Michael P. Laffey, Esq. NJ Bar No. 026761986 Messina Law Firm, P.C. 961 Holmdel Road Holmdel, NJ 07733-2103 Tel: (732) 332-9300; Fax: (732) 332-9301

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

CERTIFICATION OF ARTHUR GOLDBERG

I, Arthur Goldberg, certify as follows:

- 1. I understood the Permanent Injunction to prohibit Conversion Therapy (as defined in the Injunction) but only in the State of New Jersey. That is, I believed that the provision of such therapy outside New Jersey was not prohibited, and referrals to such therapy outside New Jersey were similarly not prohibited. I believed (and believe) that my actions complied with the Permanent Injunction.
- 2. The referrals did not involve either New Jersey clients or New Jersey therapists. In particular, I did not refer New Jersey clients to out-of-state therapists (or vice versa), nor refer New Jersey therapists to out-of-state clients (or vice versa).
- 3. Plaintiffs' Brief ("Pb") refers to two different clients with the initials "J.H." See Pb 9, n. 10.

- a. I referred "J.H." (Bensman Exh. 17 at JIFGA-00036091-92) to Robert Vazzo years before the Permanent Injunction was entered in 2015.
- b. I did not refer "J.H." (Bensman Exh. 17 at JIFGA-00039944-45) to Vazzo.
- 4. I did not refer "R.R." (Pb 9, n. 10) to Vazzo.
- 5. I did not refer "I.M." (Pb 9, n. 10) to Robert Morgan.
- 6. The Nefesh listserv and JNARS listserv (see Pb 10) both provide valuable information to mental health professionals, and only a small percentage of the postings on those listservs concern potential client referrals. Membership in those organizations is not limited to mental health professionals.
- 7. The referrals that I made in Bensman Exh. 23 ("Suggestions from phone call") were to a married couple ("GA" and "JA") for couples' therapy, and not to address their sexual orientation.
  - 8. "S.M." (see Bensman Exhs. 24, 37, 38) is from New York.
- 9. I travel extensively and was not in New Jersey when many of the emails referenced in Plaintiffs' Brief were sent. In the three years following the entry of the Permanent Injunction, I took more than 30 separate multi-day trips outside the State of New Jersey. For example:
  - a. On December 31, 2015, when Bensman Exhibits 11 and 13 were sent, I was in New York housesitting for my daughter.
  - b. On April 9-10, 2017, when Bensman Exhibits 37-38 were sent, I was in Maryland for Passover.
  - c. On July 16, 2017, when Bensman Exhibit 29 was sent, I was on vacation in Kentucky.

- 10. I do not know the person identified as "E.C." See Bensman Exh. 37 at -02. I was not acquainted with E.C. I do not know if I ever met him or spoke to him. I did not then (and do not now) know if E.C. was from New Jersey. I did not solicit E.C. to attend the JIM weekend. That weekend was a series of group events, and I have no recollection of any personal interaction with E.C.
- 11. Following the May 2018 court hearing, JIFGA refunded all of the therapy fees that JIFGA had received. Specifically, on June 6, 2018, JIFGA refunded more than \$50,000 \$46,042.68 to nine different clients plus \$4,282.50 to Morgan and Vazzo. True copies of those checks, with the corresponding cover letters, are attached hereto as Exhibit A (with identifying information redacted).
- July 8, 2016. A true copy of that \$260.00 payment is attached hereto as Exhibit B (with identifying information redacted). Of that \$260.00, \$85.00 was returned 3 days later, on July 11, 2016. A true copy is attached hereto as Exhibit C (with identifying information redacted). The balance \$175.00 was refunded by JIFGA to Client 8's mother on June 6, 2018. A true copy of that \$175.00 check, with the corresponding cover letter, is attached hereto as Exhibit D (with identifying information redacted). Thus, JIFGA refunded all of the money it received from Client 8.
- 13. Some of Client 8's therapy fees were paid directly to Vazzo. To the extent that JIFGA received referral fees from Vazzo and Morgan, JIFGA refunded those fees to Vazzo and Morgan. See Exhibit A.
- 14. In their 2018 motion, Plaintiffs complained that *JIFGA* had received therapy fees from JONAH clients. As a result of that allegation, I instructed JIFGA's bookkeeper to review

JIFGA's financial records to determine the extent of those payments. Plaintiffs did not allege, however, that JONAH had received therapy fees after the entry of the Permanent Injunction and, at that time (2018), I did not recall that JONAH had received therapy fees in the months between the entry of the Permanent Injunction (in December 2015) and JONAH's dissolution (in August 2016). I therefore did not instruct the bookkeeper to review JONAH's financial records at that time.

