

# **EXHIBIT 41**

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 2 MICHAEL FERGUSON, BENJAMIN UNGER, )  
 3 SHELDON BRUCK, CHAIM LEVIN, )  
 4 JO BRUCK, BELLA LEVIN, )  
    Plaintiffs, ) Superior Court  
                   ) of New Jersey  
 4 V. )  
       ) Hudson County  
 5 JONAH (JEWS OFFERING NEW ) Law Division  
 6 ALTERNATIVES FOR HEALING f/k/a )  
 7 JEWS OFFERING NEW ALTERNATIVES ) Docket No.  
   TO HOMOSEXUALITY), ARTHUR ) L-5473-12  
 8 GOLDBERG, ALAN DOWNING, ALAN )  
   DOWNING LIFE COACHING, LLC, ) CIVIL ACTION  
   Defendants. )  
 9 \_\_\_\_\_ )

10  
 11  
 12  
 13 VIDEOTAPED DEPOSITION OF  
 14 PIETER L. VALK  
 15 March 18, 2014  
 16 9:30 a.m.

17  
 18  
 19  
 20  
 21 Scadden Arps  
 22 500 Boylston Street  
 23 Boston, Massachusetts

24 Cindy M. Falcon  
 Certified Shorthand Reporter

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1 APPEARANCES:  
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11 ALSO PRESENT:  
 12 Kristin Zarnetske, Legal Videographer

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1 PROCEEDINGS  
 2 THE VIDEOGRAPHER: Here begins Videotape No.  
 3 1 in the deposition of Pieter L. Valk in the matter of  
 4 Michael Ferguson, et al, versus JONAH, (Jews Offering  
 5 New Alternatives for Healing), et al., defendants, in  
 6 the Superior Court of New Jersey, Law Division, Case  
 7 No. L-5473-12. We are on the record, and the time is  
 8 9:31 AM on March 18, 2014. This deposition is being  
 9 taken at Scadden Arps at 500 Boylston Street, Boston,  
 10 Massachusetts. My name is Kristin Zarnetske. I'm a  
 11 legal videographer representing Freedom Court  
 12 Reporting.  
 13 Would counsel present please introduce  
 14 themselves and state whom they represent?  
 15 MR. LAFFEY: Michael Laffey, attorney for the  
 16 defendants.  
 17 MR. ITTELSON: Alesdair Ittelson, attorneys  
 18 for the plaintiffs, and I'm joined here by my  
 19 colleague, David Dinielli.  
 20 THE VIDEOGRAPHER: Would the court reporter  
 21 please swear the witness.  
 22  
 23  
 24

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1 A. I believe three, and I'd like to keep that  
 2 confidential, if that's something I can do.  
 3 MR. LAFFEY: I explained to Mr. Valk about  
 4 the confidentiality agreement, and I told him if he  
 5 wanted anything marked confidential that he testified  
 6 about he should request that during his deposition.  
 7 MR. DINIELLI: That's right, and we'll  
 8 consider those requests under the protective order.  
 9 MR. LAFFEY: Yes, correct.  
 10 Q. And was it during college that you started to  
 11 see Thaddeus Heffner?  
 12 A. Yes, my junior year of college.  
 13 Q. Where is Vanderbilt University located?  
 14 A. Nashville, Tennessee.  
 15 Q. And how did you find Thaddeus Heffner?  
 16 A. I asked my campus minister, the leader of the  
 17 ministry, campus ministry I was involved in at  
 18 Vanderbilt because he lived in Nashville and went to a  
 19 church and was involved in some different areas, if he  
 20 had any recommendations because I had wanted to see a  
 21 counselor about these issues, and then he gave me  
 22 three or four names, and then I talked to maybe five  
 23 or six, I talked to those names, and they all referred  
 24 me to Thaddeus.

