them one way or the other?

20 A No, absolutely not. And again, in the book, for  
21 example, I speak about that. And, and in other places  
22 I speak about it. I mean, clearly, you know, not  
23 everybody is going to want to change. It's hard work.  
24 It takes effort. And --

25 Q Sometimes do these problems, these underlying

1 wounds you refer to take years to develop?

2 A Abs -- they -- well I will sometimes in a joke to  
3 people, and I'll say I'm joking when I say this. I'll  
4 say how old are you to the person. And they'll say  
5 whatever, 24. And I'll say well it's taken you 24  
6 years to get to where you are. Thank God it's not  
7 going to take you 24 years to overcome it. But it  
8 ain't going to happen in 24 minutes.

9 Q Okay, got you. What are the three levels you  
10 referred to regarding if someone who wants to try and  
11 embark on this effort to go from gay to straight or to  
12 overcome SSA?

13 A Well essentially it is -- there's three different  
14 levels. There's -- again, I'll sometime make a joke  
15 and say it's the FBI, but not the Federal Bureau of  
16 Investigation. It is instead feelings, behavior and  
17 identity. And those are three components. Now most  
18 people will go from feelings to behavior to identity,  
19 but not always. Sometimes people start with the  
20 behavior without having the feelings. They'll be  
21 experimenting. Sometimes start with the identity  
22 because, you know, that's what they've been programmed  
23 into by whatever messages they've received. But the,  
24 the predominant format is feelings to behavior to  
25 identify.

1 Q So identity, someone could say they're gay,  
2 they're straight. I mean, that's a label that we --

3 A That's a, that's a self-imposed label. And the  
4 word "gay" is really a psychoso -- is really a -- it's  
5 a, it's a political identity. The word "gay" applying  
6 to homosexuals did not exist 20, 25 years ago.

7 Q Now the behavior aspect I would assume, would  
8 that be the same, if the people choose to behave a  
9 certain way or not choose to behave in a certain way?

10 A Some, some people can be -- can have a compulsion  
11 to act in a certain way. But yes, that's where the  
12 free choice comes in. That's where the free will comes  
13 in. God has given us free will in terms -- in fact in  
14 the Torah, in the five books of Moses, it's the  
15 behavior that is specifically prohibited, not the  
16 feelings.

17 Q I'm not going to go through all the e-mails  
18 you were shown. But do you have any reason to believe  
19 the plaintiffs actually saw any or all of those e-mails  
20 if they were not directed to them?

21 A I would have no reason to believe they, they  
22 looked at everything because not everybody looks at  
23 everything on the Listserv. And I believe some of the  
24 dates are outside of the dates that are, that are on  
25 the Listserv.

1 Q Okay. You were asked about -- again,  
2 finishing up the cross-examination part here. When you  
3 gave an answer of where you get the, the evidence about  
4 client outcomes and they said -- you were asked would  
5 you say it's an estimate when you present this number.  
6 You said whatever.

7 MR. LI MANDRI: I'd like to play if you --  
8 again, Your Honor, the very next question and answer of  
9 the statement. Probably less than 30 seconds.

10 THE COURT: Okay.

11 MR. LI MANDRI: Page 111, lines 20 through  
12 25, right after the answer "whatever". Page 111 of the  
13 deposition of February 18, 2014, lines 21 through 25.  
14 Can we do -- do you have that? All right, then I'm  
15 going to read.

16 Q The question, the very next question from Ms.  
17 Bensman is "So you don't have a reason." And the  
18 answer is, "It's -- I am basically saying that it's a  
19 number that I believe, based upon my experience of  
20 people who start and complete programs, that is  
21 probably a logical number. Most people who fail drop  
22 out of the program." Was that your answer at that time  
23 to the very next question and --

24 A Yes, sir.

25 Q -- and answer? So do you rely on anecdotal

1 evidence based people that you see going through the  
2 program who do come back and talk to you?

3 A Yes, and I also relied upon surveys that are done  
4 by other people, such as People Can Change has done a  
5 couple of surveys. Alan Downing has done a survey.  
6 Thaddeus Heffner has done a survey. Various people  
7 have done surveys.

8 Q Okay. And did you also, in response again to  
9 Ms. Bensman's questions, mention various studies? I'm  
10 not going to ask you to get into the contents of those,  
11 but --

12 A There are numerous educational materials and peer  
13 reviewed materials out there that refer to percentages  
14 of healing, that refer -- there's, there's dozens of  
15 stuff out there.

16 Q Let's just -- without looking at any  
17 contents, the same exhibit that Ms. Bensman showed you,  
18 but not this part of it, was P, as in Paul, 257,  
19 plaintiff's 257.

20 MR. LI MANDRI: If you can put that up  
21 please. Just the first paragraph, if you put that up  
22 and enlarge that please?

23 Q You wrote, "I'm sure Elaine responded to your  
24 e-mail request much earlier. However, since I was  
25 reviewing some old e-mails, I wanted to provide a

1 direct answer to points you raised. 1) medical science  
2 has indeed shown that homosexuality is an emotional  
3 adaptation, and thus, three identification and thus,  
4 readaptation can and does occur. 2) there are over 200  
5 studies showing people desirous of change are capable  
6 of change. 3) success rate is approximately two-thirds  
7 of those who enter the program who espouse ... does  
8 include people who make progress and don't necessarily  
9 reach all their goals?

10 A Yes, yes.

11 Q Okay. And 4), I think you testified to this,  
12 "If someone is happy being gay, we have no quarrel. We  
13 only work with people who are unhappy being gay." Is  
14 that right?

15 A That is correct.

16 Q You're not out there trying to rope people in  
17 that don't want to be there, are you?

18 A No, the magic phrase we always use is unwanted  
19 same sex attraction.

20 Q Let's look at the next exhibit briefly that  
21 Ms. Bensman showed you.

22 MR. LI MANDRI: P-248, the second paragraph,  
23 the last sentence.

24 Q Let's see, "What research shows, which is the  
25 last case review, of over 200 --

1 A 600.

2 Q -- oh, I'm sorry, 600 peer review studies  
3 that respond to common ... well forget the last part.  
4 But there were 600 studies you were referring to here,  
5 right?

6 A Yes, sir.

7 Q And you're saying peer review.

8 A Yes, sir.

9 Q Now you were once asked you don't have to try  
10 to justify every study I think Ms. Bensman said on some  
11 type of radio program or whatever it was. It would be  
12 kind of hard to be going into an analysis of studies on  
13 a format like that, wouldn't it?

14 A Yes, it's, it's very difficult. I mean, the point  
15 is there are, there are numerous studies out there that  
16 clearly evidence the point of view that I'm talking  
17 about.

18 Q Okay. And when you say peer review, what's  
19 your understanding of that?

20 A Peer reviewed is a concept that --

21 THE COURT: Sustained. Go quicker, Counsel.

22 Q You were asked about exhibit 79, which is not  
23 dealing with studies I believe, paragraph two. Would  
24 you look at exhibit 79?

25 MR. LI MANDRI: It would be P-79, paragraph

1 two.

2 Q You were shown this document, not this  
3 paragraph. And it says, "Throughout the ages the rabbi  
4 reviewed teshuvah as a process, not a single act to  
5 change an activity that is inconsistent with God's plan  
6 of creation." And then you go on to quote this rabbi,  
7 JB --

8 A Soloveitchik.

9 Q "He explains that repentance is not a  
10 function of a single decisive path, but growths and  
11 gains in size slowly and gradually until the penitent  
12 undergoes complete metamorphosis. And then after  
13 becoming a new person, and only then does repentance  
14 take place." He said, "In much the same way, healing  
15 from SSA does not occur with a bolt of lightning, a  
16 silver bullet, if you will. Rather, it is through a  
17 gradual process of growth and renewal in which one  
18 fills in his development gaps. Both teshuvah and  
19 gender affirming processes or life affirming processes,  
20 they counteract a form of death, of form of death in  
21 life. It's like a numbing and, therefore, enhance the  
22 personal processes of renewal and growth. Those  
23 processes also involve future corrections of something  
24 in the past because only the future can transform the  
25 transcendencies of the past." Does that fairly

1 represent, when you talk about trying to integrate  
2 religion --

3 A Yes.

4 Q -- as well as the secular techniques?

5 A Yes, sir.

6 Q And you have rabbis that support you in your  
7 work?

8 A Yes.

9 Q In fact did rabbis write endorsements for  
10 your book?

11 A Yes, sir.

12 Q And counsel shows you the advertisement for  
13 the book. And quoting certain portions of that  
14 advertisement, I'd like to -- just if you can take a  
15 look at one other quote from the advertisement for the  
16 book, which is joint exhibit 51.

17 THE COURT: Right at the top there, the first  
18 couple of paragraphs -- there you go. You can enlarge  
19 those.

20 Q This is an endorsement by Jeffrey Satinover,  
21 Ph.D, MD. Do you see that?

22 A Yes, yes, sir.

23 Q And he says he's the former Williams James  
24 lecturer in psychology and religion at Harvard  
25 University and past president of the CG Young Institute

1 of New York. Is that right?  
2 A Yes, sir.  
3 Q You understand that this guy also has degrees  
4 from MIT, has a couple of --  
5 A He has like --  
6 Q -- Ph.D's in --  
7 A -- three or four doctorates.  
8 MS. BENSMAN: Objection, Your Honor, hearsay.  
9 THE COURT: Counsel, can we just say what's  
10 in this document please? Unless there's, unless the CV  
11 has been provided for --  
12 MR. LI MANDRI: Okay.  
13 THE COURT: -- Dr. Satinover, I don't think  
14 anybody is competent to tell us what his background is.  
15 Q Do you know him?  
16 MS. BENSMAN: Your Honor, we also --  
17 THE COURT: No.  
18 MS. BENSMAN: -- want to object on hearsay  
19 grounds --  
20 THE COURT: Well it's --  
21 MS. BENSMAN: -- to the content of the quote.  
22 THE COURT: Well you -- this is a document  
23 that you used and it's a joint exhibit. That objection  
24 is overruled.  
25 It says what he is. He's got a Ph.D and MD.

