LDG
ATTORNEYS AT LAW
LITE DEPALMA GREENBERG, LLC
Newark • Chicago • Philadelphia

TWO GATEWAY CENTER, SUITE 1201
NEWARK, NJ 07102
TEL: 973.623.3000
FAX: 973.623.0858
www.litedepalma.com

November 27, 2012

HAND DELIVERED

Clerk, Superior Court of New Jersey
Hudson County Law Division
595 Newark Avenue
Jersey City, New Jersey 07306

Re: Michael Ferguson, Benjamin Unger, Sheldon Bruck, Chaim Levin, Jo Bruck and Bella Levin v. JONAH, Arthur Goldberg, Alan Downing, Alan Downing Life Coaching, LLC

Dear Sir/Madam:

This office represents the plaintiffs, Michael Ferguson, Benjamin Unger, Sheldon Bruck, Chaim Levin, Jo Bruck and Bella Levin, in connection with the above referenced matter. I enclose an original and two (2) copies of the Plaintiffs' Complaint, Designation of Trial Counsel, Jury Demand and Certification, along with a Civil Case Information Statement. Kindly file and return a "filed" copy in the self-addressed stamped envelope provided for your convenience.

You may charge our Superior Court Account No. 37115 for the cost of this filing. Should you have any questions, please do not hesitate to contact my office.

Very truly yours,

Allyn Z. Lite

AZL:cd
Enclosures

301099 v1

LITE DEPALMA GREENBERG, LLC
Allyn Z. Lite
Jeffrey A. Shooman
Two Gateway Center – Suite 1201
Newark, NJ 07102
(973) 623-3000

SOUTHERN POVERTY LAW CENTER
Christine P. Sun (*pro hac vice* admission pending)
Samuel E. Wolfe (*pro hac vice* admission pending)
Alesdair H. Ittelson (*pro hac vice* admission pending)
400 Washington Ave.
Montgomery, AL 36104
(334) 956-8200

CLEARY GOTTLIEB STEEN & HAMILTON LLP
James L. Bromley (*pro hac vice* admission pending)
Scott D. McCoy (*pro hac vice* admission pending)
One Liberty Plaza
New York, NY 10006
(212) 225-2000

Attorneys for Plaintiffs

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 HUDSON COUNTY, LAW DIVISION Docket No: _____ CIVIL ACTION **COMPLAINT AND JURY DEMAND**

Plaintiffs through their undersigned counsel, by way of complaint, state:

PRELIMINARY STATEMENT

1. This is a case challenging services provided by Defendants purporting to change a person's sexual orientation from gay to straight. Plaintiffs bring this case under the New Jersey

Consumer Fraud Act, which protects consumers from deceptive, false, or fraudulent business practices.

2. Plaintiffs Michael Ferguson, Benjamin Unger, Chaim Levin, and Sheldon Bruck were consumers of "conversion therapy" provided by one or more of the above-captioned Defendants. Conversion therapy is sometimes also called "reparative," "reorientation," or "ex-gay" therapy.

3. Plaintiffs Bella Levin and Jo Bruck, the respective mothers of Levin and Bruck, paid one or more Defendants for conversion therapy services for their sons and paid for mental-health costs resulting from the damage caused by Defendants' services.

4. Conversion therapy is based on the misguided and erroneous belief that being gay is a mental disorder – a position rejected by the American Psychiatric Association four decades ago.

5. Conversion therapy has also long been discredited and highly criticized by all mainstream mental health and medical professional organizations. As the American Psychological Association has found, "[t]here is simply *no sufficiently scientifically sound evidence* that sexual orientation can be changed."[1] The American Psychiatric Association has further warned that the "[t]he potential risks of reparative therapy are great, including depression, anxiety and self-destructive behavior, since therapist alignment with societal prejudices against homosexuality may reinforce self-hatred already experienced by the patient."[2]

6. Despite the findings by the American Psychological Association, the American Psychiatric Association, and peer organizations, Defendants repeatedly represented to Plaintiffs that their services were effective in changing a person's sexual orientation from gay to straight.