- When Plaintiffs' motion was filed on March 27, 2019, and in light of the allegation in Plaintiffs' Brief that JIFGA had miscalculated the refund to Client 8, JIFGA undertook to review its financial records a second time. In the course of that re-review, I discovered that, in addition to the fees received by *JIFGA* after the Permanent Injunction was entered, *JONAH* had also received some therapy fees in the few months after the Permanent Injunction was entered and before the dissolution of JONAH. Specifically, from the date of the Permanent Injunction through June 2016, JONAH received \$14,071.00 from eleven clients (including \$1,225.00 from Client 8's mother) plus \$822.50 from Vazzo and Morgan. All eleven of those clients were clients of JONAH prior to 2016.
- 16. Those fees were refunded in their entirety on April 25, 2019 (within 30 days of Defendants' receipt of Plaintiffs' Brief). True copies of those checks, with the corresponding cover letters, are attached hereto as Exhibit E (with identifying information redacted). Page 2 of Exhibit E reflects a refund to B.A. Page 4 of Exhibit E reflects a refund to H.E., including the fees for N.S. that were paid by H.E.
- 17. The fees for S.M. (see Pb 19, n.21) were never received and therefore never refunded.

HUD-L-005473-12 05/03/2019 5:23:45 PM Pg 5 of 37 Trans ID: LCV2019785606

I certify that the within statements are true. I understand that if any of the within statements are willfully false I am subject to punishment.

Arthur Goldberg

Date: May 2, 2019



Deam 1	
In connection with counseling services provided to you by Bobby Morgan during 2016 and/or 2017, we have determined that the funds paid to JIFGA have been inappropriately paid to us under an Agreement that JONAH and I entered into in 2015 in the case of Ferguson et. al.v. JONAH et. al.	ave
To effectuate a cure of this issue, JIFGA is hereby returning all the funds you paid to JIFGA during 2016 and/o	id/er

It is very important that you cash this check as soon as possible so we can put this matter behind us. Thank you for your cooperation.

2017 for the counseling services referred to above. Therefore, enclosed is a check in the amount of \$1,147.13

If you have any questions, please feel free to contact me.

Most sincerely,

Arthur Goldberg, co-director

arthur@lifea.org 201 433 3444

**JIFGA** 1287 PO Box 313 Jersey City. NJ 07303-0313 #001287# #021200339#





In connection with counseling services provided to you by Robert Vazzo during 2016 and/or 2017, we have determined that the funds paid to JIFGA have been inappropriately paid to us under an Agreement that JONAH and I entered into in 2015 in the case of Ferguson et. al.v. JONAH et. al.

To effectuate a cure of this issue, JIFGA is hereby returning all the funds you paid to JIFGA during 2016 and/or 2017 for the counseling services referred to above. Therefore, enclosed is a check in the amount of \$5,986.90.

It is very important that you cash this check as soon as possible so we can put this matter behind us. Thank you for your cooperation.

If you have any questions, please feel free to contact me.

Most sincerely,

Arthur Goldberg, co-director

arthur@iifga.ore 201 433 3444

JIFGA PO Box 313

Jersey City, NJ 07303-0313

1293

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In connection with counseling services provided to you by Robert Vazzo during 2016 and/or 2017, we have determined that the funds paid to JIFGA have been inappropriately paid to us under an Agreement that JONAH and I entered into in 2015 in the case of Ferguson et. al. v. JONAH et. al.

To effectuate a cure of this issue, JIFGA is hereby returning all the funds you paid to JIFGA during 2016 and 2017 for the counseling services referred to above. Therefore, endosed is a check in the amount of \$7,695.

