

Exhibit 49

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 18, 2015

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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1 what I had seen, with all the books I'd seen, and the
2 people I've heard that have worked with him, I knew
3 that if anybody could help me, he could.

4 And then from working with him, and seeing a lot
5 of healing in a very short time, I became -- I came
6 back into my faith because I realized that -- that the
7 Church was right all along, that the teaching of the
8 church was for my own benefit. It wasn't just an old
9 rule or some kind of a stipulation. It was actually
10 out of love and for my own benefit.

11 Q How would you describe how your same sex
12 attraction has changed since you started this journey?

13 A I'd the erotic same sex attraction and the
14 romanticism has ben reduced by at least -- at least 90
15 percent in terms of frequency and intensity. I used to
16 be, you know, having lustful thoughts or acting out
17 every day, sometimes several times a day, before I
18 started this. And now it's more of like just a random
19 thought, every couple weeks or so. And it doesn't
20 compel me to -- to do anything that I don't want to do.
21 It just -- it's a random thought, and I'm able to
22 release that and analyze that.

23 Q How about your opposite sex attraction? How
24 has that changed?

25 A I've definitely seen an -- an increase in that.

1 It's different from what I normally would have
2 expected, in the past. It's not like a 180-degree
3 shift because that wouldn't be healthy, either. And as
4 Dr. Nicolosi explained to me early on, that typically
5 for -- for men coming out of same sex attraction, the
6 way that opposite sex attraction develops is they
7 develop a friendship --

8 MR. DINIELLI: Objection. This is expert
9 testimony, and it's hearsay.

10 THE COURT: Sustained.

11 Q I just want to hear about how your opposite
12 sex attraction changed.

13 A Okay. The way my opposite sex attraction has
14 changed is that when I have been able date a girl and
15 get to know her, that I see that attraction develop as
16 the friendship develops, and as the relationship
17 develops. It's not the way some guys, where they look
18 at -- see every girl as they walk by. And I don't
19 necessarily see that as healthy, either. I don't want
20 to objectify women either. I want to have a healthy
21 marriage, eventually.

22 Q Are you happier now?

23 A Yes.

24 Q In which way?

25 A In every imaginable way. My life is a thousand

1 times better than it's ever been before.
2 Q Have you started dating women?
3 A I have.
4 Q And you said you could see yourself getting
5 married to a woman.
6 Q I hope so. It's definitely a -- a big
7 possibility now.
8 Q Has your faith played a role in your journey?
9 A It's been very integral to my journey. It's the
10 center of my life now.
11 Q Why are you willing to be a witness in this
12 case?
13 A Because I believe in the cause. I believe in
14 religious freedom. And I believe in what Arthur's
15 doing.
16 MR. DINIELLI: Objection. Relevance.
17 THE COURT: What difference does his belief
18 make?
19 MR. JONNA: I want to hear why he's willing
20 to fly out here and testify.
21 THE COURT: Well, he came out here because he
22 believes the process works. I think that's all the
23 jury needs to know.
24 MR. JONNA: Very good. Thank you, your
25 Honor.

1 Q Are you involved in any other ministries
2 similar to JONAH?
3 A Yes. I started a ministry modeled after JONAH.
4 And --
5 Q What's it called?
6 A It's called Joel 2:25.
7 Q What does that name signify?
8 A It's -- the verse stands for "I will restore what
9 the locust have eaten." And it's about emotional
10 healing and restoration. And it's primarily for men
11 and women who experience unwanted same sex attraction.
12 Q Why did you start it?
13 A I started it because I really liked what I saw
14 JONAH doing. And I saw them helping a lot of men, and
15 helping a lot of women, as well. And I wanted to carry
16 that on. And so I started a -- basically a Catholic
17 evangelical version of that. And also branched out
18 through the Internet to help people in other countries
19 develop that.
20 Q How many men do you work with?
21 A It's -- well, men and women, and parents now, it's
22 about -- about 730.
23 Q Is it international?
24 A Yes. They have -- they're spread across 104
25 countries right now.