1 MR. LI MANDRI: Thank you. He's got more  
2 than one Ph.D, --  
3 THE COURT: Well --  
4 MR. LI MANDRI: -- okay.  
5 Q Did he write that your book "... was a  
6 brilliant, compassionate and remarkably compelling  
7 book. I consider it among the best, maybe the best  
8 ever written on the subject, not just of homosexuality,  
9 but of the capacity for human change of heart"?  
10 A Yes, sir, he did write that.  
11 MR. LI MANDRI: Okay. I'd like to start my  
12 direct exam, Your Honor, please.  
13 THE COURT: No, wait, wait.  
14 MR. LI MANDRI: Thank you.  
15 THE COURT: Before you do that, any redirect,  
16 just on what was covered in the cross.  
17 MS. BENSMAN: Yes, Your Honor, very briefly  
18 if I may.  
19 THE COURT: Yes, very briefly. Because I'm  
20 sure there's going to be cross after the direct.  
21 MS. BENSMAN: Yes, Your Honor.  
22 MR. LI MANDRI: Shall I sit down or counsel  
23 -- it's kind of hard to navigate through here.  
24 THE COURT: You can stand if you want. It's  
25 up to you.

1 MS. BENSMAN: Your Honor, may I show  
2 plaintiffs' 224?

3 MR. LI MANDRI: No objection.

4 THE COURT: Okay.

5 REDIRECT EXAMINATION BY MS. BENSMAN:

6 Q Mr. Goldberg, I believe you just testified  
7 that you normally use the term of doctor in academic  
8 settings rather than with the potential clients. I'd  
9 like you to take a look at third page of this document.

10 MS. BENSMAN: And if we could enlarge that e-  
11 mail?

12 Q "Hi, Dr. Goldberg. Thank you for yesterday.  
13 We look forward to receiving the list of good and  
14 recommended therapists in the city." So it sounds like  
15 this is an e-mail from a potential client, right?

16 A It is not. This, this was on the Nefesh Listserv.  
17 Because I saw on the first page that it talked about  
18 thank you to -- I cited Nelson Solomon or something  
19 like that, which means it would have come from the  
20 Nefesh Listserv, which is an organization of orthodox  
21 mental health people.

22 MS. BENSMAN: Can we please turn back to the  
23 first page?

24 Q Could you --

25 MS. BENSMAN: If we could just enlarge the

1 first e-mail. Exactly.

2 Q Mr. Goldberg, what is it here that makes you  
3 believe that this is from the Nefesh Listserv, as you  
4 just said?

5 A It says all -- in the second part it says, "Also  
6 for now I am signing with Nathan Solomon namely because  
7 I can get reimbursed from the insurance. So she -- and  
8 I also spoke with Dr. Schwimmer ... this is whoever  
9 wrote this. So this clearly is coming from the Nefesh  
10 Listserv. Because Nathan Solomon, Dr. Schwimmer, these  
11 are all people who are orthodox mental health  
12 professionals. And that's where this e-mail would have  
13 come from.

14 Q Okay.

15 MS. BENSMAN: Can we turn to the second page?  
16 Okay. Can we look at the bottom e-mail on the second  
17 page. Thank you.

18 Q And here you wrote, "It's truly a pleasure to  
19 get to know you both and I look forward to being of  
20 assistance. I hope you had a good visit with Alan  
21 Downing yesterday. He really is a quality counselor",  
22 right? So it sounds like you're writing to someone you  
23 met with, to whom you recommended Mr. Downing, right?

24 A Not necessarily. I mean, people do come in and  
25 talk about -- I mean, I don't know. The answer is I

1 don't know.

2 Q Okay.

3 MS. BENSMAN: Can we look at the second  
4 paragraph of that e-mail?

5 Q And there it says, "Have you considered  
6 joining the e-mail support group I mentioned?" That's  
7 the support group that you recommend to people you  
8 describe as strugglers, right, people who have unwanted  
9 same sex attraction?

10 A Yes.

11 Q Okay.

12 MS. BENSMAN: And if we could just look at  
13 the entire response that's on the bottom of that page?

14 Q Now, Mr. Goldberg, nowhere in this e-mail do  
15 you say I'm not a doctor, right?

16 A That is correct, but I don't think I was obligated  
17 to do so. As I say, people refer to me sometimes as a  
18 -- they assume I am because of the respect they have.

19 Q Okay.

20 MS. BENSMAN: Can we please show plaintiffs'  
21 229 one more time?

22 Q Mr. Goldberg, this is an e-mail we looked at  
23 before, an e-mail you wrote.

24 MS. BENSMAN: Can we just enlarge the  
25 signature please?

1 Q That doesn't say lay counselor, does it?

2 A No, it does not. This when I had the  
3 certifications, so that's why I used it. And this was  
4 done in an academic setting.

5 MS. BENSMAN: Nothing further, Your Honor.

6 THE COURT: Maybe what we'll do is, since we  
7 don't break up the direct, maybe we'll take our  
8 afternoon break now rather than wait 15 minutes, if  
9 that's all right with you, Counsel.

10 MR. LI MANDRI: Fine. We'll do whatever you  
11 prefer, Your Honor.

12 THE COURT: Because I just think this way we  
13 won't go for 15 minutes and then stop.

14 So why don't we take our afternoon break now,  
15 ladies and gentlemen? And we'll take a 15-minute  
16 break. I'm looking at the clock up there. So if we  
17 can be back here to start promptly at -- well let's say  
18 ten of since we're in between numbers there. Thank you  
19 very much. And again, please do not talk about the  
20 case.

21 (Jury leaves the courtroom)

22 THE COURT: Okay. We'll resume at ten of.  
23 Thank you.

24 (Recording paused)

25 (Jury enters the courtroom)

1 THE COURT: All right. All eight jurors are  
2 present and accounted for. Once again, thank you very  
3 much for your promptness in returning from the break.  
4 We will now have --

5 Mr. Goldberg, you can come forward please.

6 This will now be what I will term the direct  
7 examination of Mr. Goldberg by his counsel.

8 All right, Counsel.

9 MR. LI MANDRI: Thank you, Your Honor.

10 DIRECT EXAMINATION BY MR. LI MANDRI:

11 Q Good afternoon, Mr. Goldberg. Would you  
12 please tell us a little bit about your background,  
13 starting with your education?

14 A Yes, sir. I'm a graduate of Jersey City public  
15 high schools. I went to American University  
16 undergraduate school where I graduated with honors. I  
17 then went to Cornell Law School where I was editor of  
18 the Cornell Law Forum. Upon graduation from law school  
19 I took a job -- I was hired as an assistant professor  
20 at the University of Connecticut School of Law. After  
21 that I worked down in Washington as an administrative  
22 assistant to a congressman. After that, I think that  
23 was the period that I had a few months where I helped  
24 my dad out. He had a heart attack and I was then  
25 helping him with his legal practice. I then became

1 deputy attorney general of the State of New Jersey.

2 Q There's, I take it, more than one of those?

3 A There -- yes, sir, there's more than of those.

4 Q A bunch of them.

5 A There's a whole bunch.

6 Q Okay, go ahead.

7 A And after that I went to Wall Street where -- well  
8 I was at the state of -- while I was deputy attorney  
9 general I basically helped structure and write  
10 legislation for and counseled some of the revenue bond  
11 agencies there, which is where I learned the revenue  
12 bond business. And then I went to Wall Street to work  
13 in, to work in the revenue bond business for a firm  
14 named Matthews and Wright. It was eventu -- originally  
15 called Advance Securities Corporation. And then it  
16 changed names to Matthews and Wright. I worked there  
17 for 20 some odd years. I don't remember the exact  
18 number of years. And after I left there I became an  
19 independent financial consultant for a few years. And  
20 then I retired from gainful employment and have been --

21 Q Well when approximately did you retire from  
22 gainful employment?

23 A Probably around '95, '96, '97. I'm not sure  
24 exactly.

25 Q Okay. Can you tell us about some of the

1 nonprofit work you did even before JONAH?

2 (The witness microphone fades out)

3 A Oh, yes, I was very, very involved with civil  
4 rights work. I was down south doing voter registration  
5 drives, freedom, freedom, freedom rides on the buses  
6 and all that kind of good stuff. I just still have a  
7 little bit of a scar on top of my head from beaten up  
8 once. I also did a lot of low income public housing  
9 stuff. I was -- worked with the South Bronx community  
10 -- I was the director with the South Bronx Community  
11 Housing Corporation. I worked with CORE. I worked  
12 with SNCC. I helped found the Law Students Research  
13 Council when I was in law school. I was on the housing  
14 and development board, advisory board for low income  
15 housing material. I was president of the Section 23  
16 housing association, which is a major subsidized  
17 housing program for a few years --

18 Q It get you. It's all nonprofit you were  
19 doing?

20 A This is all nonprofit work --

21 Q As a public service?

22 A Yeah, my, my whole life has been dedicated to  
23 trying to help people, trying to assist others because  
24 I believe that God gave me some gifts that I can use to  
25 help others.

1 Q Have you gotten any awards or honors for your  
2 pro bono, you know, public service work?

3 A Yes, I mean, among, among the honors I've gotten  
4 -- I've gotten, I've gotten several, but I, I did the  
5 Natchez College in Natchez, Mississippi, a honorary  
6 doctorate degree for a program that I created for them  
7 with -- I noticed -- I was down, I was down in  
8 Mississippi and I was getting a tour of the college. --

9 (Witness microphone adjusted and fades back in)

10 A -- And I also notice an empty dormitory. And I  
11 also noted that they had a Head Start day care center  
12 on the campus. And that was for the kids in town who  
13 were under five-years-old trying to get some  
14 educational advancement. And so I said to Dr. Odessa  
15 Reeves (phonetic), who was the chairperson of the  
16 board, who was giving me the tour, I said why -- you  
17 have an empty dormitory over there and have, you know,  
18 a day care center over here. Why don't you try to  
19 recruit to the college unwed mothers who have dropped  
20 out of school and allow them to come down, stay in the  
21 dorm with their under five-year-old child? And they  
22 can send the kids to the day care center over there.  
23 And --

24 Q You got a honorary degree for that. That  
25 ended up being a good program.

1 A That ended up being a major program. They, they,  
2 they implemented and they gave me an honorary doctorate  
3 for that.