It is very important that you cash this check as soon as possible so we can put this matter behind us. Thank you for your cooperation.

If you have any questions, please feel free to contact me.

Most sincerely,

Arthur Goldberg, co-director

arthur@iifga.ore

201 433 3444

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Dear # 4
In connection with counseling services provided by Bobby Morgan during 2016 and/or 2017 to you and for others on whose behalf you paid the fees, we have determined that the funds paid to JIFGA have been inappropriately paid to us under an Agreement that JONAH and I entered into in 2015 in the case of Ferguson et. al. v. JONAH et. al.
To effectuate a cure of this issue, JIFGA is hereby returning all the funds you paid to JIFGA during 2016 and/or 2017 for the counseling services referred to above. Therefore, enclosed is a check in the amount of \$21,952.90
It is very important that you cash this check as soon as possible so we can put this matter behind us. Thank you for your cooperation.
If you have any questions, please feel free to contact me.
Most sincerely,
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Arthur Goldberg, co-director
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Dear

In connection with counseling services provided to your son by Robert Vazzo during 2016 and/or 2017, we have determined that the funds paid to JIFGA have been inappropriately paid to us under an Agreement that JONAH and I entered into in 2015 in the case of Ferguson et. al. v. JONAH et. al.

To effectuate a cure of this issue, JIFGA is hereby returning all the funds you paid to JIFGA during 2016 and/or 2017 for the counseling services referred to above. Therefore, enclosed is a check in the amount of \$3,445.

It is very important that you cash this check as soon as possible so we can put this matter behind us. Thank you for your cooperation.

If you have any questions, please feel free to contact me.

Most sincerely,

Arthur Goldberg, co-director

arthur@iifea.ore

201 433 3444

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In connection with counseling services provided to your son by Bobby Morgan during 2016 and/or 2017, we have determined that the funds paid to JIFGA have been inappropriately paid to us under an Agreement that JONAH and I entered into in 2015 in the case of Ferguson et. al. v. JONAH et. al.

To effectuate a cure of this issue, JIFGA is hereby returning all the funds you paid to JIFGA during 2016 and/or 2017 for the counseling services referred to above. Therefore, enclosed is a check in the amount of \$1,750

It is very important that you cash this check as soon as possible so we can put this matter behind us. Thank you for your cooperation.

If you have any questions, please feel free to contact me.

Most sincerely,

Arthur Goldberg, co-director

arthur@iifea.org 201 433 3444

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PO Box 313
Jersey City, NJ 07303-0313

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In connection with counseling services provided to you by Robert Vazzo during 2016 and/or 2017, we have determined that the funds paid to JIFGA have been inappropriately paid to us under an Agreement that JONAH and I entered into in 2015 in the case of Ferguson et. al. v. JONAH et. al.

To effectuate a cure of this issue, JIFGA is hereby returning all the funds you paid to JIFGA during 2016 and/or 2017 for the counseling services referred to above. Therefore, enclosed is a check in the amount of \$260.

It is very important that you cash this check as soon as possible so we can put this matter behind us. Thank you for your cooperation.

If you have any questions, please feel free to contact me.

Most sincerely,

Arthur Goldberg, co-director

arthur@iifea.ora 201 433 3444

JIFGA
PO BOX 313
Jersey City, NJ 07303-0313

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In connection with counseling services provided to your son by Robert Vazzo during 2016 and/or 2017, we have determined that the funds paid to JIFGA have been inappropriately paid to us under an Agreement that JONAH and I entered into in 2015 in the case of Ferguson et. al. v. JONAH et. al.

To effectuate a cure of this issue, JIFGA is hereby returning all the funds you paid to JIFGA during 2016 and/or 2017 for the counseling services referred to above. Therefore, enclosed is a check in the amount of \$175.

It is very important that you cash this check as soon as possible so we can put this matter behind us. Thank you for your cooperation.

If you have any questions, please feel free to contact me.

Most sincerely,

Arthur Goldberg, co-director

arthur@iifga.org

201 433 3444

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In connection with counseling services provided to you by Bobby Morgan during 2016 and/or 2017, we have determined that the funds paid to JIFGA have been inappropriately paid to us under an Agreement that JONAH and I entered into in 2015 in the case of Ferguson et. al.v. JONAH et. al.

