

EXHIBIT 39

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SUPERIOR COURT OF NEW JERSEY
HUDSON COUNTY LAW DIVISION

MICHAEL FERGUSON, BENJAMIN UNGER,)
SHELDON BRUCK, CHAIM LEVIN,)
JO BRUCK, BELLA LEVIN,)
Plaintiffs,)
vs.) No. L-5473-12

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.)

VIDEO DEPOSITION OF TONY PALMISANO
TAKEN ON BEHALF OF THE DEFENDANT
MARCH 10, 2014

(Starting time of the deposition: 10:02 a.m.)

1 A Let me rephrase that. It was -- it
2 was -- it wasn't sexual, no. It wasn't sexual. It
3 was -- no.

4 Q How would you describe it? Can you
5 describe it a little better for us?

6 A A wanting to be with them, a wanting to
7 be like them. I'd say it came from a low self
8 esteem at the time. It was when I was feeling not
9 so good about myself.

10 Q So you said that those feelings were
11 inconsistent between ages five and six and when you
12 attended your first JIM weekend. Explain to me how
13 they waxed and waned over the years.

14 A They manifest when stress was high in my
15 life due to big changes in my life. Yeah.

16 Q Okay. And was there anything in
17 particular that triggered your going to a JIM
18 weekend?

19 A Well, I had just gotten divorced and,
20 yeah, there was a man in the Mankind Project that I
21 knew and hung out with that was gay, lived the
22 lifestyle, and what was your question again?

23 Q Well, what were the triggers that --
24 that made you want to go to the JIM weekend?

25 A That man kept trying to encourage me or

1 going to work. You know, the magic's there, it's
2 going to work.

3 Q Did he charge you for any of the work
4 you did with him outside of JIM?

5 A No, he did not. And when I staffed --
6 no, I mean, they fed us and everything. And going
7 back to my wife, though, I mean, I have a
8 tremendously great relationship with my wife and I
9 mean sexually, emotionally, it's everything I
10 dreamed of.

11 Q Does she know about your issues with
12 your sexuality?

13 A She does, yeah. She understands that
14 it's not -- you know, when she first met me, I told
15 her about it and it scared her. And since then I've
16 been more and more concrete about that it's just
17 something that I desired in other men. It's not
18 anything that's threatening to our marriage in any
19 sexual way or anything like that. She had a hard
20 time understanding it at first.

21 Q Why do you think you have -- had this
22 confusion?

23 A I was physically abused by both my
24 parents, emotionally abused, and then at school, in
25 grade school, didn't feel liked, was ousted, was the

1 loner, was the one that everybody fought with
2 physically and felt like I was on the outside
3 looking in all the time, so --

4 Q When you say you were physically abused
5 by your parents, was this -- did that involve any
6 sexual abuse?

7 A No.

8 MR. LAFFEY: I think I'm just about done.
9 Give me a minute to -- why don't we take a short
10 break. Can we do that?

11 MR. McCOY: Sure.

12 VIDEOGRAPHER: The time is 10:37. We are
13 off the record.

14 (Break taken.)

15 VIDEOGRAPHER: The time is 10:48. We're
16 back on the record.

17 Q (By Mr. Laffey) Just a few more questions
18 from me. You mentioned that you have -- have OCD?

19 A Yes.

20 Q Was that diagnosed by a doctor?

21 A Yes, uh-huh.

22 Q Psychiatrist?

23 A Psychiatrist.

24 Q Did you see a psychiatrist about that?

25 A Yes.

1 Q You wanted to be as popular as they
2 were?

3 A Yeah. Um-hmm. I wanted to be liked. I
4 wanted to be popular. I wanted to be in their
5 clique.

6 Q Were you in any clique?

7 A No.

8 Q Were you in any activities or clubs or
9 sports?

10 A I played soccer when I was -- but that
11 was way back when. And I quit. Didn't even follow
12 through. No, we were not in any -- I was not in any
13 club sports, anything like that.

14 Q You've indicated that there have been
15 times when you've had low self esteem.

16 A Um-hmm.

17 Q Did you ever experience that in high
18 school at times?

19 A Yes.

20 Q What were the circumstances in which
21 you'd feel low self esteem?

22 A Well, like I said, I guess -- I think it
23 was not -- you know, I wasn't -- I was a C student.
24 You know, I'd try as much as I could to get better
25 grades and I couldn't get better grades. I was

1 better with my hands than I was in my head because I
2 took shop courses, but just didn't feel like -- just
3 didn't feel like I could connect to other people in
4 class, you know, I just -- just didn't have whatever
5 they had is what I told myself at the time.

6 Q Did you go to prom?

7 A No.

8 Q At your high school, were there any kids
9 that you knew to be gay?

10 A I knew of some guys that I suspected
11 were gay.

12 Q But they weren't open about it?

13 A No.

14 Q Were they treated any differently than
15 other kids?

16 A I was not that close to them to even
17 know. I seen them, you know, it was a pretty big
18 school. I seen them walking here and there. They
19 seemed pretty popular.

20 Q Did you have any reaction to your own
21 suspicion that these other kids might be gay?

22 A I think -- I'd say I was a little
23 homophobic.

24 Q What do you mean by that?

25 A I think I was afraid. I mean, just -- I

1 A You know, I sought -- you know, I had
2 friends with the New Warriors, like I said, and I
3 also had this other friend at the time that lived
4 the lifestyle, like I said, and I tried to get
5 counsel through him, but I didn't feel like it was
6 unbiased.

7 Q Okay. I'm trying to figure out when you
8 went to New Warriors. Was that before or after your
9 first marriage ended?

10 A It was before.

11 Q And remind me why it is that you went to
12 New Warriors.

13 A Because I wanted a connection with other
14 men.

15 Q I'm sorry, go ahead.

16 A In a way that -- in a way that was
17 talking about something other than sports or
18 drinking.

19 Q And how did you learn about New
20 Warriors?

21 A From a chiropractor that I was going to.
22 He had fliers there.

23 Q How many times did you go to New
24 Warriors?

25 A How many times did I go to it? Well,