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*Attorneys for Plaintiffs*

Michael Ferguson, Benjamin Unger, 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 THOMAS S.  
KESSLER, ESQ. IN SUPPORT OF  
REPLY IN SUPPORT OF  
PLAINTIFFS' MOTION TO  
ENFORCE PERMANENT  
INJUNCTION AND FOR DEFAULT  
JUDGMENT**

I, Thomas S. Kessler, hereby certify as follows:

1. I am an associate at the law firm Cleary Gottlieb Steen & Hamilton LLP, co-counsel for Plaintiffs Michael Ferguson, Benjamin Unger, Chaim Levin, and Jo Bruck in this action. By order of this Court, I have been admitted *pro hac vice* as one of the counsel of record for Plaintiffs in this case. I am familiar with the facts and circumstances of this matter.<sup>1</sup>

2. A chart reflecting testimony provided by Defendants' purported "success story" witnesses regarding issues identified as "presenting problems" or "diagnoses" listed in the Certifications is attached as Appendix A.<sup>2</sup>

3. A true and complete copy of the article, "Same-Sex Attraction and Therapy: It's Time to Let People Choose," written by Defendant Arthur Goldberg, and published on the Witherspoon Institute's Public Discourse website, <http://www.thepublicdiscourse.com>, on June 15, 2017, is attached as Exhibit 16.<sup>3</sup>

4. A true and complete copy of the cited excerpts from Volume 1 of the June 8, 2015, trial transcript is attached as Exhibit 17.

5. A true and complete copy of the cited excerpts from Volume 1 of the June 16, 2015, trial transcript is attached as Exhibit 18.

6. A true and complete copy of the cited excerpts from Volume 2 of the June 19, 2015, trial transcript is attached as Exhibit 19.

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<sup>1</sup> Capitalized terms used herein but not defined shall have the meaning ascribed to them in the *Brief in Support of Motion to Enforce Permanent Injunction and for Default Judgment*, dated March 28, 2018, and the *Reply in Support of Motion to Enforce Permanent Injunction and for Default Judgment*, filed contemporaneously herewith.

<sup>2</sup> Pursuant to the Parties' *Protective Stipulation*, dated April 22, 2013 (the "Protective Stipulation"), and out of an abundance of caution, Appendix A is filed under seal.

<sup>3</sup> Exhibits 1 through 15 are attached to the *Certification of Thomas S. Kessler, Esq. in Support of Motion to Enforce Permanent Injunction and for Default Judgment*, dated March 28, 2018.

7. A true and complete copy of the webpage, “We’ve Changed Our Name!,” available on Brothers Road’s website, <http://www.brothersroad.org>, as visited on May 3, 2018, is attached as Exhibit 20.

8. A true and complete copy of the cited excerpts from Plaintiffs’ trial exhibit P038, Bates-stamped JON 024523 through JON 024642, dated July 16, 2008 and admitted into evidence at trial, is attached as Exhibit 21.

9. A true and complete copy of a People Can Change publication, “Counselors and Life Coaches Who Have Staffed Journey into Manhood,” Bates-stamped JL - 000200 through JL – 000205, updated in April 2008, is attached as Exhibit 22.

10. A true and complete copy of the webpage, “Counselors & Life Coaches,” available on Brothers Road’s website, <http://www.brothersroad.org>, as visited on April 28, 2018, is attached as Exhibit 23.

11. A true and complete copy of the cited excerpts from the deposition of Jedekiah James Stailey is attached as Exhibit 24.

12. A true and complete copy of an e-mail sent by Richard Wyler to Plaintiff Michael Ferguson including an invitation to a Journey into Manhood reunion and guts facilitation workshop, dated August 28, 2012, is attached as Exhibit 25.

13. A true and complete copy of an e-mail sent by Richard Wyler to Plaintiff Michael Ferguson including an invitation to the “A Wife’s Healing Journey” weekend, Bates-stamped FGSN00006197 through FGSN00006199 and dated September 12, 2012, is attached as Exhibit 26.

14. A true and complete copy of an e-mail sent by Elaine Berk to the JONAH listserv, Bates-stamped JON 006133 through JON 006135 and dated January 10, 2007, is attached as Exhibit 27.