4 Q Okay. Have you done pro bono work for  
5 refugees?

6 A Yes, I found an organization called the Community  
7 for the Absorption of Soviet Emigres, which basically  
8 helped me settle a number of Soviet ref -- well  
9 actually refugees from the behind the Iron Curtain. It  
10 was not only Soviet refugees, but it was also Polish  
11 refugees when they had the big -- the shipyard where  
12 the guy basically -- I can't remember his name right  
13 now -- Wolensa -- Woleksa --

14 Q Lech Walesa.

15 A Yeah, right. And a lot of people came out of  
16 Poland during that period of time. We helped save --

17 Q So it wasn't just Jews. It wasn't people --

18 A It wasn't only Jews. It was Polish Catholics. It  
19 was Rumanian Orthodox, and it was Jews coming out of  
20 the Soviet Union. And also Muslims coming out of  
21 former the Soviet Union.

22 Q Are you still doing that work?

23 A I'm still doing that work. And we have an art  
24 museum downtown called the Museum of Russian Unofficial  
25 Art, a museum of Russian art. I don't know how they

1 got the word "unofficial". Because in the old days the  
2 artists who wanted to exhibit in the form of the Soviet  
3 Union, it had to be unofficial art. They -- and there  
4 was -- and the art was bulldozed in Moscow.

5 Q Okay, fair enough. And how about with your  
6 synagogue? Have you held any posts, public service  
7 there?

8 A Yes, I'm president of my orthodox synagogue twice.  
9 Once, in a synagogue that's called the new synagogue  
10 and then the Sherman Avenue Mount Sinai Synagogue for  
11 five years. I was vice-president before that and, you  
12 know, kind of moved up the chairs.

13 Q Okay. Are you still active in your faith?

14 A I'm still active in the faith, yes, I am.

15 Q How did JONAH come about? Can you please  
16 tell, tell us?

17 A JONAH came about because I had a son who was  
18 struggling with homosexuality. I wanted to do some  
19 research into it, find out what it was all about. And,  
20 you know, kind of -- I kind of assumed as a New York  
21 Jewish liberal, so to speak, that they were born that  
22 way. And then when I started reading the material I  
23 realized no, this comes about from emotional wounds of  
24 various sort. And I realized there was nothing, but  
25 nothing in the Jewish world. There was no, no -- there

1 was a lot of Christian-based organizations. There were  
2 some secular based organizations, but there was nothing  
3 in the Jewish world. And so I kind of, you know,  
4 prayed about it one day and said maybe this is the  
5 message God's given me. Maybe the reason my son has  
6 is, is that He knows I've been social activist all my  
7 life and maybe this is the act -- this is the way He  
8 wants to lead me to, what kind of activism He wants me  
9 to do.

10 Q Okay. So how did you meet up with Elaine  
11 Berk?

12 A Basically I called this organization called NARTH,  
13 which was referred to in previous testimony, asking for  
14 a list of therapists in New York City/New Jersey  
15 metropolitan area. They gave me a list. I noticed the  
16 name of one particular lady by the name of Nava Raphon,  
17 who was obviously, by her name to me, she is Israeli.  
18 I mean, I assumed that from the name. I called her,  
19 asked her whether she knew any other people that might  
20 want to have a support group of some sort to help us --  
21 to help deal with the issue. She, in turn, said yes, I  
22 have a couple that I'm working with. I'll call you  
23 back. I've got to get their permission to put you in  
24 touch. She spoke to Elaine and her husband. In turn,  
25 we got in touch. We talked. And we decided to kind of

1 create a program.

2 Q Okay. And is that how JONAH came about, you  
3 met with Elaine Berk?

4 A Yes, that is, yeah, that is correct, sir.

5 Q It was your understanding she was going  
6 through a similar situation in her family?

7 A Yes, sir.

8 Q Okay. By the way, are you still close to  
9 your gay son?

10 A Very much so.

11 Q Okay. He still chose to be gay.

12 A Yes, and I don't put any pressure on him  
13 whatsoever. I mean, it's, it's his choice. As I said  
14 before, it's a question of free will and free choice.  
15 And if that's the life that he wants to lead, that's  
16 fine. He still lives in the same building I live in.  
17 And I see him regularly, have dinner with regularly, et  
18 cetera, cetera.

19 Q Now what are the division of responsibilities  
20 between you and Elaine Berk with regard to being co-  
21 directors of JONAH?

22 A Elaine basically handles most of the written  
23 materials, the Listserv, that kind of thing. She  
24 responds to inquiries that come in. I, in turn, do --  
25 answer most of the phone calls. I also try to put

1 together some of the academic material, which she is a  
2 great editor of, so it works out terrifically.

3 Q Okay. And was it your responsibility to see  
4 that JONAH was properly constituted as a nonprofit  
5 under the laws of the State of New Jersey?

6 A Yes, sir, we formed an Articles of Incorporation  
7 1999. I guess we probably started in late '98, but we  
8 actually incorporated in '99. And, yes.

9 MR. LI MANDRI: Let's look at exhibit D-247  
10 please, just the cover to start with.

11 THE COURT: Any objection?

12 MS. BENSMAN: I'm just pulling it up, Your  
13 Honor. No objection.

14 THE COURT: Okay.

15 MR. LI MANDRI: Show the title please. Just  
16 tell me when we're at the title.

17 Q Okay. And let's -- so this is the  
18 incorporation, this -- it's shown down below. It  
19 really doesn't show much there with the title. Okay.  
20 So this is the incorporation of JONAH as a nonprofit.

21 A Yes, sir.

22 MR. LI MANDRI: Okay. Let's go to the first  
23 page. It's the only page we're going to look at. All  
24 right. And look at part A and B, if you can kind of  
25 enlarge those or at least part 2A. Okay.

1 Q So what is the purpose of JONAH?

2 A Well it says in the Articles of Incorporation is,  
3 is that it's any purpose permitted by the statute,  
4 which was Title 15, but not limited specifically the  
5 educational purpose of making available information  
6 pertaining to the causes and treatment of  
7 homosexuality; educating and guiding the Jewish public  
8 in the interaction with those individuals with  
9 homosexual issues or those who have identified  
10 themselves as homosexuals or engage in homosexual  
11 fantasies, actions or behaviors.

12 Q Okay. It goes on, but we get the idea. At  
13 some point did you expand the mission of JONAH beyond  
14 just the Jewish community?

15 A Yes, because we were getting a lot of people  
16 coming in, A) who were heterosexually/sexually  
17 addicted. We had who were pornography addicted. So we  
18 -- that's one of the reasons why -- the name of the  
19 organization is JONAH Inc., which is named after the  
20 reluctant prophet from the Bible, Jonah, who, you know,  
21 God said go save the people in Ninevah and he said why  
22 me. And we kind of worried about whether that was the  
23 same thing, why us. But -- and we also then decided it  
24 should have an acronym. So we initially used Jews  
25 Offering New Alternatives for Homosexuality -- to

1 Homosexuality. Then when we started getting all these  
2 other people coming in looking for assistance on  
3 pornography and other type of sexual issues, we then  
4 changed the -- to homosexuality for -- to "for  
5 healing". So it's Jews Offering New Alternatives for  
6 Healing.

7 Q Okay. So you refer people to independent  
8 counselors if their heterosexuals that have compulsive  
9 problems as well, not just people who come in for  
10 issues related to homosexuality?

11 A That is correct.

12 Q Okay. Any way to even roughly estimate what  
13 percentage of the people who come to you are married  
14 and are dealing with issues?

15 A I would say somewhere between 40 to 50 percent,  
16 maybe even more than the majority are pe -- there are  
17 pe -- it's a significant number of people who are  
18 married to people of the opposite sex.

19 Q And they want to stay married, but they're  
20 conflicted?

21 A Yes, they want to stay married but they are  
22 conflicted, yes, sir.

23 Q How do you raise money since it's a  
24 nonprofit?

25 A Well we really raise money two ways. 1) as a

1 501(c)3 we receive contributions from people who  
2 believe in the work that we're doing. And second of  
3 all, a number of the therapists, not necessarily all of  
4 them, but a number of the therapists will give us some  
5 kind of a -- either a rental fee for using our offices  
6 or a contribution or some kind of a referral or  
7 whatever.

8 Q And all, all that money goes back into  
9 expanding the program and services?

10 A Oh, totally. It totally goes into expan -- trying  
11 to keep the organization alive. And then we have a few  
12 part-time independent contractors who work with us.  
13 And we're constantly worrying about how we have enough  
14 money to pay them.

15 Q Okay.

16 A And Elaine get paid nothing, either one of us.

17 Q How do you go about fulfilling the mission of  
18 educational outreach?

19 A Basically by giving a lot, a lot of talks. We  
20 speak at a various synagogues, churches, community  
21 centers, whatever, doing written materials. Elaine has  
22 written some stuff. I've written some stuff. So it's  
23 a question of just trying to educate the world that  
24 change is possible.

25 Q Do you also have a website?

1 A We have a website, yes, sir.

2 MR. LI MANDRI: Let's look at joint exhibit  
3 65 please.

4 Q Is this the --

5 MR. LI MANDRI: Just the mission statement  
6 there, so it will be the first three short paragraphs,  
7 if you can enlarge that? It's kind of hard to read  
8 this.

9 Q And you helped her out with the mission  
10 statement?

11 A Elaine and I worked on it together.

12 Q Okay. And it says Jews, "JONAH, Jews  
13 Offering New Alternatives for Healing is a nonprofit,  
14 international organization dedicated to educating the  
15 worldwide Jewish community about the social culture and  
16 emotional factors which lead to same sex attractions.  
17 JONAH works with those struggling with unwanted same  
18 sex sexual attractions, SSA, with families whose loved  
19 ones are involved in homosexuality. Our rabbinical  
20 sages explain that because mankind has been endowed by  
21 a creator with a free will, that everyone has the  
22 capacity to change. Furthermore, the rabbis emphasize  
23 that parents, teachers and counselors have a special  
24 responsibility to educate, nurture and provide an  
25 opportunity for those struggling with unwanted same sex

1 attractions, journey out of homosexuality through  
2 psychological and spiritual counseling, peer support  
3 and self-empowerment. JONAH seeks to reunify families,  
4 to heal the wounds surrounding homosexuality, to  
5 provide hope." Did I read that correctly?