To effectuate a cure of this issue, JIFGA is hereby returning all the funds you paid to JIFGA during 2016 and/or 2017 for the counseling services referred to above. Therefore, enclosed is a check in the amount of \$3,630.75

It is very important that you cash this check as soon as possible so we can put this matter behind us. Thank you for your cooperation.

If you have any questions, please feel free to contact me.

Most sincerely,

Arthur Goldberg, co-director

arthur @ifea.ore
201 433 3444

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PO Box 313
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Dear Bobby Morgan,

In connection with counseling services you provided during 2016 and 2017, we have determined that certain funds paid to or withheld by JIFGA have been inappropriately paid to or withheld by us under an Agreement that JONAH and I entered into in 2015 in the case of Ferguson et. al v. JONAH et. al.

To effectuate a cure of this issue, JIFGA is hereby enclosing a check in the amount of \$1,327.50

It is very important that you cash this check as soon as possible so we can put this matter behind us. Thank you for your cooperation.

If you have any questions, please feel free to contact me.

Most sincerely,

Arthur Goldberg, co-director

arthur@iifea.org

JIFGA
PO Box 313
Jersey City, NJ 07303-0313

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Dear Robert Vazzo,

In connection with counseling services you provided during 2016 and 2017, we have determined that certain funds paid to or withheld by JIFGA have been inappropriately paid to or withheld by us under an Agreement that JONAH and I entered into in 2015 in the case of Ferguson et. al v. JONAH et. al.

To effectuate a cure of this Issue, JIFGA is hereby enclosing a check in the amount of \$2,955

It is very important that you cash this check as soon as possible so we can put this matter behind us. Thank you for your cooperation.

If you have any questions, please feel free to contact me.