---

[1] American Psychological Association, *Statement of the American Psychological Association* (Aug. 10, 2006), www.apa.org/pi/lgbt/resources/policy/ex-gay.pdf (emphasis added).

[2] American Psychiatric Association, *Therapies Focused on Attempts to Change Sexual Orientation (Reparative or Conversion Therapies): COPP Position Statement* (May 2000), http://media.mlive.com/news/detroit_impact/other/APA_position_conversion%20therapy.pdf.

7. Defendants claimed that their services were scientifically proven to be effective, citing the work of Joseph Nicolosi, one of the primary proponents of conversion therapy, and Richard A. Cohen, who was permanently expelled from the American Counseling Association in 2002 for multiple ethical violations related to his conversion therapy services. Nicolosi's "therapeutic" methods for changing a person's sexual orientation include advising fathers to engage in "rough-and-tumble games" and showering with their sons as a means to avoid the development of homosexuality. According to Nicolosi, the act of showering together will help the son identify with his father's body and come to the realization that "I am a boy, and that means I have a penis." The penis, advises Nicolosi, is the "essential symbol of masculinity" and an "undeniable anatomical difference" that "should be emphasized to the boy" as a way for parents to prevent homosexuality in their male children.[3]

8. Cohen's techniques to prevent or cure homosexuality include practices he identifies as "bioenergetics." Prominent components of bioenergetics include having a male patient repeatedly beat a pillow, meant to represent the patient's mother, with a tennis racket, and encouraging male patients to cuddle with one another as a way of diminishing their same-sex attractions.

9. Defendants' services implemented Nicolosi's, Cohen's, and other theories and practices aimed at changing a person's sexual orientation. As described below, Defendants' treatments included sessions in which clients were instructed to:

- remove all clothing during both individual and group therapy sessions including an instruction to Levin to hold his penis in front of Defendant Downing,

---

[3] Joseph Nicolosi & Linda Ames Nicolosi, *A Parent's Guide to Preventing Homosexuality* 24 (2002) (emphasis omitted).

- cuddle and intimately hold others of the same-sex including between young clients and older counselors,
- violently beat an effigy of the client's mother with a tennis racket,
- go to the gym more as well as bath houses in order to be nude with father figures, and
- be subjected to ridicule as "faggots" and "homos" in mock locker room and gym class scenarios.

10. Defendants falsely claimed that their services were effective in changing a person's sexual orientation and placed the blame for any lack of progress on Plaintiffs' purported failure to work hard enough.

11. Plaintiffs relied on Defendants' misrepresentations in paying for their services – services that can cost participants more than $10,000 per year for individual and group sessions as well as weekend retreats. Defendants' misrepresentations and services also caused Plaintiffs to suffer depression and other emotional harm when they were unable to change their sexual orientation using Defendants' services, harm that they subsequently addressed by seeking and paying for professional treatment.

JURISDICTION AND VENUE

12. Plaintiffs seek declaratory, injunctive, and monetary relief, including attorneys' fees and costs, for violations of the Consumer Fraud Act, N.J.S.A. § 56:8-2, *et seq.*

13. Venue is proper in Hudson County under Rule 4:3-2 because it is where the causes of action arose and where Defendants have maintained their principal business addresses or have otherwise conducted business.

PARTIES

14. Defendant **Jews Offering New Alternatives for Healing ("JONAH")**, formerly known as Jews Offering New Alternatives to Homosexuality, is a New Jersey non-profit corporation based at 80 Grand St. in Jersey City, New Jersey. JONAH promotes and offers a secular, "scientifically based" conversion therapy regimen to individuals who identify as gay or experience "same-sex attraction" ("SSA").