6 A Yes, you did, sir.

7 Q Does that to this day fairly represent what  
8 you see as the main mission and purpose of JONAH?

9 A Yes, sir.

10 Q So again, it pretty much -- most of the times  
11 and places -- you talk about it in any type of a, even  
12 comprehensive way as opposed to secular and religious?

13 A Yes, it's really a holistic process and it's just  
14 a holistic approach.

15 Q And again, in the psycho-social model for  
16 healing, homosexuality, J-49 that Ms. Bensman  
17 previously showed you --

18 MR. LI MANDRI: Let's take a look at -- I  
19 hope I have the right copy. Can you put that up, J-49,  
20 the first page? It will be, I believe, the last  
21 paragraph. You can enlarge that please.

22 Q Is -- the first sentence says, "This holistic  
23 strategy of combining elements from several gender  
24 affirming process, GAP ... is that how you refer to it,  
25 GAP?"

1 A Yes, gender affirming processes is abbreviated as  
2 GAP. And the reason I developed that abbreviation is  
3 because we're dealing often with developmental gaps.  
4 So I thought, I thought that was kind of a cute play on  
5 words and initials and all that kind of thing.

6 Q Then it goes on to talk about, in the second  
7 line, "the synergistic effect, which in turn, resulted  
8 in acceleration of healing", what do you mean by that?

9 A Well again, the, the models -- again, the model  
10 came from the guy -- many of the guys who we referred  
11 out to other people. And I started talking with them  
12 about saying okay, what worked for you and what didn't  
13 work for you, you know, kind -- that kind of thing.  
14 And then in terms of getting their input, we then --  
15 Elaine and I then developed this, this model based upon  
16 input from, from the actual people who were going  
17 through the programs. And it involves a, a combination  
18 of various types of bibliotherapy --

19 Q Let's take a look at the second page, so if  
20 you'll just take a quick look at -- they're listed  
21 there in that inset section, right there. --

22 A Right, right, --

23 MR. LI MANDRI: You can highlight those.

24 A -- yes, it's -- thank you. I --

25 Q What is bibliotherapy?

1 A Bibliotherapy is basically reading books and  
2 websites on the subject matter to help educate yourself  
3 as to what it's all about.

4 Q Okay. And you talk about experiential  
5 weekends.

6 A Correct.

7 Q Healing and family system.

8 A Well often what happens, and as was testified by  
9 the client who's already testified up here, --

10 Q Mr. Unger?

11 A Mr. Unger. There can be family dynamic problems  
12 in families. And so part of the healing has to involve  
13 healing the, the family system dynamics that may not be  
14 exactly working.

15 Q In an individual psychotherapy that's done by  
16 the contractors, independent contractor/counselors?

17 A Yes, sir.

18 Q Okay. And, and once again, are those people  
19 that only take JONAH clients or do they have their own  
20 practices?

21 A Oh, no, each -- every one of them have their own  
22 clients. --

23 Q Okay.

24 A -- They -- we, we, we refer to them a series of  
25 clients, but that's, that's why they're called

1 independent referral clients.  
2 Q So they have clients from other sources.  
3 A I mean independent referral therapists, I'm sorry.  
4 Q And they're not all treating people for same  
5 sex affection.  
6 A No, they, they have various other types of people  
7 that they work with. And often what happens is -- not  
8 often. But sometimes what will happen is when I refer  
9 someone to a particular therapist, they'll say I'm  
10 filled up. I can't take anymore.  
11 Q I see. And those people, do you presume to  
12 speak for them on what they do and how they do it?  
13 A No, they're all independent referral therapists  
14 who I believe in. I believe that they know what  
15 they're doing. And I don't supervise them. There's no  
16 supervision. It's basically saying you're an  
17 independent referral counselor, go do your thing. And  
18 most of, by the way, most of them are people who  
19 themselves are what -- overcome homosexuality. I would  
20 say that 90 -- again, that's an estimate -- but 90  
21 percent of them are people who themselves have overcome  
22 their own issues of homosexuality. Therefore, they've  
23 been there and done that and are in a better position,  
24 in my judgment, to help others deal with the issue.  
25 Q Are these people located all over the country

1 basically?  
2 A All over the world. I've got people in France.  
3 I've got people in South Africa, so, yeah.  
4 Q So these aren't people that you're in any  
5 position to supervise even if you wanted to.  
6 A That's correct.  
7 Q Okay. And Jewish spiritual development is  
8 listed in the center there. Does Jewish spiritual  
9 development for your Jewish clients tend to be central?  
10 A Very, very important. It's -- and actually to  
11 some extent, although it says Jewish spiritual, it also  
12 relates to some extent to the Christians, who we  
13 believe it's important for them to also understand the  
14 Bible and understand what God's commandments are. God  
15 has created an order in the universe. And they -- in  
16 our judgment it's important for them to understand what  
17 the order in the universe is that God has created.  
18 Q You even have Muslim clients.  
19 A Muslim, absolutely. We -- in fact, we get a lot  
20 of Muslim clients coming into us because there is no  
21 Muslim group out there. And I get -- we get more and  
22 more Muslims coming into us because they don't want to  
23 be proselytized by a lot of the other groups that do  
24 proselytization. But as Jews we are prohibited from  
25 proselytizing our faith.

1 Q You mean unlike Christians, who are  
2 supposedly called evangelized, you guys aren't supposed  
3 to evangelize at all?

4 A That is correct, sir.

5 Q Okay. Your, your faith tells you people have  
6 to come to you. You don't go to them.

7 A That is correct, sir.

8 Q All right.

9 MR. LI MANDRI: J-50 is the Light in the  
10 Closet. There's one paragraph on page 573 I want to  
11 take a look at.

12 Q Is this Light in the Closet that we saw  
13 before?

14 A Yeah, that's the title.

15 MR. LI MANDRI: J-50, it's a joint exhibit,  
16 page 573. Are we capable of displaying that?

17 Q If not, I'll just read it and ask you if this  
18 is what you wrote and this is what you meant. It says,  
19 "In researching and writing this book we have been  
20 conscious of the reality that despite the outstanding  
21 successes achieved by JONAH and other such programs,  
22 there will always be some strugglers." Are strugglers  
23 people trying to overcome SSA?

24 A Yes, sir.

25 Q Okay. "There will always be some strugglers

1 who will be unable to achieve all of the goals they set  
2 out to accomplish. Whether such shortfall be due to  
3 causes to deeply ingrained to completely erase or to an  
4 inability to replace SSA with a viable interest in the  
5 opposite sex or to external circumstances such as not  
6 finding a compatible mate, we are, nonetheless  
7 persuaded, thanks also to the testimony of our  
8 strugglers, that there is no one who cannot benefit  
9 from our program in terms of self-discovery, self-  
10 respect, social adjustment and spiritual growth." Did  
11 I read that correctly?

12 A Yes, you did, sir. So, yes, we clearly understand  
13 that not everybody will succeed. And we make that  
14 very, very clear statement. But most people will go --  
15 because the therapy that is done is very conventional  
16 therapy in terms of dealing with the issues of self-  
17 esteem, self-worth, self-confidence, have the person  
18 feel better about themselves. If they feel better  
19 themselves, then in many cases they'll be able to  
20 overcome a lot of the other issues.

21 Q Okay. So for example, when Mr. Unger said he  
22 wrote upon --

23 MS. BENSMAN: Objection, leading.

24 MR. LI MANDRI: I didn't ask the question.

25 THE COURT: I didn't hear the whole question

1 --

2 MS. BENSMAN: Sorry.

3 THE COURT: -- yet. But don't answer the  
4 question until I rule on the objection.

5 THE WITNESS: Yes, sir.

6 Q Were you here when Mr. Unger testified this  
7 morning?

8 A Yes, I was, sir.

9 Q And did you hear him say that he wrote on the  
10 Listserv as he was leaving JONAH that he felt more  
11 authentic?

12 A Yes, I did hear him say that.

13 Q Okay. Is that one of the things you're  
14 talking about, that you try to help men find a greater  
15 sense of authenticity?

16 MS. BENSMAN: Objection, leading.

17 THE COURT: Yeah, this is direct.

18 MR. LI MANDRI: Okay.

19 THE COURT: Sustained.

20 Q What role does authenticity play in the work  
21 you do?

22 A As I said before, authenticity is very, very  
23 critical because someone needs to understand who they  
24 are, what they are, what their issues are, and to truly  
25 be able to function with a sense of self-esteem and

1 self-worth. It's so -- that -- the key to overcoming  
2 homosexuality in, in my judgment, and when you cut  
3 through all of it, is, is a question of someone really,  
4 ultimately feeling better about themselves.

5 MR. LI MANDRI: Let's take a look at exhibit,  
6 joint exhibit 002. The first page caption please.

7 Q All right. Can you tell us what this  
8 document is?

9 A Yes, sir, this is the model form that I -- that we  
10 developed to give to various counselors. Now  
11 counselors can choose to use it or not choose to use it  
12 as they want. But this a model form that we developed  
13 and said to referral counselors you may want to  
14 consider using this. This is form that we think may,  
15 may be best for you to work with individual clients.

16 Q Okay. But they can use whatever form they  
17 want.

18 A Absolutely. And many of them just says no, no, I  
19 got my own form, forget it, go home.

20 Q Okay. Let's look at the second paragraph.

21 MR. LI MANDRI: If you can enlarge that  
22 little --

23 Q It states, "The JONAH Institute utilizes the  
24 services of certain psychiatrists, psychologists,  
25 social workers, life coaches, certified relationship

1 specialists and mentors as they're independent contract  
2 consultants, hereinafter, collectively referred to as  
3 counselors or service providers." Did I read that  
4 correctly?