Most sincerely,

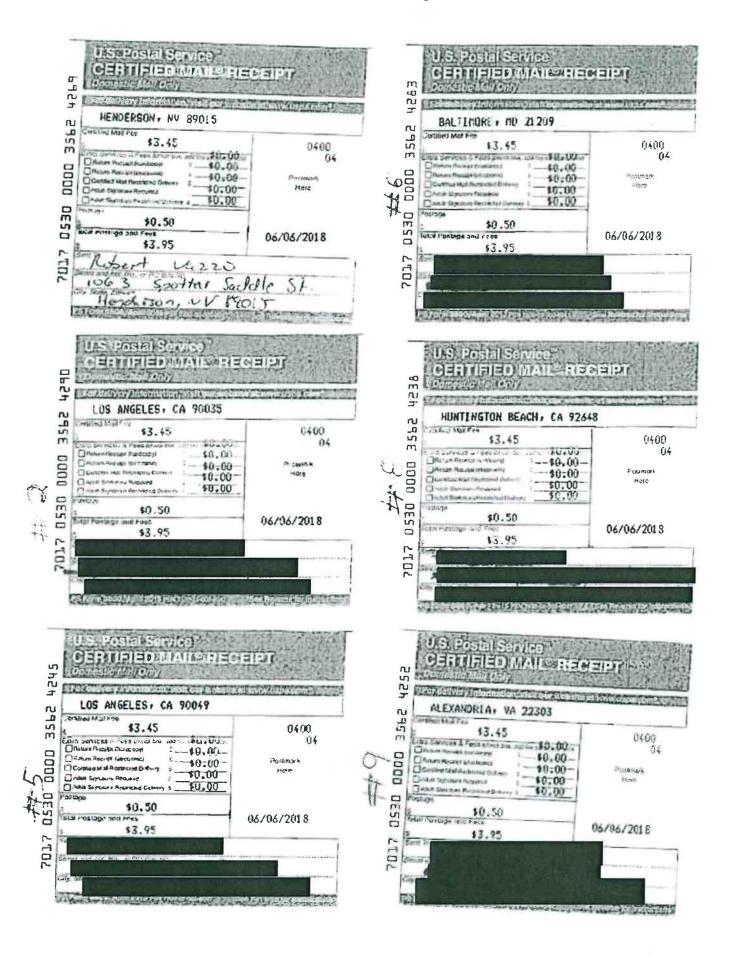
Arthur Goldberg, co-director

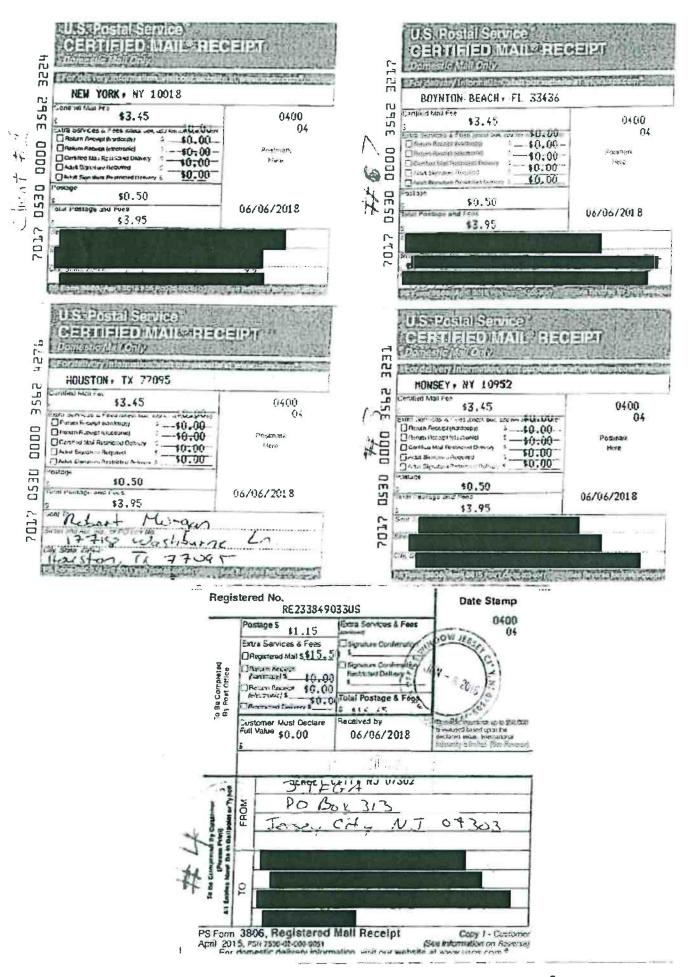
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80 Grand St

Jersey City, NJ 07302

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Description:

2 Sessions with RV

Order Number: Customer ID: P.O. Number:

Invoice Number:

**Billing Information** 

**Shipping Information** 

Shipping:

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Tax:

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Total: USD 260.00

Date/Time:

08-Jul-2016 08:34:57 PDT

Transaction ID:

20038881350

Transaction Type:

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Transaction Status:

Settled Successfully

Authorization Code:

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Payment Method:

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## Merchant: Jewish Institute for Global Awareness

80 Grand St

Jersey City, NJ 07302

201-946-9933

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Description:

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Shipping:

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Total: USD (85.00)

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Transaction Type:

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Authorization Code:

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In connection with counseling services provided to your son by Robert Vazzo during 2016 and/or 2017, we have determined that the funds paid to JIFGA have been inappropriately paid to us under an Agreement that JONAH and I entered into in 2015 in the case of Ferguson et. al. v. JONAH et. al.

To effectuate a cure of this issue, JIFGA is hereby returning all the funds you paid to JIFGA during 2016 and/or 2017 for the counseling services referred to above. Therefore, enclosed is a check in the amount of \$175.

It is very important that you cash this check as soon as possible so we can put this matter behind us. Thank you for your cooperation.

If you have any questions, please feel free to contact me.

Most sincerely,

Arthur Goldberg, co-director

arthur@iifga.org

201 433 3444

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Dear \_\_\_\_

As a result of the case of *Ferguson et al. v. JONAH et al.*, I am refunding certain counselling fees which you paid to JONAH after December 18, 2015. Therefore, enclosed is a check in the amount of \$2,345

If you have any questions, please feel free to contact me.