1 Q Do you engage in any processes that would
2 take place in a JIM weekend?
3 A Yes, we do a few.
4 Q Which ones?
5 A Well, I mean, without copying, we --
6 (indiscernible) our experience, we try to adapt to
7 anything that the individual really needs. So it's a
8 lot more -- we have -- divide up into small groups.
9 And so, depending on what the person's dealing with, if
10 they're dealing a lot of shame, we try to deal with
11 that. If they're, you know, just dealing with --
12 trying to -- to make friends and -- and feel
13 comfortable around other men, we'll deal with that. So
14 it's customized for each individual, just like it is on
15 a JIM weekend.
16 Q Is your work with Joel 2:25 time consuming?
17 A Yes.
18 Q Are you paid for your time?
19 A No.
20 Q Do you expect to be?
21 A No, never.
22 Q Why are you willing to give up your time to
23 do this?
24 A Because it's something I'm really passionate
25 about. It's something my faith calls me to do. And --

1 and I love to see other men and women experience the
2 same freedom and healing that I have.
3 Q Do you know other men who have changed their
4 sexual orientation?
5 A Many.
6 MR. DINIELLI: Objection. It calls for
7 speculation.
8 THE COURT: Sustained.
9 Q Are you involved in any way politically
10 trying to protect people's rights to have access to
11 this type of therapy?
12 MR. DINIELLI: Objection. Relevance.
13 THE COURT: Can I see counsel at side bar?
14 (Sidebar)
15 THE COURT: What are we doing?
16 MR. JONNA: Well, I assume that was going to
17 come up on cross. I want to bring it out on direct.
18 MR. LI MANDRI: We just preempted that.
19 THE COURT: Well, if it comes up on cross,
20 then you can object. I don't care how he feels about
21 Constitutional issues. He's a fact witness.
22 MR. JONNA: Okay.
23 THE COURT: He's a success story witness.
24 That's the proffer.
25 MR. JONNA: Okay.

1 THE COURT: It's limited to that.
2 MR. LI MANDRI: I -- just so you know, we
3 anticipated they would try to discredit him by saying
4 you're an activist --
5 THE COURT: Well, they're going to have a
6 hard time doing that since they just objected to your
7 question.
8 MR. LI MANDRI: Got -- got it. Thank you.
9 MR. JONNA: Thank you.
10 THE COURT: Okay.
11 (Sidebar concluded)
12 BY MR. JONNA:
13 Q One last question. Based on your experience
14 with this work, including your work with Joel 2:25 and
15 the over 790 you work with, have you ever witnesses
16 anyone being harmed?
17 A Never.
18 MR. DINIELLI: Objection. Speculation.
19 MR. JONNA: I'm asking him what he witnessed,
20 your Honor.
21 THE COURT: I'll allow the question. Go
22 ahead.
23 A I have never experienced anyone being harmed. And
24 I've also read --
25 MR. LI MANDRI: No.

1 THE COURT: No. Stop.
2 THE WITNESS: Okay. Okay.
3 THE COURT: You've never seen anybody harmed
4 in anything you personally ran or attended. That's
5 your answer.
6 THE WITNESS: Yes. Yes, that's my answer.
7 THE COURT: Cross-examine.
8 THE WITNESS: Okay. Thank you.
9 MR. LAFFEY: Excuse me, your Honor.
10 Transcript.
11 THE COURT: Oh, thank you.
12 CROSS-EXAMINATION BY MR. DINIELLI:
13 Q Good morning, Mr. Schwab. We haven't met.
14 My name is David Dinielli.
15 A Thank you, David.
16 Q I'd like to talk to you a little bit about
17 some of your connections to people in this case.
18 A Yes.
19 Q I'd like to start with Jeff Bennion.
20 A Uh-huh.
21 Q He's the man from Utah who testified
22 yesterday. You know him, right?
23 A Yes. Uh-huh.
24 Q In fact, you've staffed several Journey Into
25 Manhood weekends with him?