15. JONAH adopted its current name to reflect its expanded mission of treating other issues Defendants term "sexual confusion," which along with homosexuality include "sexual promiscuity, pornography, sexual abuse, pedophilia or pederasty, compulsive masturbation, fetishes, transvestitism, incest, prostitution, emotional dependency, sexual addictions."[4]

16. Defendant **Arthur Goldberg** is a co-director, co-founder, and spokesperson for JONAH with the title "Certified Professional Counselor, Relationship Specialist." Goldberg recruits and interacts with JONAH clients, referring them to conversion therapy services primarily through affiliated counselors such as Defendant Alan Downing. On information and belief, Goldberg resides in Jersey City, New Jersey.

17. Defendant **Alan Downing** is a JONAH-affiliated counselor who provides individual and group conversion therapy sessions for JONAH clients at JONAH's Jersey City office as a "life coach." He does not publicize possession of any professional license, and upon information and belief, does not possess any such license. On information and belief, Downing resides in Jackson, New Jersey. Downing sometimes does business as **Alan Downing Life Coaching LLC**, a corporation whose address is listed as 4 Mount Olive Ln., Jackson, New Jersey 08527.

---

[4] *JONAH's History*, JONAH, www.jonahweb.org/ sections.php?secId=11 (last visited Sept. 21, 2012).

18. Plaintiff **Michael Ferguson** resides in Salt Lake City, Utah but lived in New York City when he underwent individual and group conversion therapy sessions with Downing at JONAH's Jersey City building for approximately four months from in or around April 2008 to July 2008.

19. Plaintiff **Benjamin Unger** resides in Brooklyn, New York and underwent Defendants' conversion therapy services at JONAH's Jersey City, New Jersey building for approximately one year, from the summer of 2007 to July 2008, beginning when Unger was 19 years old.

20. Plaintiff **Chaim Levin** resides in Brooklyn, New York. He first met Defendant Goldberg in April 2007 at age 17 and soon after commenced Defendants' conversion therapy program. Levin continued weekly individual and group sessions with Defendant Downing at JONAH's Jersey City building until he terminated sessions in October 2008.

21. Plaintiff **Bella Levin** is Levin's mother who paid for most of Levin's conversion therapy with JONAH as well as costs of repairing the harm caused by Defendants' services.

22. Plaintiff **Sheldon Bruck** resides in New York City. During the summer of 2009, when he was a resident of Chicago, Illinois, Bruck underwent conversion therapy through JONAH for approximately five weeks at the age of 17.

23. Plaintiff **Jo Bruck** is Bruck's mother who paid for Bruck's conversion therapy with JONAH as well as costs of repairing the harm caused by Defendants' services.

GENERAL ALLEGATIONS COMMON TO ALL COUNTS

Tenets of Conversion Therapy and Other Sexual Orientation Change Efforts

24. The essential premise of conversion therapy – that it will "convert" a gay person to a straight person – has no basis in scientific fact.[5]

25. Conversion therapy is aimed at suppressing or eliminating homosexual desire and changing a person's sexual orientation from gay to straight. As explained by the American Psychiatric Association, "[t]he most important fact about these 'therapies' is that they are based on a view of homosexuality that has been rejected by all the major mental health professions."[6] Indeed, the American Psychiatric Association removed homosexuality as a mental disorder from the Diagnostic and Statistical Manual of Mental Disorders four decades ago.

26. Despite a consensus in the scientific community that the origins of sexual orientation (whether genetic, hormonal, or other) are not well understood, conversion therapy claims to have identified certain factors which "cause" homosexuality. For example, a central tenet of conversion therapy, one embraced by the Defendants, is that a main cause of male homosexuality is a deficient father-son relationship. Nicolosi – who co-founded the National Association for Research & Therapy of Homosexuality ("NARTH") and whom Defendants cited as an authority for their program – has written extensively about the supposed essential role that a father plays in

---

[5] American Psychological Association, *supra* note 1.