5 A Yes, you did, sir.

6 Q And, and you claim that you see your role as  
7 a mentor?

8 A That is correct, sir.

9 MS. BENSMAN: Objection, leading.

10 THE COURT: I'll allow it, but, Counsel, this  
11 is direct. --

12 MR. LI MANDRI: Okay.

13 THE COURT: -- We're no longer on the cross-  
14 examination phase.

15 MR. LI MANDRI: All right.

16 Q When you use "mentor" according to what I  
17 just read, how does that apply to the generic term  
18 "counselor"?

19 A Well it's, it's incorporated within it. It's,  
20 it's part of the definition. Mentor is one of the  
21 people they can utilize as -- generally as some kind of  
22 a counselor.

23 Q Okay. And what do you do as a mentor?

24 A I basically give advice and counsel to people.  
25 They, you know, they -- well what, you know, what do

1 you think would be -- should I go Journey into Manhood,  
2 should I go to the JONAH shabbaton, do you have another  
3 book I should read on the subject. You know, I'm  
4 having troubles with my girlfriend. And in normally  
5 that kind of thing I say well talk to your counselor  
6 about that, don't talk to me. But, you know, it, it  
7 depends, whatever is on their mind.

8 Q Do you try to provide support, encouragement?

9 THE COURT: Coun --

10 A Absolutely, my --

11 THE COURT: -- sustained.

12 MR. LI MANDRI: Okay.

13 A My --

14 THE COURT: Sustained.

15 MR. LI MANDRI: That's fine.

16 Q Let's go to two paragraphs down. Is it  
17 important for you -- well let me ask it this way. Did  
18 you write this?

19 A Yes, sir, I, I got it from several different  
20 places. But yes, I put it all together working with  
21 Elaine, yes.

22 Q Okay. And what was your purpose of putting  
23 this language in the agreement about being  
24 controversial?

25 A Well I want the people to know that this is not

1 the only way, that there's -- A) that there's no  
2 guarantees, and B) that there's no -- that there, there  
3 are other -- if someone wanted to go to gay affirmative  
4 counseling, they certainly could go to gay affirmative  
5 counseling.

6 Q I showed you the wrong paragraph. While  
7 we're on this one, do you tell people that they could  
8 be uncomfortable --

9 A No, because -- well it's --

10 MS. BENSMAN: Just --

11 THE COURT: Stop, stop, stop. Counsel, I  
12 want the witness to testify, not you. --

13 MR. LI MANDRI: Okay.

14 THE COURT: -- Ask a question and you'll get  
15 an answer. --

16 Q Look --

17 THE COURT: -- This is direct examination.

18 Q Look at the paragraph there. Do you see  
19 where it talks about uncomfortable feelings, sadness,  
20 guilt, anger --

21 A Yes, sir.

22 Q Okay. Why did you put that there?

23 A Because what happens, when people go through  
24 counseling they often get opened up. And when they get  
25 opened up they're going, they're going to experience

1 several uncomfortable feelings, maybe sadness and maybe  
2 guilt, frustration, whatever, what's listed there. And  
3 it's a question of people opening themselves up.  
4 Because when you're doing therapy of some sort you're  
5 really opening yourself up --

6 Q Got you.

7 A -- to understand what your, what your most --  
8 deepest issues are.

9 Q All right.

10 MS. BENSMAN: Objection, it calls for expert  
11 testimony.

12 THE COURT: I'm going to allow it only  
13 because the question was how this agreement relates,  
14 not what therapy is. This witness is not qualified to  
15 testify as to therapy.

16 MS. BENSMAN: Thank you, Your Honor.

17 MR. LI MANDRI: Just focusing on the  
18 agreement, Your Honor.

19 THE COURT: Yes, and the reason the words  
20 were used.

21 MR. LI MANDRI: Thank you, Your Honor.

22 Q And the last sentence, why did you write that  
23 last sentence, that there are no guarantees?

24 A I can respon -- there are no guarantees in what  
25 the final experience is because there are no

1 guarantees. We do not give guarantees to anybody. And  
2 in this, in this document, at least, at least two,  
3 three, four times I -- we put in the phraseology "there  
4 is no guarantee".

5 Q All right. I'm going to show you one last  
6 paragraph I meant to pull previously. I got it mixed  
7 up.

8 MR. LI MANDRI: It's the -- page two of this  
9 document under Roman numeral three, sexual orientation  
10 distress. Just the first paragraph. Okay.

11 Q Why did you put in -- let's see -- go ahead,  
12 go ahead, can you read it --

13 A Yeah, --

14 Q -- so I don't have to read it all the time?

15 A -- "Some of the, some of the treatment offered by  
16 the JONAH Institute is with a goal of decreasing  
17 homosexual attractions and increasing heterosexual  
18 responsiveness. This is a controversial form of  
19 treatment because there are those in the mental health  
20 profession that contend that sexual orientation cannot  
21 and/or should not be changed, and that homosexuality is  
22 normal, healthy and need not be changed."

23 Q Okay. Why did you put that language in  
24 there?

25 A Because I wanted the people know there, there is

1 another side to the equation. There's another, there's  
2 another point of view. And I never to be achoosed  
3 (sic) -- I never want to be accused of coercing  
4 somebody into a format of having our organization be  
5 accused of coercing somebody. And I thought that if we  
6 put in language clearly and unequivocally that shows  
7 that there is, there is another side out there, people  
8 can go examine it. They can go research it. And if  
9 they want to -- if they ha -- as I said earlier in  
10 someone's question, I don't remember whose, you know,  
11 if you're happy being go, go in good health, gay ga  
12 zinta hate.

13 Q Fine. Have you served on the boards of any  
14 organizations that do similar type of work, helping  
15 people, if they want help, overcoming same sex  
16 attraction?

17 A Yeah, I mean, certainly Positive Alternatives to  
18 Homosexuality, I'm actually the president of PATH.

19 Q That's called PATH?

20 A PATH, yes, sir.

21 Q And how long have you been president of that  
22 organization?

23 A Actually since it got founded.

24 Q When was that?

25 A Probably eight or ten years ago. I don't know.

1 I'm not sure.  
2 MR. LI MANDRI: Can we look at defendant 252,  
3 which lists those organizations please, D-252.  
4 MS. BENSMAN: One second please.  
5 MR. LI MANDRI: Oh, I'm sorry, don't display  
6 it. I'm sorry.  
7 MS. BENSMAN: No objection.  
8 THE COURT: Okay.  
9 MR. LI MANDRI: Thank you, Counsel.  
10 Go ahead, display D-252 please. If we can  
11 enlarge first, the organization is on the right side of  
12 the page. If we can just look at the first half maybe.  
13 All right.  
14 Q The organization you're president of, does it  
15 consist of various other -- tell us what it consists  
16 of. I'm trying not to ask a leading question.  
17 A Okay. Basically its, it's composed of various  
18 ministries that work in this area. About 20 different  
19 organizations from all over the world. There's some  
20 from overseas. There's some here locally. And they  
21 are -- yeah, I mean, that's, that's what it is, some --  
22 Q Some religious?  
23 A Some religious, some, some secular. It's a --  
24 Q Okay.  
25 A -- combination of ministries who actually work in

1 this area and try to help people, so that, you know --  
2 and the idea was that we wanted to exchange -- the idea  
3 was to exchange a lot of information and ideas. We  
4 actually are on two websites. One is the PATH website,  
5 which is called pathinfo.org. We also run another one  
6 called Voices of Change, which is the actual voices of  
7 people who have successfully overcome homosexuality  
8 either through video, audio or written materials. And  
9 there's actual testimonial (sic) -- testimonials on the  
10 site.  
11 Q I see.  
12 MR. LI MANDRI: Let's look at the left side  
13 of that where it talks about some of the things they  
14 agree on.  
15 Q "We support personal choice".  
16 A Yeah.  
17 Q What does that mean?  
18 A Well it says here, "Many people who experience  
19 same sex attraction choose not to act on those feelings  
20 and not to embrace a homosexual identity. In many  
21 cases they have also chosen to affirm and develop their  
22 heterosexual desires and pursue their dream of raising  
23 a family. We respect and affirm their choice." Again,  
24 this goes the free will concept I talked about before  
25 and that people have the freedom to choose. And that,

1 that's -- what we're really all about is the freedom to  
2 choose.

3 Q Fair enough.

4 MR. LI MANDRI: Let's go to exhibit D, as in  
5 David, 251. But wait for all counsel to take a look at  
6 it.

7 THE COURT: 251?

8 MR. LI MANDRI: D-251 please.

9 MS. BENSMAN: Objection, hearsay.

10 MR. LI MANDRI: He wrote it.

11 MS. BENSMAN: Exactly.

12 THE COURT: All right. Let me just see it.  
13 What is this being offered for?

14 MR. LI MANDRI: Just one of the, one -- two  
15 final documents on the religious component and focus.

16 THE COURT: What section of it do you want  
17 him --

18 MR. LI MANDRI: I was going to ask him to  
19 look on page 46 where he interviewed Rose Nasheva  
20 (phonetic) about why --

21 THE COURT: This is, this is the response to  
22 his question?

23 MR. LI MANDRI: Yes, I'm going to ask, ask  
24 him if they do this work because of this --

25 THE COURT: No, she's correct. --

1 MR. LI MANDRI: -- belief.

2 THE COURT: -- This is, this is an out of  
3 person --

4 MR. LI MANDRI: Thank you, Your Honor.

5 THE COURT: -- state -- response to a  
6 question. I'm going to sustain the objection.

7 Q Are you a signatory to the Torah Declaration?

8 A Yes, I am.

9 Q And what's the Torah Declaration?

10 A The Torah Declaration was a declaration put  
11 together by a committee of 25 people, many of whom were  
12 people who came out of our program, who were really  
13 very upset with the idea that people didn't understand  
14 what the basic religious doctrine was dealing with this  
15 issue. And there was also none (sic) "ex-gays" that  
16 were on this -- on the group as well. There were some,  
17 there were some rabbis. There were some individual  
18 people as well that had no -- you know, that we just --  
19 believed in the cause. Anyway, they put together a  
20 declaration basically explaining what they thought  
21 Torah position was. And they went out and got well  
22 over 200 signatories of people to sign. And they had  
23 to be identified as Orthodox people in order to sign.  
24 They asked me sign. I obviously signed it, although  
25 it's -- I was not -- and I said I was not a drafter of

1 it at all.