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1 Q. Do you remember the names of any of those  
 2 people who you spoke to?  
 3 A. I don't.  
 4 Q. And so therefore you contacted Mr. Heffner?  
 5 A. Mm-hmm.  
 6 Q. And you undertook therapy with him?  
 7 A. Yeah.  
 8 Q. What did the therapy consist of?  
 9 A. There was a lot of talking about my past and  
 10 past experiences, making sense of them, and then  
 11 talking about the things in my present that were  
 12 causing me anxiety and how to deal with that anxiety.  
 13 Q. Did that have any effect on your same-sex  
 14 attraction?  
 15 A. It did.  
 16 Q. What effect did it have?  
 17 A. I would say by the end of my time meeting  
 18 with him, which was end of my senior year or end of  
 19 the summer after my senior year of college, the  
 20 attraction to men didn't have the same -- I don't  
 21 know -- strength or like weight in me that it used to.  
 22 It's not that I was no longer attracted to men, but it  
 23 was something I could easily dismiss.  
 24 I mean, I recognized when someone was

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1 attractive, but it didn't pull me or have the same  
 2 weight that it used to.  
 3 Q. In your freshman year of college, did you  
 4 date any women?  
 5 A. Yes.  
 6 Q. And when did you -- was it after your  
 7 freshman year you started seeing Thaddeus Heffner?  
 8 A. After my junior year.  
 9 Q. After your junior year.  
 10 A. Or the beginning of my junior year.  
 11 Q. In your junior year did you date women also?  
 12 A. Yes.  
 13 Q. Was it during your freshman and junior year  
 14 that you had relationships with men also?  
 15 A. No, actually only during my senior year.  
 16 Q. Okay. So that was towards the end of your  
 17 treatment with Thaddeus Heffner, wasn't it?  
 18 A. Mm-hmm.  
 19 Q. Why did you engage in those same-sex  
 20 relationships at that point?  
 21 A. Yeah, well, a lot of ways I could explain  
 22 that. I think for one, I just really had never been  
 23 presented with opportunities before then, so that's  
 24 certainly part of it, although I knew of

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1 opportunities, could have sought them out.  
 2 Senior year was also really difficult for me  
 3 in a lot of other ways, trying to figure out what the  
 4 next step was in my life, feeling some rejection from  
 5 some opportunities that felt pretty well set in stone.  
 6 I was really hoping to go on staff with the campus  
 7 ministry I was involved in afterward and kind of got a  
 8 rejection from that.  
 9 And so it caused a lot of anxiety in my life  
 10 and I basically -- wherever I could just find comfort  
 11 or find things that felt good, I just kind of went to  
 12 them.  
 13 Q. Did those relationships feel good to you?  
 14 A. I mean, they were physically stimulating, but  
 15 they weren't emotionally satisfying.  
 16 Q. Tell me about your relationships with women  
 17 during your college years.  
 18 A. I dated a girl, end of my freshman year,  
 19 beginning of my sophomore year, but I never, you know,  
 20 fell in love with her. She was a great girl, but it  
 21 didn't work out. And I had another relationship  
 22 beginning of my junior year. It was kind of a similar  
 23 circumstance. And then this past, beginning -- end of  
 24 my senior year I started dating a girl, and

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1 know, he didn't pretend to know that.  
 2 But we did, we did kind of get into, okay,  
 3 well what, at least my family life and growing up,  
 4 what are some dynamics that could have contributed to  
 5 that.  
 6 Q. And did those discussions give you some  
 7 insight into your own situation?  
 8 A. Yeah. So we talked some about, for example,  
 9 my dad was not very present. I mean, he worked a lot,  
 10 so I didn't have a relationship with him when I was  
 11 younger. And so, you know, how that may have affected  
 12 the way I saw people, I saw men particularly.  
 13 You know, for example, an eight-year-old boy  
 14 wants to see his dad as Superman and wants Superman to  
 15 tell him that he can be Superman one day, and I never  
 16 had that. So, you know, that could have led to me  
 17 longing to find like an older man in my life who could  
 18 affirm me, who could tell me, you know, you have what  
 19 it takes.  
 20 And because I had not had that, you know,  
 21 that could be one of the contributing factors, or  
 22 having a mom who, you know, not to be crude, but like,  
 23 you know, wouldn't let me grow up to be a man and  
 24 like, you know, suffocated me as a mother and kind of

