

EXHIBIT 33

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SUPERIOR COURT OF NEW JERSEY

HUDSON COUNTY, LAW DIVISION

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MICHAEL FERGUSON, BENJAMIN UNGER, SHELDON
BRUCK, CHAIM LEVIN, JO BRUCK, BELLA LEVIN,

Plaintiffs,

-against-

JONAH (Jews Offering New Alternatives for
Healing f/k/a Jews Offering New Alternatives to
Homosexuality), ARTHUR GOLDBERG, ALAN DOWNING,
ALAN DOWNING LIFE COACHING LLC,

Defendants.

Docket No. L-5473-12
-----x

One Liberty Plaza
New York, New York

February 26, 2014
9:04 a.m.

CONTINUED DEPOSITION of ALAN DOWNING,
taken pursuant to Notice, taken by Fran Insley,
a Notary Public of the States of New York and
New Jersey.

ELLEN GRAUER COURT REPORTING CO. LLC
126 East 56th Street, Fifth Floor
New York, New York 10022
212-750-6434
REF: 106353

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2 encouraging him to face his fears, his stories.

3 Q. What sort of lead-in questions?

4 A. Well, what do you see? I don't
5 know -- actually I don't even know if that was
6 a leading question. I was being funny. What
7 do you see in the mirror? Is this reality? Is
8 it fantasy? Is this a mature man's body? Is
9 this a boy's body, and Ben, that would have
10 been one of the questions I probably would have
11 asked.

12 Q. This is one of the processes like
13 before, they could be part of an overall
14 program to help a client become more
15 heterosexual?

16 A. To the extent that body shame
17 contributes to one's sexual orientation, yes.

18 Q. In Mr. Unger's situation, is that
19 one of the things that contributed to his
20 homosexuality?

21 A. In Mr. Unger's case, I think his
22 body shame helped or contributed to his
23 avoidance of men, his want to be separated from
24 them and his fear of engaging men in healthy,
25 what I would consider normal ways. For

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2 example, going to a mikvah with family members
3 or with friends. That's a fairly normal
4 activity in the Jewish community and yet he was
5 very reluctant to do that.

6 Q. So body image issues for Benji did
7 contribute to his homosexuality?

8 A. Body images contributed to shame
9 around his body. His shame around his body
10 would have contributed to his alienation from
11 men or his fear or mystification of men.

12 So by walking through those kinds of
13 issues, he would have been able to be more
14 comfortable with men, which ultimately would
15 contribute to diminishing same sex attraction.

16 Q. You mention the mikvahs. That is a
17 bath?

18 A. Mikvahs are ritual baths where
19 Jewish men go to experience a ritual or
20 religious purification. I have never been to
21 one, but my understanding from what my clients
22 and others have told me is, it's a religious
23 right.

24 Q. Your recommendation to Mr. Unger was
25 to seek other opportunities to be naked around

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2 That disturbance led into the suggestion of a
3 body process. We proceeded to execute a body
4 process as outlined by the notes. He shed
5 negative messages about himself and then
6 processed issues around his body, found his
7 power and then stepped back into his power by
8 taking on new and positive messages.

9 Q. You said that one of the things that
10 you worked on with Mr. Levin is to help him to
11 stop smoking?

12 A. That did come up as part of one of
13 his primary issues.

14 Q. Was there any linkage in the
15 discussion about Mr. Levin's smoking to his
16 efforts to become more heterosexual?

17 A. Not specifically, although greater
18 self discipline could certainly help in that
19 regard as one of the contributing factors to
20 getting greater control over one's life and
21 living the life one wants to live.

22 Q. You said greater discipline?

23 A. Yes, self discipline, sense of
24 accomplishment and achievement.

25 Q. How, briefly if you can, would

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2 greater discipline assist Mr. Levin to become
3 more heterosexual?

4 A. Greater self-discipline usually
5 translates into greater sense of self-esteem,
6 not being a slave to an addiction. So it's
7 just one of the components that can help one
8 feel better about ones self and contribute
9 ultimately to choosing the live one wants to
10 live. If heterosexuality is that choice, that
11 would be great.

12 Q. Did you represent to Mr. Levin that
13 his homosexuality was a function of some
14 deficiency in his self-esteem?

15 A. No, no. Again, self-esteem could be
16 a contributing factor. Again, with Chaim, I
17 don't think we ever came up with or got close
18 to creating some kind of a theory or helping
19 him create his own theory because he would
20 come, he would leave, he would come, he would
21 leave. His time with me was inconsistent and
22 broken up.

23 Q. You mentioned a clearing with Shuky.
24 Was Shuky someone that dealt with same sex
25 attraction?

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2 one. Remove homosexuality from that statement
3 and I would probably agree with it much more
4 so.

5 Q. Do gay people tend to be emotionally
6 infantile compared to other populations?

7 A. I haven't seen any studies to that
8 effect. It would really be -- I have no way of
9 making that statement. It's just way too broad
10 and not based on anything that I ever read per
11 se.

12 Q. Can anxiety fuel same sex
13 attraction?

14 A. Yes, I believe so. Specifically the
15 work of Dr. Phillipson indicates that there is
16 a component, a correlation between OCD, which
17 is an anxiety disorder, and homosexuality. One
18 of the reasons why I said -- referred Benji to
19 him was that at the time I was suspicious that
20 Ben's homosexual attractions were more based in
21 an OCD obsession than was a fear of being gay
22 and really that wasn't his authentic identity.

23 It would appear, and I don't have
24 any information about his work with Dr.
25 Phillipson, but it would appear that however