2 Q All right. You were one of --

3 A I was one of the signatories.

4 Q I, I see. And there was 100 --

5 A I was on the committee as well certainly, but I  
6 wasn't part of the drafting committee.

7 MR. LI MANDRI: Can I display D-162, Your  
8 Honor?

9 THE COURT: It depends on what they say and I  
10 look at it. What is it, 162?

11 MR. LI MANDRI: D-162. It's the Torah  
12 Declaration.

13 MS. BENSMAN: Objection, hearsay.

14 MR. LI MANDRI: I was only going to show the  
15 one paragraph which is under same sex attractions can  
16 be modified and healed, the second paragraph there.

17 MS. BENSMAN: Your Honor, when we've objected  
18 to a document we would appreciate it if Mr. LiMandri  
19 would not read out portions of that document before  
20 you've ruled.

21 MR. LI MANDRI: I apologize.

22 THE COURT: Let me see counsel at sidebar.

23 (Sidebar conference)

24 MR. LI MANDRI: I just want --

25 THE COURT: This is a declaration by

1 (Indiscernible)? About 200 people signed it?

2 MR. LI MANDRI: And he was on the committee  
3 and we're saying (Indiscernible) -- I'm trying to show  
4 that this is not just him alone in the Jewish faith --

5 MS. BENSMAN: He just testified he didn't  
6 even draft this. And this is like a third party  
7 statement.

8 MR. LI MANDRI: Yeah.

9 THE COURT: Sir, I'm not going to allow you  
10 to (Indiscernible). Doesn't that statement dispute as  
11 to the basic (Indiscernible)? They're talking about  
12 that they can prove (Indiscernible) that homosexuality  
13 is against the rules (Indiscernible) --

14 MS. BENSMAN: There's no dispute that they  
15 sincerely believe it's (Indiscernible).

16 THE COURT: Okay.

17 MS. BENSMAN: I don't dispute that.

18 THE COURT: All right.

19 (Sidebar conference concluded)

20 THE COURT: Objection sustained.

21 Q Mr. Goldberg, you were asked some questions  
22 earlier about use of terms like "illness". "Cure", I  
23 believe entered into the discussion at one point. Do  
24 you generally use terms like "illness" and "cure" to  
25 discuss --

1 MS. BENSMAN: Objection, leading.  
2 Q Do you gen --  
3 MR. LI MANDRI: Let's take a look at exhibit  
4 D-330 please?  
5 THE COURT: So are you withdrawing the part  
6 of the question?  
7 MR. LI MANDRI: Yes.  
8 THE COURT: Okay.  
9 MR. LI MANDRI: I think it would be better in  
10 context.  
11 THE COURT: All right. D-331?  
12 MR. LI MANDRI: 330, Judge.  
13 THE COURT: 330?  
14 MR. LI MANDRI: E-mail from him.  
15 THE COURT: Is this a new one or was this  
16 used on --  
17 MR. LI MANDRI: No, this is a new one, Your  
18 Honor.  
19 THE COURT: Okay.  
20 MS. BENSMAN: Your Honor, objection, hearsay.  
21 MR. LI MANDRI: It's a Listserv e-mail.  
22 THE COURT: What -- this is, this is an e-  
23 mail from Mr. Goldberg?  
24 MR. LI MANDRI: No, it looks like this one --  
25 the one on top is from him. It looks like the one on

1 the bottom is from his co-director, Elaine. I'm  
2 interested in the first line of the second e-mail.  
3 MS. BENSMAN: Your Honor, this isn't --  
4 THE COURT: That's not his e-mail.  
5 MS. BENSMAN: -- this is not a Listserv e-  
6 mail.  
7 THE COURT: It's not a Listserv e-mail?  
8 MS. BENSMAN: No, Your Honor.  
9 THE COURT: I'm going to sustain the  
10 objection.  
11 MR. LI MANDRI: I'd like to draw your  
12 attention to D-128, which is an e-mail exchange between  
13 Mr. Levin and Mr. Goldberg. D-128.  
14 THE COURT: D-128?  
15 MR. LI MANDRI: Yes, Your Honor.  
16 MS. BENSMAN: Objection, hearsay.  
17 MR. LI MANDRI: This is between Mr. Goldberg  
18 and Mr. Levin. There's no more hearsay than any other  
19 Listserv e-mail.  
20 MS. BENSMAN: It's not a Listserv e-mail.  
21 MR. LI MANDRI: Okay.  
22 THE COURT: All right. This is a direct --  
23 this is a conversation between Mr. Goldberg and Mr.  
24 Levin?  
25 MR. LI MANDRI: Yes, Your Honor.

1 THE COURT: Which part are you referencing?  
2 MR. LI MANDRI: The first paragraph of the --  
3 ex -- thanking him for the --  
4 THE COURT: Well I mean, the first -- I'm  
5 looking at this, if I'm looking at the right exhibit.  
6 The top part is not an e-mail.  
7 MR. LI MANDRI: Right. --  
8 THE COURT: Okay.  
9 MR. LI MANDRI: -- But looking at the second  
10 part, first paragraph.  
11 THE COURT: Where it says that from JONAH  
12 Help, --  
13 MR. LI MANDRI: Yes, Your Honor.  
14 THE COURT: -- February 12, 2010?  
15 MR. LI MANDRI: Yes, Your Honor.  
16 THE COURT: All right. What is it that  
17 you're going to reference?  
18 MR. LI MANDRI: "Please understand I did not  
19 say --  
20 THE COURT: No, no, what paragraph, just tell  
21 me what --  
22 MR. LI MANDRI: First paragraph, first full  
23 paragraph.  
24 THE COURT: No, I'm going to overrule the  
25 objection. I'll allow the first paragraph.

1 MR. LI MANDRI: Thank you, Your Honor.  
2 THE COURT: This is a, this is a response to  
3 one of the plaintiff's e-mails.  
4 MR. LI MANDRI: Thank you, Your Honor.  
5 D-128 please, first paragraph of that second  
6 -- there you go.  
7 Q Would you read that please, Mr. Goldberg?  
8 A Yes. "To respond to the points raised in your e-  
9 mail, to the best of ability, I work to be most  
10 respectful of those who disagree with our position.  
11 And I recognize the responsibility placed upon us at  
12 JONAH and the efforts we undertake. Please understand  
13 that I do not say that homosexuality is a sickness. I  
14 am sure you have heard me say any number of times that  
15 if someone is happy being gay, gay ga zinta hate, which  
16 it's translated means go in good health."  
17 Q Okay. What do you mean when you say you're  
18 not saying homosexuality is a sickness?  
19 A I'm referring to it -- basically I'm really saying  
20 that homosexuality is, is not a mental disorder or  
21 disease when I use that term. I mean, it can be a  
22 spiritual sickness certainly, but it's not certainly a  
23 psychological. And I, I think you -- I don't remember  
24 the context in which he asked me the question, but I'm  
25 probably responding to that in terms of that way.

1 MR. LI MANDRI: Exhibit D-180 please. I want  
2 to ask him about portions of the exhibit, e-mails that  
3 were sent to him and he responded to it.

4 MS. BENSMAN: Objection, hearsay.

5 MR. LI MANDRI: Well may I lay a foundational  
6 question before you rule on the objection, Your Honor?

7 THE COURT: Well first, I'm just trying to  
8 find out again -- this is an e-mail chain, several  
9 pages.

10 MR. LI MANDRI: Right. But the -- it  
11 involves one of the plaintiffs and my client.

12 THE COURT: All right. Let me see you at  
13 sidebar because I can't see where -- the names don't  
14 add up.

15 (Sidebar conference)

16 THE COURT: Where are those chains between  
17 (Indiscernible)?

18 MR. LI MANDRI: Okay. Mr. Levin testified  
19 and Mr. Goldberg was there, that Mr. Levin sent, under  
20 a fake name, (Indiscernible) desperately seeking help  
21 (Indiscernible) client who's now left JONAH. He writes  
22 in and says I've got some questions for you about your  
23 program, at least working with the Jewish  
24 (Indiscernible), and people trying to set up Mr.  
25 Goldberg. And one of the things he asked is can you

1 tell me a little more about your son (Indiscernible).  
2 Here's the last page, where he's using the name Yosef  
3 (phonetic), but it's Chaim Levin and his adversary.  
4 And then Mr. Levin -- and Mr. Goldberg writes back  
5 about citing him particular studies which is pointing  
6 out the websites and such.

7 THE COURT: And Mr. Levin admitted that this  
8 is him?

9 MR. LI MANDRI: Yes, in his deposition he  
10 admitted it was him.

11 THE COURT: Did he admit this?

12 MS. BENSMAN: He did, but I don't see why Mr.  
13 Goldberg should be permitted to introduce his own  
14 hearsay to bolster his statements. This is  
15 (Indiscernible) used to cross-examine Mr. Levin.

16 MR. LI MANDRI: Well he's saying there's no  
17 scientific data. They ask for it. He gave websites.  
18 And the websites (Indiscernible).

19 THE COURT: (Indiscernible), but that's  
20 different than using this e-mail for that purpose.  
21 This e-mail, you're trying to use this for the truth  
22 that's asserted and that's hearsay.

23 MR. LI MANDRI: Well --

24 THE COURT: There's other sources for you to  
25 (Indiscernible) why he used the term scientific. I'll

1 allow you to go into this when Mr. Levin is on the  
2 stand. But I don't know that it's proper to have this  
3 witness read from this e-mail. I'm not saying you  
4 can't go into (Indiscernible) --

5 MR. LI MANDRI: I understand. --

6 THE COURT: -- with the right witness.

7 MR. LI MANDRI: -- I'm fine with that. Thank  
8 you, Your Honor.

9 (Sidebar conference concluded)

10 THE COURT: The objection is sustained.

11 MR. LI MANDRI: Through my notes we may be  
12 almost finished.

13 THE COURT: Okay.

14 Q You've been asked about experiential  
15 weekends. Is People Can Change a separate organization  
16 from JONAH?

17 A Yes, sir, a totally separate organization. They  
18 have a separate board of directors, separate executive  
19 director. It's incorporated in the state of Virginia.  
20 They're entirely separate from us.