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1 took my testicles from me in a way.  
 2 So yeah, we talked about family dynamics, and  
 3 that made sense to me, how some of those things could  
 4 have contributed to some of my anxiety and some of  
 5 maybe my unmet needs, my unmet intimacy needs that  
 6 weren't met as a child, and I can't go back and be a  
 7 child again, and so now I'm trying to meet those in  
 8 other ways.  
 9 Q. You mentioned anxieties. Do you have

10 anxieties?  
 11 A. I mean, a normal level. I don't think --  
 12 I've never sought any kind of medication for anxiety.  
 13 I don't think I have like an unbearable amount of  
 14 anxiety, but sure, yeah.  
 15 Q. What anxieties were you referring to?  
 16 A. Okay, yeah, well, there was always a lot of  
 17 shame that I was attracted to guys. The biggest thing  
 18 that Thaddeus talked to me was about, like it's not  
 19 good to be shameful, it's not good to feel shame, God  
 20 doesn't want me to feel shame, Thaddeus doesn't want  
 21 me to feel shame, my parents don't want me to feel  
 22 shame, and I'm only hurting myself.  
 23 So really letting go of that, really saying  
 24 this is who I am right now, you know, and based on how

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1 I saw God and what I thought of God, He loves me and,  
 2 you know, if He allowed this to happen in my life, if  
 3 that's how it works even, that He has a plan to make,  
 4 to redeem it. No promises what that looks like, but  
 5 that God is going to love me through this and that,  
 6 you know, I can have my conversation with God and be  
 7 maybe angry at Him for that, but He doesn't want me to  
 8 feel shameful that I'm attracted to guys.  
 9 Other anxieties, there's a lot of like  
 10 insecurity. I usually could look to my guy friends  
 11 and see that they were more attractive than me or more  
 12 athletic than me or smarter than me or more popular  
 13 than I am, than I was. And that caused a lot of  
 14 envying of my friends which could easily turn into me,  
 15 I guess it would be like sexualizing those or I just  
 16 kind of like desired them because I saw them as better  
 17 than me because I saw myself as inferior, and there  
 18 was a lot of anxiety, too, in that.  
 19 I really wanted intimacy, I mean, I wanted  
 20 physical intimacy, I wanted emotional intimacy, and  
 21 certainly in high school that just -- but it didn't  
 22 really happen because everyone has pretty superficial  
 23 surface-level friendships in high school.  
 24 And I was close to my parents, and but really

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1 not in an intimate, intimate, intimate way. And then  
 2 getting into college was a similar experience, wanting  
 3 that intimacy in a healthy way but not finding it and  
 4 feeling kind of anxiety about that lacking.  
 5 Q. You mentioned that when you had your sexual  
 6 relations with men, you were under a lot of stress at  
 7 the time.  
 8 A. Mm-hmm.  
 9 Q. Are there certain things that trigger your

10 attraction to men or increase it?  
 11 A. I guess I don't really understand the  
 12 question.  
 13 Q. Does stress in some way cause you to be more  
 14 attracted to men?  
 15 MR. ITTELSON: Objection, leading.  
 16 A. I think that kind of what I said earlier, it  
 17 adds more weight to it, I mean, stress adds more  
 18 weight to everything in my life when I'm stressed, so  
 19 I don't think differently than other things. But  
 20 yeah, I think when I'm anxious it's harder to dismiss  
 21 the things I want to dismiss or the things that bring  
 22 me stress there that are heavier.  
 23 Q. When you retained Thaddeus Heffner, you had  
 24 certain goals you wanted to reach, you were hoping to

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1 terrifying.