[6] Just the Facts Coalition, *Just the Facts About Sexual Orientation and Youth: A Primer for Principals, Educators, and School Personnel* 5 (2008), www.apa.org/pi/lgbt/resources/just-the-facts.pdf (The Coalition is comprised of these organizations: American Academy of Pediatrics, American Association of School Administrators, American Counseling Association, American Federation of Teachers, American Psychological Association, American School Counselor Association, American School Health Association, Interfaith Alliance Foundation, National Association of School Psychologists, National Association of Secondary School Principals, National Association of Social Workers, National Education Association, School Social Work Association of America.).

developing his son's sexual orientation. In his handbook for parents looking to "prevent homosexuality" in their child, for example, Nicolosi warns that with respect to the development of male homosexuality, "the one virtually unchanging variable is the poor relationship with fathers."[7]

27. Another theoretical underpinning of conversion therapy is that gay men can change their sexual orientation by forming "healthy" non-sexual male relationships. Nicolosi writes that "[a] large part of the problem is that men struggling with homosexuality hold an idealized and unrealistic view of men and a naive understanding of the nature of male friendships."[8] He further counsels that "the challenge of establishing and deepening healthy male friendships is an essential one for the man who desires to overcome his *homosexual problem*."[9]

28. For those who peddle conversion therapy, participation in competitive team sports is an ideal context for developing these "healthy" male friendships, as if learning to play football or softball will help decrease same-sex attraction. For example, JONAH encourages those with "unwanted same-sex attractions" to seek out team sports to "receive affirmation of their inherent masculinity."[10] According to JONAH, "[p]laying sports heals the disconnection with body from

---

[7] Nicolosi & Nicolosi *supra* note 3 at 74; *see also id.* at 78 ("The majority of fathers of pre-homosexual boys I have known are simply uninvolved, emotionally distant and disconnected, especially from their sons."); Joseph Nicolosi, *Fathers of Male Homosexuals: A Collective Clinical Profile*, http://narth.com/docs/fathers.html (last visited Nov. 26, 2012).

[8] Joseph Nicolosi, *Shame and Attachment Loss: The Practical Work of Reparative Therapy* 303-04 (2009).

[9] *Id.* at 304 (emphasis added).

[10] Elaine Silodor Berk & Arthur A. Goldberg, *JONAH's Psycho-Educational Model for Healing*, JONAH, www.jonahweb.org/sections.php?secId=121 (last visited Apr. 16, 2012).

which our members suffer. Members report that playing sports and learning the skills helped them heal that disconnection while simultaneously increasing their sense of masculinity."[11]

29. Citing Cohen as authority, Defendants further assert that a constellation of additional "precipitating factors" can cause homosexuality, including an overly close relationship with a different-sex parent, poor sibling relationships, and other family dysfunction. Conversion therapy proponents also posit that experiencing child sex abuse is a primary cause of homosexuality.[12]

30. Every mainstream mental health and medical professional organization including the American Psychiatric Association, the American Counseling Association ("ACA"), the American Psychological Association, the American Psychoanalytic Association, the American Medical Association, the American Academy of Pediatrics, the National Association of Social Workers ("NASW"), and the World Health Organization has been highly critical of conversion therapy.

31. In its May 2000 Position Statement, the American Psychiatric Association cautioned that "ethical practitioners refrain from attempts to change individuals' sexual orientation, keeping in mind the medical dictum to First, do no harm."[13] Similarly, the ACA has determined that "[t]he belief that same-sex attraction and behavior is abnormal and in need of treatment is in opposition to the position taken by national mental health organizations, including ACA."[14]

---

[11] *Id.*

[12] Arthur Goldberg, *Light in the Closet: Torah, Homosexuality, and the Power to Change* 125-44 (2008) (citing Richard Cohen, *Coming Out Straight* (2000)).

[13] American Psychiatric Association, *supra* note 2.

[14] Press Release, ACA, Ethical issues related to conversion or reparative therapy (May 22, 2006), https://www.counseling.org/PressRoom/NewsReleases.aspx?AGuid=b68aba97-2f08-40c2-a400-0630765f72f4.