Most Sincerely,

Arthur Goldberg

Arthur @JIFGA.org
201-433-3444

ARTHUR ABBA GOLDBERG JANE E GOLDBERG	6547
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As a result of the case of *Ferguson et al. v. JONAH et al.*, I am refunding certain counselling fees which you paid to JONAH after December 18, 2015. Therefore, enclosed is a check in the amount of <u>\$676</u>.

If you have any questions, please feel free to contact me.

Most Sincerely,

Arthur Goldberg
Arthur@JIFGA.org
201-433-3444

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As a result of the case of Ferguson et al. v. JONAH et al., I am refunding certain counselling fees which you paid to JONAH after December 18, 2015. Therefore, enclosed is a check in the amount of \$845.25

If you have any questions, please feel free to contact me.

Most Sincerely,

Arthur Goldberg

Arthur@JIFGA.org
201-433-3444

ARTHUR ABBA GOLDBERG JANE E GOLDBERG 83 MONTGOMERY ST APT L JERSEY CITY, NJ. 07302-3731	april 24, 2019 Date
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Dear

As a result of the case of Ferguson et al. v. JONAH et al., I am refunding certain counselling fees which you paid to JONAH after December 18, 2015. Therefore, enclosed is a check in the amount of \$4,891.50

If you have any questions, please feel free to contact me.

Most Sincerely,

Arthur Goldberg
Arthur@JIFGA.org

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As a result of the case of Ferguson et al. v. JONAH et al., I am refunding certain counselling fees which you paid to JONAH after December 18, 2015. Therefore, enclosed is a check in the amount of \$131.25

If you have any questions, please feel free to contact me.

Most Sincerely,

Arthur Goldberg

Arthur@JIFGA.org

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As a result of the case of *Ferguson et al. v. JONAH et al.*, I am refunding certain counselling fees which you paid to JONAH after December 18, 2015. Therefore, enclosed is a check in the amount of \$1,475.50

If you have any questions, please feel free to contact me.

Most Sincerely,

Arthur Goldberg

Arthur@JIFGA.org

ARTHUR ABBA GOLDBERG JANE E GOLDBERG 63 MONTGOMERY ST APT L JERSEY CITY, NJ 07302-3731	april 24,2019	6552 95-2/212 8995
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Dear \_\_\_\_

As a result of the case of Ferguson et al. v. JONAH et al., I am refunding certain counselling fees which you paid to JONAH after December 18, 2015. Therefore, enclosed is a check in the amount of \$772.50

If you have any questions, please feel free to contact me.

Most Sincerely,

Arthur Goldberg

Arthur@JIFGA.org

ARTHUR ABBA GOLDBERG  JANE E GOLDBERG  83 MONTGOMERY ST APT L  JERSEY CITY, NJ 07302-3731	6553 Cipuel 24, 2019 Date
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As a result of the case of Ferguson et al. v. JONAH et al., I am refunding certain counselling fees which you paid to JONAH after December 18, 2015. Therefore, enclosed is a check in the amount of \$128.50

If you have any questions, please feel free to contact me.

Most Sincerely,

Certhun

Arthur Goldberg

Arthur@JIFGA.org

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Dear Dear

As a result of the case of Ferguson et al. v. JONAH et al., I am refunding certain counselling fees which you paid to JONAH after December 18, 2015. Therefore, enclosed is a check in the amount of \$1,255

If you have any questions, please feel free to contact me.

Most Sincerely,

Arthur Goldberg

Arthur@JIFGA.org

ARTHUR ABBA GOLDBERG JANE E GOLDBERG 83 MONTGOMERY ST APT L JERSEY CITY, NJ 07302-3731	6555 65-2/212 8905 Opril 24, 2019 Date
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If you have any questions, please feel free to contact me.

Most Sincerely,

Arthur Goldberg

Arthur @JIFGA.org

201-433-3444

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As a result of the case of Ferguson et al. v. JONAH et al., I am refunding certain counselling fees which you paid to JONAH after December 18, 2015. Therefore, enclosed is a check in the amount of \$955.50

If you have any questions, please feel free to contact me.

