

EXHIBIT 31

Michael P. Laffey, Esq.
Messina Law Firm, P.C.
961 Holmdel Road
Holmdel, NJ 07733-2103
Tel: (732) 332-9300; Fax: (732) 332-9301

Charles S. LiMandri (*Pro hac vice*)
Teresa L. Mendoza (*Pro hac vice*)
Paul M. Jonna (*Pro hac vice*)
Freedom of Conscience Defense Fund
P.O. Box 9520
Rancho Santa Fe, CA 92067
Tel: (858) 759-9948; Fax: (858) 759-9938

Attorneys for Defendants

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

Plaintiffs,)

v.)

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

Defendants.)

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

Civil Action

**DEFENDANTS' TRIAL
MEMORANDUM**

On the Brief
Charles S. LiMandri, Esq.
Teresa L. Mendoza, Esq.
Paul M. Jonna, Esq.
Michael P. Laffey Esq.

C. Third Affirmative Defense: The harm alleged in the Complaint was caused by conditions not subject to the control of these defendants.

It is Defendants' religious belief, and the basis for their ministry, that everyone suffers from some spiritual and emotional wounds in their life, regardless of their sexual orientation. When those wounds are left unhealed, they can cause shame and guilt as well as distress and anxiety. In that sense, everyone is in need of God's healing power and mercy. The JONAH defendants refer to resolving this spiritual brokenness as "teshuvah," which means that we are all called to some degree of repentance and healing.

The failure of Plaintiffs to resolve their SSA, and Plaintiff Unger's needing to continue therapy, were caused by Plaintiffs' co-morbid addictions and unhealed spiritual and emotional wounds, and were not caused by Defendants. These other issues largely impacted their reasons for seeking Defendants' services initially, and affected their experiences with those services. The people who come to Defendants for help, both heterosexuals and homosexuals, do so for a variety of sexual and non-sexual issues, and frequently have unhealed wounds and addictions that are causing them distress. This includes the Plaintiffs, who came to Defendants because they were confused over the fact that they experienced both SSA and OSA, and were distressed because their SSA conflicted with their religious values and visions for their lives at that time. Plaintiffs' unhealed wounds and addictions were the proximate cause of their alleged harms, and not any representations or actions undertaken by Defendants. For example, Plaintiff Levin testified explicitly, and documents verify, that during his participation in SOCE he impeded his own progress by not following Defendants' recommendations and only erratically attending his counseling and group support sessions. His own failure to perform the work prescribed is the best explanation for why he was not successful in achieving his counseling goals.