

EXHIBIT 17

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

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

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

Date: June 8, 2015
Volume 1 of 2
Pages 1 - 200

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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METRO TRANSCRIPTS, L.L.C.

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1 A You don't have to be part of JONAH to be part of
2 the Listserv.
3 Q You're supposed to share their mission and
4 not be trying to undermine it.
5 A I mean, what's --
6 Q Let's, let's move on. I need to ask you a
7 few questions about the Youtube video you did. --
8 A Yes.
9 Q -- Again, after you did this sabotaging of
10 the Listserv, you also did a Youtube video with Chaim
11 Levin at the request of a gay activist named Wayne
12 Besen, right?
13 A Whatever activist means, but yes, Wayne Besen
14 asked us to do a video.
15 Q Well what it means is you know he's got a
16 website dedicated to shut down anybody anywhere in the
17 nation ever getting this kind of help from anyone. --
18 A His web --
19 Q -- You knew that.
20 A His website is Truth Wins Out. It's to bring out
21 the truth about certain organizations that harm people.
22 Q Okay. It doesn't just focus on JONAH, right?
23 It focuses on much bigger fish they want to fry, right?
24 A They focus on other conversion therapies, of
25 course, yes. They focus on things that harm people.

1 And I --
2 Q Yeah, I'm not asking you your interpretation
3 of whether you think it harms people. We've already
4 established you didn't complain of that when you left.
5 And by the way, this term "conversion therapy", you
6 never heard Mr. Downing use that term, did you?
7 A I don't remember.
8 Q And you never heard Mr. Goldberg or Ms. Berk
9 use the term "conversion therapy".
10 A Not that I recall.
11 Q But of course, that's a term Mr. Besen uses
12 and that's a term you like to use, right?
13 A That's a universal term. That's not a Besen term.
14 Q It's not universal to my clients, is it, in
15 your experience with them?
16 A The general consensus is that it's called
17 conversion or reparative therapy. I mean, --
18 Q In any event, --
19 A -- it just is.
20 Q -- you've heard JONAH refer to gender
21 affirming processes, gender wholeness. That's what
22 they call it, right?
23 A I've heard those, those terms, yes.
24 Q It was Mr. Levin that introduced you to Mr.
25 Besen?

1 that, that's why -- and if I may in response to a
2 previous question about praying away the gay. We can't
3 simply pray it away because you've got to exercise your
4 free will. You've got to do something. God has the
5 power to create any kind of miracle. However, in my
6 belief system and in the Jewish belief system, God
7 basically gives us free will, so we can act upon that
8 free will. And in terms of taking action and taking,
9 taking correct movement of things is what is the key
10 to, to heal. So it's a question of believing in what
11 God's commandments are, understanding what God's
12 commandments are, but then taking the action in -- on
13 -- in this world in terms of what it also to do in
14 order to overcome.

15 Q When I mentioned trying to overcome guilt,
16 shame, is that all part of the process?

17 A It's all part of the process. The biggest problem
18 with so many of these men that have come to us is guilt
19 and shame.

20 Q Okay. So if someone were to take the stand
21 and say you're just heaping blame on people and shaming
22 people and coercing people, what would your response be
23 to that?

24 A Absolutely not. I talk about that in the book in
25 a few different places, about the fact that we can't

1 blame the individual. And, and in fact, what I say is
2 that if people really are happy being gay, I use a
3 Yiddish phrase which gay ga zinta hate, which means in
4 English "go in good health". I'm not here to try to
5 convince people that they got to do this. I mean, I'd
6 like them to do this. I believe that's what God
7 intended us to do. But I, I -- I'm not there
8 basically, you know, going on the street corner and
9 grabbing someone in to do -- that he must do this. And
10 so -- I'm sorry.

11 Q Are you trying to convert anybody -- we hear
12 this, this phrase "conversion therapy". What's your
13 response to that term as a concept that you're trying
14 to convert people to your one way?

15 A I find "conversion" a particularly obnoxious term
16 partially upon the history of Judaism, where Jews were
17 forced to convert many times. But it's also a question
18 of try -- it gives the concept of, of forcing somebody.
19 And again, I believe in free choice. God has given us
20 free choice. We have the power of free choice. And we
21 can make that decision as free people.

22 Q Okay.

23 MR. LI MANDRI: Just look at one more
24 paragraph in this document and we're done with it, the
25 very next one please.