32. Mainstream professional organizations have also expressed deep concerns about the potential harm resulting from efforts to change a person's sexual orientation. Over a decade ago, the American Psychiatric Association warned: "The potential risks of reparative therapy are great, including depression, anxiety and self-destructive behavior, since therapist alignment with societal prejudices against homosexuality may reinforce self-hatred already experienced by the patient. Many patients who have undergone reparative therapy relate that they were inaccurately told that homosexuals are lonely, unhappy individuals who never achieve acceptance or satisfaction." [15] The American Psychoanalytic Association has cautioned that conversion therapy "efforts are against fundamental principles of psychoanalytic treatment and often result in substantial psychological pain by reinforcing damaging internalized attitudes." [16] And the World Health Organization has confirmed that "'reparative' or 'conversion therapies' have no medical indication and represent a severe threat to the health and human rights of the affected persons. They constitute unjustifiable practices that should be denounced and subject to adequate sanctions and penalties."[17] Similar concerns have been raised by the American Psychological Association[18] and the NASW,[19] among others.

---

[15] American Psychiatric Association, *supra* note 2.

[16] American Psychoanalytic Association, *Attempts to Change Sexual Orientation, Gender Identity, or Gender Expression* (Jun. 2012), http://www.apsa.org/About_APsaA/Position_Statements/Attempts_to_Change_Sexual_Orientation.aspx.

[17] The Pan American Health Organization, Regional Office of the World Health Organization, *"CURES" FOR AN ILLNESS THAT DOES NOT EXIST: Purported therapies aimed at changing sexual orientation lack medical justification and are ethically unacceptable* (May 17, 2012), http://new.paho.org/hq/index.php?option=com_docman&task=doc_download&gid=17703&Itemid.

[18] American Psychological Association, *Report of the American Psychological Association Task Force on Appropriate Therapeutic Responses to Sexual Orientation* 120 (Aug. 2009), www.apa.org/pi/lgbt/resources/therapeutic-response.pdf (noting that for some persons who had

33. Despite the foregoing warnings, concerns, and admonitions, Defendants have nonetheless continued to peddle and practice conversion therapy largely through unlicensed counselors free from oversight by professional associations, licensing boards, or other regulatory agencies.

General CFA Violations

34. The New Jersey Consumer Fraud Act, N.J.S.A. § 56:8-2 ("CFA"), prohibits:

> The act, use or employment by any person of any unconscionable commercial practice, deception, fraud, false pretense, false promise, [or] misrepresentation . . . in connection with the sale or advertisement of any merchandise.

35. "Merchandise" includes "any . . . services or anything offered, directly or indirectly to the public for sale." *Id.* § 56:8-1(c).

36. "Person" includes "any natural person . . . partnership, corporation, company, . . . business entity or association, and any agent, employee, salesman, partner, officer, director, member, stockholder, associate, trustee or cestius que trustent thereof." *Id.* § 56:8-1(c).

37. Defendants are "persons" under the CFA and the services they have promoted and sold constitute "merchandise."

38. As described herein, Defendants' unconscionable commercial practices, deception, fraud, false pretenses, false promises, and misrepresentations to Plaintiffs include the following: 1) that gay sexual orientation is a mental disorder and gay people must change to straight in order to lead satisfying and happy lives; 2) that homosexuality is alterable and Defendants are able to successfully change clients' sexual orientation from gay to heterosexual; and 3) that when

---

experienced conversion therapy, "[b]elief in the hope of sexual orientation change followed by the failure of the treatment was identified as a significant cause of distress and negative self-image.").

[19] NASW, "*Reparative" and "Conversion" Therapies for Lesbians and Gay Men: Position Statement* (Jan. 21, 2000), www.naswdc.org/diversity/lgb/reparative.asp (noting that conversion therapy *"potentially can lead to severe emotional damage."*) (emphasis added).

conversion therapy does not produce the promised results, the clients themselves are to blame for not sufficiently investing in and surrendering to Defendants' services.