21 Q Why do you send or refer men who are going  
22 through JONAH to go on these experiential weekends  
23 sponsored by this separate organization?

24 A Because first of all, there's no sense reinventing  
25 the wheel twice. I mean, if they have a good program,

1 why not send them there? I don't have to recreate the  
2 wheel. Second of all, I am the -- I think their  
3 program is excellent. I think it really works very  
4 well. It has helped numerous men and we have gotten  
5 incredible reports from people who go through the  
6 weekends about how it has helped them either set them  
7 on up the road, help them in the middle of the journey,  
8 help them at the end of the journey. So it almost  
9 doesn't matter when they go time-wise. Some will go at  
10 the beginning, some at the end, some in the middle.  
11 But they -- but the reports that I get back from people  
12 that have attended the program is one generally of  
13 elation, of comfort. I mean, for the first time in  
14 their lives they're able to be authentic and open with  
15 other people.

16 MS. BENSMAN: Objection, hearsay.

17 A And --

18 THE COURT: I'm just going to allow it as a  
19 -- I'll allow it. I'm going to overrule the objection.

20 But I think the question has been answered,  
21 Mr. LiMandri.

22 MR. LI MANDRI: I do, I do.

23 THE COURT: Thank you.

24 MR. LI MANDRI: Thank you, Your Honor.

25 Q Mr. Goldberg, what, if anything, is done with

1 regard to issues of shame or guilt, those types of  
2 issues on these JIM weekends?

3 A There's a major effort within the -- both within  
4 the protocol and by the facilitators to try to help  
5 people not feel shamed and to be open. And that's the  
6 whole idea of being authentic and being to overcome --  
7 get out of shame and guilt and that kind of thing.

8 Q I want to ask you about some of the questions  
9 Ms. Bensman did with regard the use of the term, for  
10 example, "disorder". Is that a term you would  
11 typically use with respect to people who come to JONAH  
12 seeking help?

13 MS. BENSMAN: Objection, leading.

14 THE COURT: Sustained.

15 Q Do you ever use the term "disorder"?

16 A I would use the term "disorder" only in the  
17 context of the fact that it's against -- it's a  
18 spiritual disorder that -- God has created an order of  
19 the universe. And if someone is not following the  
20 order that God has laid out for us, then it's a  
21 disorder in terms of the spiritual aspect.

22 Q All right. You were asked about timing it  
23 might take for someone to go through the program. What  
24 do you base that information on that you gave to Ms.  
25 Bensman?

1 A Well I've been -- well first of all, PCC is done  
2 pro -- some surveys on this. Others have done surveys.

3 Q I think you answered that. That's fine.

4 MR. LI MANDRI: Let me see if there's  
5 anything else.

6 Q Did you ask for people to come forward and  
7 give testimony in this trial, if necessary?

8 A I've asked, I've asked a few people, but the truth  
9 of the matter is we have over 100 people who  
10 voluntarily stepped up and asked us to --

11 MS. BENSMAN: Objection.

12 THE COURT: Sustained. The question calls  
13 for a yes or no answer. He answered yes. Next  
14 question?

15 Q How many people roughly came forward?

16 THE COURT: Counsel.

17 MR. LI MANDRI: Okay. Well it came up in  
18 opening, so I thought --

19 THE COURT: What came up on opening? I  
20 didn't hear anybody say I asked 100 witnesses to come  
21 to court and they were going to come. The jury will  
22 hear from whoever they hear from.

23 Q Mr. Goldberg, do you believe you  
24 misrepresented anything to the plaintiffs --

25 MS. BENSMAN: Objection, --

1 Q -- regarding JONAH services?  
2 MS. BENSMAN: Objection, leading.  
3 THE COURT: I'll, I'll allow the question.  
4 A No, I do not believe I have misrepresented  
5 anything to the plaintiffs.  
6 MR. LI MANDRI: I have no further questions  
7 at this time.  
8 Q Thank you, Mr. Goldberg.  
9 THE COURT: Cross-examine?  
10 CROSS-EXAMINATION BY MS. BENSMAN:  
11 Q Mr. Goldberg, your counsel asked you about an  
12 organization with the acronym PATH, correct?  
13 A Yes, ma'am.  
14 Q And you testified that you're the president  
15 of PATH.  
16 A That is correct.  
17 Q And you described PATH as a coalition of  
18 various groups?  
19 A Yes.  
20 Q Isn't it true that membership in PATH  
21 basically just means you give permission to have your  
22 organization listed on the website?  
23 A That's the, that's the initial focus of it. But  
24 in addition to that, people who are members of it have  
25 -- we've had meetings occasionally and -- not that

1 often, but we have had meetings. And we exchange  
2 views.  
3 Q Mr. Goldberg, you also discussed Voices of  
4 Change, right?  
5 A Yes, ma'am.  
6 Q And Voices of Change is a website?  
7 A Yes, ma'am.  
8 Q And stories go up on the website.  
9 A Yes, ma'am.  
10 Q And you're one of the people who approves  
11 which stories will go up on that website?  
12 A I am part of the committee, yes, ma'am.  
13 Q And sometimes you edit those stories, right?  
14 A Sometimes. Con -- not for content, but for, you  
15 know, for English basically.  
16 Q Thank you. Do you remember testifying at  
17 your deposition, Mr. Goldberg, that almost all of your  
18 counselors are secular-based and that means that their  
19 function is to work in a psychological context?  
20 A I don't remember that specifically, but that is  
21 certainly plausible because many of the counselors are  
22 -- most of the counselors have licenses, a secular  
23 license, but they still have religious views that  
24 permeate their approach.  
25 Q And do you remember testifying that to your

1 knowledge no counselor to whom JONAH refers clients  
2 employs a purely religious approach?

3 A Purely religious? That is also correct.

4 Q And as we discussed, you would reject the  
5 label "pray away the gay" totally, right?

6 A I would reject the label "pray away the gay"  
7 because people, as I said before you asked me that  
8 question, that purely praying away the gay and  
9 expecting the silver bullet, the miracle to occur  
10 without someone doing the effective work themselves  
11 would probably not work. Now are there instances when  
12 people have been able successfully simply prayed away  
13 the gay? Yes, I know of one or two people that, that  
14 tell me that they simply prayed away the gay. But in  
15 most cases I don't believe that's going to happen.

16 Q And that's not the service that JONAH  
17 counselors provide, right?

18 A No, the, the service that JONAH counselors provide  
19 is a, essentially a secular-based therapy, therapy  
20 based upon their licensing or training. And -- but  
21 most of them are religious people that I'm aware of.  
22 Almost all of them, they're either Jewish, Roman  
23 Catholic, Evangelical, Mormon. There's -- you know,  
24 and we have -- we try to have a diversity of counselors  
25 in terms of where they -- their religious beliefs. But

1 all of them believe in God as a paramount focus.

2 Q Mr. Goldberg, your counsel showed you a JONAH  
3 Institute services agreement form. Is that right?

4 A Yes.

5 Q And I believe you said that not all of  
6 JONAH's referral counselors use that form, right?

7 A That is correct.

8 Q Isn't it correct that Alan Downing does not  
9 use that form?

10 A I don't believe he uses that form. You have to  
11 ask him.

12 MS. BENSMAN: Your Honor, if you don't mind,  
13 let me just take one minute to look through my notes.

14 Can you please show plaintiffs' 253 one more  
15 time?

16 THE COURT: Plaintiffs' 253?

17 MS. BENSMAN: Yes, it was previously shown.

18 THE COURT: Okay.

19 MS. BENSMAN: Okay. And if we can just  
20 enlarge the third paragraph that starts with "you said  
21 exactly". Okay.

22 Q Now, Mr. Goldberg, we look at this before --

23 MR. LI MANDRI: I'm going to object. It's  
24 outside the scope of my direct exam. This was  
25 previously shown and I could not reshow it. The

1 plaintiffs showed it. I did not ask about this.

2 THE COURT: No, but you did go into his  
3 understanding of disease and illness. So --

4 MR. LI MANDRI: Well --

5 THE COURT: -- I'm going to allow this. You  
6 did that on direct. That's what this is talking about.

7 MR. LI MANDRI: Fine, thank you, Your Honor.

8 THE COURT: I'll allow it. The objection is  
9 overruled.

10 Q Mr. Goldberg, part of this e-mail we talked  
11 about before was where you said in the second line,  
12 "Homosexuality is an illness, although to phrase it  
13 more politically correct, we prefer saying it is an  
14 emotional adaptation." Nowhere in this paragraph does  
15 the word "spiritual" appear, right?

16 A Anyone who comes to us, ma'am, --

17 THE COURT: Counsel -- I'm sorry. Mr.  
18 Goldberg, that's a yes or no question.

19 A That is correct.

20 Q In fact isn't it true that this paragraph  
21 doesn't contain a single reference to religion at all?

22 A There is at least a reference to the idea of hell.  
23 There's a heaven and a hell. So I'd say hell is  
24 certainly a concept -- it says, you know, consigned to  
25 a living hell. So there might -- there's some aspect

1 of religiosity in terms of the concept of hell.

2 Q Okay. But apart from the reference to the  
3 fact that this man said that he has been living in hell  
4 for many years, there's no reference to religion in  
5 that paragraph.

6 A In that paragraph, that is correct.

7 Q Okay.

8 MS. BENSMAN: You can put that away.

9 Q Mr. Goldberg, by the way, your counsel showed  
10 essentially a screenshot of the JONAH website, right?

11 A I believe that's correct.

12 Q And that was taken in 2015. That's what your  
13 website looks like right now today.

14 A I have to look at the website. I don't know if  
15 that's the current one or the old one. But  
16 essentially, essentially the same material content-wise  
17 is there.