2 Q. So you were scared about sharing?

3 A. Yes.

4 Q. And why was that?

5 A. I didn't know how they would react.

6 Q. What were you afraid of?

7 A. Didn't know if they'd get, you know, weirded

8 out or, you know, made them uncomfortable, made them

9 want to be my friend less. I tend to expect the worst

10 in life sometimes, so it was probably more just my,

11 you know, cynical attitude than it was reasonable

12 expectations.

13 Q. Do you think those fears about your friends

14 may have impacted whether or not you wanted to engage

15 in an emotional relationship with men?

16 A. No.

17 Q. Why not?

18 A. I don't see how they would, I mean --

19 Q. So you were afraid of your friends's

20 reactions to you telling them that you had same-sex

21 attractions?

22 A. Yeah.

23 Q. But you were not worried about how they would

24 react if you, for example, had a boyfriend?

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1 A. I mean, they would react differently

2 probably, but I wasn't like afraid, like I didn't

3 think I would be rejected or something like that, no.

4 Q. So you expected the worst and you were

5 worried about how they would react, but you didn't

6 think they would necessarily react poorly if you had

7 had a boyfriend?

8 A. Correct.

9 Q. If we could move on to the next page.

10 A. Sure.

11 Q. To the left of the session content area, this

12 is 022844, it explains acted out once with -- I'm not

13 sure who that is.

14 A. Oh, it says porn.

15 Q. So this is in 2011. Would that have been

16 homosexual porn?

17 A. Yes.

18 Q. And was that something that you were

19 attempting to work on?

20 A. It was something that I, regardless of the

21 nature of the porn, I wanted to stop watching porn.

22 Q. And why was that?

23 A. I don't know. Because I think it's false

24 intimacy.

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1 Q. I'm going to jump ahead to January 20, 2012.

2 That's 022846.

3 A. Mm-hmm.

4 Q. It says that you were feeling awesome and

5 peaceful. It also says that you were interested in a

6 girl and that you shared your story and that she

7 wanted to go on a date with you.

8 A. Mm-hmm.

9 Q. Could you talk a little bit about that?

10 A. Sure, yeah. There was a girl who just

11 through proximity and similar interests and whatnot,

12 we hung out a good bit and -- I don't know -- I was

13 interested in her and then -- but before like I wanted

14 to be in a relationship with her, for some reason at

15 that time I thought I wanted to be up front with her,

16 you know, it's something I'm dealing with, so that it

17 doesn't come out really in the relationship and just

18 kind of rears its head and messes up things. So

19 that's something that, yeah, you know...

20 Q. How did she react?

21 A. She acted well. I mean, she actually already

22 knew because someone also had told her kind of on

23 accident, actually. But she said yeah, I mean, what I

24 told her was I had these feelings, but I didn't

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1 want -- I wasn't seeking a relationship with a guy.

2 That's not really what I wanted, but that I was

3 interested in her, and she was comfortable with that.

4 Q. So did you tell her that you were sexually

5 attracted to men?

6 A. I don't know if I used those words, but I

7 think she knew that I found men attractive.

8 Q. Moving on to the next page, that's 022847, in

9 the middle of the session content it explains: Client

10 felt a little, client felt a bit awkward at the end.

11 And at the top it says something fantasy.

12 Could you describe what was going on during

13 that session, and take as much time as you need to

14 read over the notes.

15 A. I don't really remember. I don't remember

16 what happened then.

17 Q. Okay, that's fine. Further on down the page,

18 in insight it says that you realize that there are

19 some guys you are fine taking your shirt off of in

20 front of (sic) and that there's some you are not or

21 you were not.