15. A true and complete copy of the Verified Complaint for Declaratory, Preliminary, and Permanent Injunctive Relief, and Damages filed in the action *Vazzo v. City of Tampa*, No. 17-cv-02896 (M.D. Fl.), dated Dec. 4, 2017, is attached as Exhibit 28.

16. A true and complete copy of the cited excerpts from Volume 1 of the June 11, 2015, trial transcript is attached as Exhibit 29.

17. A true and complete copy of the cited excerpts from the deposition of Defendant Arthur Goldberg is attached as Exhibit 30.

18. A true and complete copy of the cited excerpts from Defendants' Trial Memorandum, dated May 1, 2015, is attached as Exhibit 31.

19. A true and complete copy of the cited excerpts from the deposition of Defendant Alan Downing is attached as Exhibit 32.

20. A true and complete copy of the cited excerpts from the deposition of Defendant Alan Downing is attached as Exhibit 33.

21. A true and complete copy of the Expert Report of Christopher Doyle, M.A., L.C.P.C., undated, is attached as Exhibit 34.

22. A true and complete copy of the cited excerpts from the deposition of Miles P. Appling is attached as Exhibit 35.<sup>4</sup>

23. A true and complete copy of the cited excerpts from the deposition of David Joseph De Giacomo is attached as Exhibit 36.

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<sup>4</sup> Pursuant to the Parties' Protective Stipulation, Exhibit 35 is filed under seal.

24. A true and complete copy of the cited excerpts from the deposition of Jonathan Hoffman is attached as Exhibit 37.

25. A true and complete copy of the cited excerpts from the deposition of Leon Mirmanas is attached as Exhibit 38.

26. A true and complete copy of the cited excerpts from the deposition of Tony Palmisano is attached as Exhibit 39.

27. A true and complete copy of the cited excerpts from the deposition of Jeremy Joseph Schwab is attached as Exhibit 40.

28. A true and complete copy of the cited excerpts from the deposition of Pieter L. Valk is attached as Exhibit 41.

29. A true and complete copy of the cited excerpts from the deposition of Jeffrey S. Bennion is attached as Exhibit 42.

30. A true and complete copy of the cited excerpts from the deposition of Sean Patrick Hennigan is attached as Exhibit 43.

31. A true and complete copy of the cited excerpts from the deposition of Blake Smith is attached as Exhibit 44.

32. A true and complete copy of the cited excerpts from the deposition of Preston R. Dahlgren is attached as Exhibit 45.

33. A true and complete copy of the Expert Report of Joseph Nicolosi, Ph.D., undated, is attached as Exhibit 46.

34. A true and complete copy of the cited excerpts from the continued deposition of Joseph Nicolosi, Ph.D., held on November 17, 2014, is attached as Exhibit 47.

35. A true and complete copy of the cited excerpts from the deposition of Christopher Doyle, M.A., L.C.P.C., is attached as Exhibit 48.

36. A true and complete copy of an e-mail sent by Robert Vazzo to the NARTH listserv, dated August 14, 2009, is attached as Exhibit 49.

37. A true and complete copy of the cited excerpts from the deposition of Joseph Nicolosi, Ph.D., held on October 30, 2014, is attached as Exhibit 50.

38. A true and complete copy of an e-mail exchange via the NARTH listserv, dated July 14 through 17, 2012, including a message sent by Robert Vazzo, is attached as Exhibit 51.

39. A true and complete copy of compiled printouts of the “Understanding the Code” section of JONAH’s website, <http://www.jifga.org>, as visited on May 7, 2018, is attached as Exhibit 52.

40. A true and complete copy of the cited excerpts from Volume 1 of the June 17, 2015, trial transcript is attached as Exhibit 53.

41. A true and complete copy of the cited excerpts from the June 18, 2015, trial transcript is attached as Exhibit 54.

42. A true and complete copy of the cited excerpts from the deposition of David J. Sowers is attached as Exhibit 55.<sup>5</sup>

43. A true and complete copy of the cited excerpts from the deposition of Raleigh Clough is attached as Exhibit 56.

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<sup>5</sup> Pursuant to the Parties’ Protective Stipulation, Exhibit 55 is filed under seal.

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: May 8, 2018  
New York, NY



Thomas S. Kessler