39. Defendants base their solicitation and treatment of gay clients, including Plaintiffs, upon the false premise that gay sexual orientation is a mental disorder or a pathology. In JONAH's promotional materials, Defendants misrepresent that homosexuality is "a compulsive behavior" similar to other "sexual conflicts" such as sexual abuse, pedophilia and incest.[20] Defendants similarly claim that homosexuality is a "false identity" – a kind of "sexual confusion."[21]

40. Consistent with this premise, JONAH falsely promises that gay orientation is changeable: "Empirical evidence is clear that homosexuality is changeable."[22] "Homosexuality is a learned behavior and ... anyone can choose to disengage from their same-sex sexual fantasies, arousals, behavior and identity – if motivated and supported in that process . . . [and] with appropriate assistance, same-sex attractions can be reduced or eliminated followed by the subsequent development of one's innate opposite-sex attractions."[23]

41. Defendants further contend that conversion therapy is well-grounded in science and results in success:

- "By this process - introspection and healing past wounds, and building a healthier self-image and way of being - we heal the underlying causes of our SSA. In most instances, people who do this feel the force of the same-sex attractions diminish, and feel heterosexual attractions grow."[24]

---

[20] *JONAH's History*, *supra* note 4.

[21] Elaine Silodor Berk, *A Message Co-Director of JONAH*, JONAH, www.jonahWeb.org/sections.php?secId=112 (last visited Sept. 21, 2012); *JONAH's History*, *supra* note 4.

[22] Elaine Silodor Berk, *Open Letter From Co-Director of JONAH*, JONAH, www.jonahweb.org/sections.php?secId=23 (last visited Sept. 21, 2012).

[23] *JONAH's History*, *supra* note 4.

[24] David, an Israeli JONAH Struggler, *How Do I Start To Walk Away From Homosexuality*, JONAH, http://www.jonahweb.org/sections.php?secId=194 (last visited Sept. 25, 2012).

- "We believe that gender identity determines sexual orientation and that one sexualizes or eroticizes that with which he does not identify. To successfully treat someone with a homosexual condition, our experience shows that a directive and activist therapy program is critical in assisting a client to internalize his gender identity, demystify his romantic attractions to the same sex, and satisfy his unmet developmental needs for attention, affection, and approval from others of the same gender without sexualizing these needs.[25]

42. When the false promise of changed orientation fails to occur, Defendants assign blame to the subjects, thereby inflicting shame and a sense of failure, and insist that they must become more fully devoted to JONAH techniques and continue conversion therapy for an indefinite period.

Defendants' Conversion Therapy Services to Plaintiffs

43. JONAH associates with affiliated conversion therapists that include licensed and unlicensed counselors available at a variety of locations to provide services in person, by phone or by video conferencing. JONAH's main individual and group conversion therapy sessions take place at its location in Jersey City. Defendants typically charged Plaintiffs $100 for each individual session and $60 for group sessions.

44. By making the false and deceptive claim that gay sexual orientation is a choice and that anyone can choose to "disengage from their same-sex sexual fantasies, arousals, behavior and identity,"[26] Defendants induced Plaintiffs to pay for and subject themselves to a variety of Defendants' conversion therapy "treatments" as described below.

Nudity

45. As described below, several of the Plaintiffs were instructed to undress as part of Defendants' conversion therapy services. During a private session in or about October 2008 with

---

[25] Berk & Goldberg, *supra* note 10.

[26] *JONAH's History*, *supra* note 4.

then-teenaged Levin, Downing initiated a discussion about Levin's body and instructed Levin to stand in front of a full-length mirror and hold a staff. Downing directed Levin to say one negative thing about himself, remove an article of clothing, then repeat the process. Although Levin protested and expressed discomfort, at Downing's insistence, Levin submitted and continued until he was fully naked. Downing then instructed Levin to touch his penis and then his buttocks. Levin, unsure what to do but trusting in and relying on Downing, followed the instructions, upon which Downing said "good" and the session ended.