22 A. Mm-hmm.

23 Q. Could you describe what that means?

24 A. Yes. I think he was referring to if I'm

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1 hanging around guys that I think are less physically  
 2 fit than I am, I'm comfortable taking my shirt off  
 3 because I don't feel the insecurity. But if they're  
 4 more physically fit than I am, then I feel an  
 5 insecurity about, you know, some body shame you could  
 6 say.  
 7 So I don't feel comfortable, you know, taking  
 8 my shirt off, like at a pool, for example, or -- no,  
 9 the pool I really wouldn't care. I don't know what  
 10 context would be, but some context where it is normal  
 11 for people not to have their shirts off.  
 12 Q. In a fraternity house, for example?  
 13 A. Sure, yeah.  
 14 Q. And so in homework it says: Try taking your  
 15 shirt off and be aware of your feelings. Did you do  
 16 that?  
 17 A. Probably, yeah. Like I said, this was  
 18 probably like, for example, I was living in a hallway  
 19 where there were all singles dorms, you know, you had  
 20 to walk to the bathroom. So like an exercise I did  
 21 was like to be really comfortable just like walking  
 22 through the hallway to the bathroom just in my boxer  
 23 briefs and being like proud, like I'm a person, I have  
 24 a body, I'm happy with my body, it doesn't look

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1 perfect, no one's body is perfect, go in the bathroom,  
 2 taking my shower, so, you know.  
 3 Q. Did that help address your same-sex  
 4 attraction?  
 5 A. I don't know if -- there's a guy out there.  
 6 Q. That would be lunch. Could you just answer  
 7 the question?  
 8 A. Sure. Yeah, I don't think so. I don't know.  
 9 Q. Just to recap, you did take your shirt off  
 10 and walked around the dorm?  
 11 A. Mm-hmm.  
 12 Q. But that did not help your homosexual  
 13 attractions?  
 14 A. I mean, I think it helped me be proud of my  
 15 body, reduced some of my body shame, you know, helped  
 16 reduce, small way, small steps, reducing the  
 17 inferiority I felt toward men who looked better than  
 18 me, I felt toward perfect-looking men in pornography,  
 19 for example, and reduced that.  
 20 One of those forces I thought that was really  
 21 giving the weight to, for my same-sex attraction,  
 22 really, I mean, drawing me to guys. Yeah, I could  
 23 find them attractive, but I'm even more finding them  
 24 attractive because I feel inferior.

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1 Q. So in February of 2012, you're explaining how  
 2 this exercise is helping you to feel less inferior.  
 3 A. Mm-hmm.  
 4 Q. But my question was: Do you think it helped  
 5 address your same-sex attraction?  
 6 MR. LAFFEY: Objection, asked and answered.  
 7 A. I mean, as I said, in a small way, yeah.  
 8 Q. In a small way.  
 9 A. All little steps.  
 10 Q. Let's go on to February 23, actually, March  
 11 23. This is 022849. The last line on session  
 12 content, could you read that for me, please?  
 13 A. Fell or, oh, "Fear of acting out with another  
 14 man shuts down his love for God and others because  
 15 selfish to keep from acting out." Maybe that's not --  
 16 I don't know what that word is.  
 17 Q. From what you can read, what do you think  
 18 that means?  
 19 A. I don't really know what he meant by that. I  
 20 don't know what that was. I don't think it was  
 21 necessarily something we discussed, or I don't  
 22 remember it.  
 23 Q. So fear of acting out with another man shuts  
 24 down his love for God and others, you don't remember

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1 that?  
 2 A. No.  
 3 Q. The next section says, "Discussed JIM." What  
 4 is JIM?  
 5 A. This was probably Journey Into Manhood, like  
 6 a weekend conference.  
 7 Q. Do you remember what the conversation was  
 8 about?  
 9 A. I think he shared a little bit about what the  
 10 event was, something that was really good for some  
 11 people, suggested that I look into it, if it was  
 12 something I was interested in. But I never was really  
 13 interested in it, never looked into it further.  
 14 Q. Why not?  
 15 A. I don't know. Probably mostly because it was  
 16 strangers and it was leaving a whole weekend and it  
 17 was costly for plane flights. Really practical  
 18 reasons actually, so...  
 19 Q. You weren't interested in attending a JIM  
 20 weekend?  
 21 A. Correct.  
 22 Q. I'm going to jump over to 022855. In the  
 23 middle of session content it says, "Client sees God as  
 24 reducing SSA."