Most Sincerely,

Arthur Goldberg

Arthur@JIFGA.org

ARTHUR ABBA GOLDBERG JANE E GOLDBERG B3 MONTGOMERY ST APT L	6557 55-2/212 8905
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Dear Bobby,

As a result of the case of *Ferguson et al. v. JONAH et al.*, I am refunding certain counselling fees which you paid to or were withheld by JONAH after December 18, 2015. Therefore, enclosed is a check in the amount of \$5547.50

If you have any questions, please feel free to contact me.

Most Sincerely,

Arthur Goldberg
Arthur @ JIFGA.org
201-433-3444

ARTHUR ABBA GOLDBERG JANE E GOLDBERG	6559 55-27212 8909
83 MONTGOMERY ST APT L JERSEY CITY, NJ 07302-8731	( 194, 2019 Date
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For Joseph Refund	Clity Addbey

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Dear Robert,

As a result of the case of *Ferguson et al. v. JONAH et al.*, I am refunding certain counselling fees which you paid to or were withheld by JONAH after December 18, 2015. Therefore, enclosed is a check in the amount of \$275

If you have any questions, please feel free to contact me.

Most Sincerely,

Arthur Goldberg

Arthur JIFGA.org

201-433-3444

ARTHUR ABBA GOLDBERG  JANE E GOLDBERG  83 MONTGOMERY ST APT L  JERSEY CITY, NJ 07302-3731	6558 Ceprel 24, 2019
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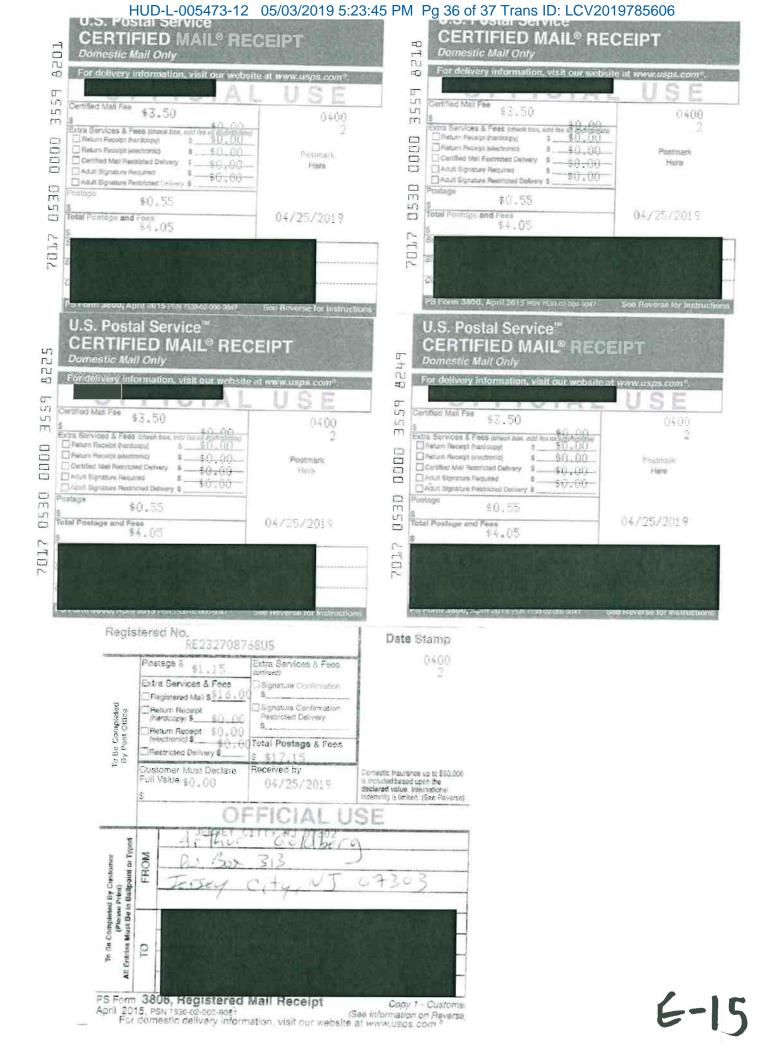
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