18 Q And when you say the old one, you're  
19 referring to the fact that you recently changed your  
20 website, right?

21 A We changed the design of it, not the contents.

22 MS. BENSMAN: Just one more document, Your  
23 Honor.

24 Q Mr. Goldberg, at the very beginning of your  
25 direct testimony you testified that the reason you do

1 this work with JONAH is because you want to help  
2 people, right?  
3 A Yes, ma'am.  
4 Q And you care about them.  
5 A Yes, ma'am.  
6 MS. BENSMAN: May I show plaintiffs' 217?  
7 MR. LI MANDRI: No objection.  
8 THE COURT: Okay.  
9 Q Mr. Goldberg, this is an e-mail from you to  
10 Mr. James Parker. Is that right?  
11 A Yes.  
12 Q And he's a therapist or a counselor, right?  
13 A He actually worked for the -- he was the executive  
14 secretary of the Roman Catholic Church in England at  
15 the time.  
16 Q Was he someone who provided counseling  
17 service of any kind?  
18 A He did life coaching.  
19 Q Yes, okay, thank you. So he was a life  
20 coach. And in this e-mail you're talking with him  
21 about a potential client that you're considering  
22 referring to him, right?  
23 MS. BENSMAN: If we could look at the second  
24 page of this exhibit? I think that will be clear.  
25 Q Okay. And there's your e-mail to him. It

1 begins, "Hi, James".  
2 MS. BENSMAN: If we could enlarge the first  
3 two paragraphs? Okay.  
4 Q "So I received a phone call from a  
5 struggler." That's the potential client, right?  
6 A Yes, sir -- yes, ma'am. Sorry.  
7 Q And then you write, "Personality-wise, he  
8 appeared reticent in our phone call." That's the first  
9 sentence of the second paragraph. "Was very nervous  
10 about revealing anything, but do so after I did my  
11 thing." --  
12 A Uh-huh.  
13 Q -- So you spoke to this person, right?  
14 A Apparently so.  
15 Q And then you write to Mr. Parker about  
16 potentially referring this client to Mr. Parker, right?  
17 A (No audible response)  
18 MS. BENSMAN: Can we turn back to the first  
19 page?  
20 Q Let's look at that.  
21 A Can I finish reading it?  
22 Q So you're writing to Mr. Parker about  
23 potentially referring this client to him, right?  
24 A Yeah, --  
25 Q Yes.

1 A -- I guess so. I, I -- you, you took it off the  
2 screen so fast I really couldn't read it.

3 Q I apologize. If you could just look at the  
4 first two and a half lines of the second paragraph, you  
5 wrote, "As to the fee contribution question you raise  
6 relevant to the man in Manchester, assuming I can  
7 deliver him or anyone else in fact, I would like to  
8 receive as much as possible. However, to be realistic,  
9 I would suggest a minimum of ten percent and a maximum  
10 of no more than thirty to forty percent", right?

11 A Correct.

12 Q And then the last sentence of your e-mail is  
13 "Also, hopefully I will be getting back to the  
14 Manchester guy before the end of the week to see if I  
15 can indeed deliver him." Those were your words?

16 A Those are my words, yes, ma'am.

17 Q Thank you.

18 MS. BENSMAN: Nothing further.

19 THE COURT: Any redirect?

20 REDIRECT EXAMINATION BY MR. LI MANDRI:

21 Q By deliver what do you mean?

22 A I mean by deliver that he would work with him,  
23 with Ja -- with this fellow, James Parker. And James  
24 is a very -- was actually a very religious guy. And  
25 part of the problem was -- I happen to remember this

1 case. This guy was an Orthodox Jew. And James worked,  
2 as I said before, for the head of the Roman Catholic  
3 Church in England. And the guy wanted someone in  
4 England. So it was -- I was very concerned whether he  
5 would agree to work with a Catholic. But he had two,  
6 two different concerns. Concern one was I want someone  
7 in England. I don't want to do tel -- I don't want to  
8 do Skype. I don't want to do telephone. I want  
9 someone in my country. And concern number two, which  
10 was working against that, was he's a Roman Catholic.  
11 He's working for the church. So --

12 Q Where would the referrals fees go that you  
13 were asking for?

14 A The referral fees would go to JONAH. When I said  
15 I, that is a, that is a statement of really saying me  
16 going to JONAH. I've never taken one cent from JONAH  
17 as fee or compensation.

18 Q Were you trying to help this guy get the  
19 direction that he was requesting?

20 A Yes.

21 MS. BENSMAN: Objection, leading.

22 THE COURT: Sustained.

23 MR. LI MANDRI: It was cross and then  
24 redirect.

25 THE COURT: This is redirect. You can't lead

1 the witness.

2 Q What was your purpose in sending this person  
3 to this referral source in England?

4 A I was trying to help the man trying to get what he  
5 wanted. I mean, I often get very conflicting views  
6 from guys as to what he wants, what kind of a counselor  
7 he wants. So, you know -- and I was, you know, talking  
8 in a -- kind of, as I say, in a colloquial way. It  
9 wasn't a -- James was a frie -- was and is a friend.  
10 And so, you know, I'm just kind of going quickly and  
11 typing something. I'm not trying to measure every  
12 single word that I'm doing.

13 Q How many e-mails do you think you sent in the  
14 last 15 years trying to help people connect with people  
15 that could help them?

16 A Oh, my God. Oh, my God, thousands, thousands. I  
17 mean, I have -- I do hundreds of e-mails a day in terms  
18 of what I'm working with. I mean, it's -- you know,  
19 and I'm just trying to quickly, you know, go through  
20 them as quickly as I can. I don't sit and contemplate  
21 every single one. I mean, it's amazing the number of  
22 e-mails I get.

23 THE COURT: Go ahead.

24 MR. LI MANDRI: Well there was one more  
25 exhibit they showed about --

1 Q I wanted to ask about, P-253 regarding the  
2 gentleman who asked about -- you referred to illness  
3 and you used the term "illness". Do you know what I'm  
4 talking about, P-253?

5 A I remember the term, yes, sir. --

6 Q Okay.

7 A I don't remember --

8 Q Looking at the --

9 A -- the specific e-mail.

10 Q -- exhibit P-253 in front of you. And do  
11 you, in the third paragraph I believe, the one under  
12 the one Ms. Bensman was asking you about, refer to him  
13 to any particular sources? I guess it's the fourth  
14 paragraph where it begins, "Read some websites, may be  
15 of assistance." Do you see that?

16 A Yes, sir.

17 Q What, what did you refer him to?

18 A I referred him to jonahweb.org. I referred him to  
19 peoplecanchange.com. I referred him to narth.com,  
20 comingoutstraight.com and pfox.org. I also referred  
21 him to books to read, that he might be able to access  
22 in terms of reading about the subject matter. This  
23 would, this would all be part of what I, I refer to.  
24 And I'll -- model as bibliotherapy. This is all  
25 bibliotherapy.

1 Q Did you refer him to your book at the end of  
2 the --  
3 A I do refer him to my book, as I course -- I said  
4 of course I recommend my own book, which can be  
5 accessed at the publisher's website.  
6 Q When it says, "Right on you, that I'm  
7 assuming you are frum", what does that mean?  
8 A Oh, frum, frum. It says, "I'm assuming you are  
9 frum". Frum means that I am religious and I an ortho  
10 -- frum is the Hebrew term for Orthodox Jew.  
11 Q So when you refer to any of those sources, do  
12 they have -- any of them have religious content?  
13 A I'd have to look back at the sources, but I would  
14 assume so.  
15 Q JONAH website, you'll go --  
16 A Oh, sure, yes.  
17 MR. LI MANDRI: Nothing --  
18 A And that's the same e-mail regarding the guy  
19 asking if it was an illness?  
20 A Yes, yes, sir.  
21 MR. LI MANDRI: No further questions.  
22 THE COURT: Okay, Mr. Goldberg, you may step  
23 down. Thank you very much.  
24 THE WITNESS: Thank you, sir.  
25 THE COURT: Can I just see counsel at sidebar

1 before we excuse the jury.  
2 (Sidebar conference)  
3 THE COURT: But I didn't want  
4 (Indiscernible). Who's, who's on tap for tomorrow?  
5 MR. DINIELLI: Tomorrow we have Jo Bruck, the  
6 mother of Sheldon, and then Bella Levin, the mother of  
7 Chaim Levin, followed by Chaim Levin.  
8 THE COURT: Okay. So do you want to start at  
9 9:30? Okay.  
10 MS. BENSMAN: Thank you.  
11 MR. DINIELLI: Thank you.  
12 (Sidebar conference concluded)  
13 THE COURT: All right, ladies and gentlemen,  
14 we'll conclude our testimony for today. I'd just ask  
15 you if you leave your pads on the chairs. We will  
16 resume tomorrow morning at 9:30. Again, you've been  
17 very good, so I'm going to ask you to just be prompt  
18 again.  
19 Sometimes Tuesdays could be a little lengthy  
20 at the front door. It all depends on how many other  
21 jurors are coming. So maybe what we'll do --  
22 Officer, we're going to give the names of the  
23 jurors to Captain Archibald (phonetic).  
24 If you want to use the rear entrance when you  
25 come in -- I don't know if you're familiar with that.

1 There is an entrance in the back, the ground floor. It  
2 says employees, attorneys only. We're going to give  
3 your names to Captain Archibald.

4 So if you come in and there's an  
5 extraordinarily long line on the front, you can use the  
6 employee, attorney entrance. We're going to give them  
7 a list of your names, okay? So have a nice evening.

8 Please do not talk about the case. Please do  
9 not try to check the websites that you've heard here  
10 today. It's extremely important that this case, again,  
11 is decided only on the testimony you hear and the  
12 instructions I'll give you at the end of the case.

13 Have a pleasant evening. Thank you all very  
14 much.

15 (Jury leaves the courtroom)

16 THE COURT: Okay. I'll see everybody at 9:30  
17 tomorrow. Have a pleasant evening. Thank you very  
18 much.

19 (All counsel thank the judge)

20 THE COURT: Off the record.

21 (Proceedings adjourned to June 9, 2015)  
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#### CERTIFICATION

1  
2  
3 I, Mary Nelson, the assigned transcriber, do  
4 hereby certify the foregoing Transcript of Proceedings  
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