46. At another time, Unger was pressured to participate in an exercise in which a group of young men, led by Downing, would be instructed to remove all of their clothing and stand in a circle with Downing, who would also be naked.

47. Downing also urged Unger to undress during a private session instructing Unger to take off his shirt and stand in front of the full-length mirror. After Unger complied, Downing further pressed Unger to continue, which Unger understood to mean to fully undress. Unger resisted and refused to comply.

48. During a similar individual session with Fe~~rguson~~, Downing instructed Ferguson to remove his shirt and stand in front of the mirror as Downing stood behind him. Downing repeatedly urged Ferguson to remove additional clothing, although Ferguson refused.

49. According to Defendant Goldberg, such treatments can play an important role in JONAH's treatment. [27]

---

[27] Helen Chernikoff, *Orthodox Mental Health Workers Seen Changing on Homosexuality*, The Jewish Week (Dec. 6, 2011), www.thejewishweek.com/news/new_york/orthodox_mental_health_workers_seen_changing_homosexuality_1 ("On very rare occasions, for those suffering from 'severe body image issues,' a JONAH therapist may have asked a client to undress.")

Reviving Past Trauma

50. Defendants' conversion therapy irresponsibly encourages clients to replicate personal trauma so as to achieve "deep emotional breakthrough[s]" that will "help [them] identify and process the underlying issues that may be alienating [them] from [their] authentic heterosexual masculinity."[28]

51. During a group session, Downing instructed Levin to direct his peers to reenact and recreate scenes of sexual abuse from his childhood. Levin complied by selecting another group participant to play the role of his abuser and another to represent Levin as a child. Levin was instructed to divulge actual statements that were made to Levin as a child which the proxy then repeated such as, "I won't love you anymore if you don't give me blow jobs." The proxy continually repeated similar statements causing Levin distress and shame. Downing did nothing to address or process Levin's emotional distress.

52. Bruck's JONAH counselor, Thaddeus Heffner, instructed him to wear a rubber band around his wrist and snap himself each time he felt attracted to a man. Self-inflicted pain matched other aspects of conversion therapy, which focused on magnifying painful or traumatic experiences from Bruck's past on the baseless assumption that by re-experiencing hurt and anger, he would become straight.

53. Heffner similarly focused on attempting to put Bruck "in touch" with his masculinity. The counselor's demands to conform to stereotypically masculine characteristics caused Bruck anxiety, shame, and deepening depression.

---

[28] *News & Events: Journey into Manhood - Israel*, JONAH, www.jonahweb.org/event_view.php?id=45 (last visited Sept. 21, 2012).

Male Figures

54. Another component of Defendants' conversion therapy services was the presumption that Plaintiffs are gay because of deficient parenting. For example, Defendant Downing advised Unger that he should spend more time at the gym as well as naked with his father at bathhouses, which, according to Downing, would cause Unger to get in touch with his masculinity and overcome same-sex attraction.

55. Similarly, as part of a weekend retreat largely designed by and overseen by Downing, Ferguson participated in a session in which clients took turns standing alone at one end of a room while others held hands creating a human chain toward the other end of the room and an additional person stood behind the chain holding two oranges representing testicles. Individuals in the chain blocked the subject from the testicles and taunted him with statements such as "you're such a fag, homo, queer boy," reinforcing the notion that gay men are not true men. Subjects typically expressed anger and aggressively strived to break through the chain to seize the two oranges, sometimes biting and squeezing them to drink the juice and sometimes placing the oranges down their pants.

56. Similar conversion therapy exercises are based on the false assumption that anti-gay harassment and bullying causes gay sexual orientation.

57. One exercise placed clients in sporting and locker-room scenes where they were blindfolded, as counselors and others dribbled basketballs while speaking aggressively to the clients using anti-gay slurs.

58. Defendants gave little or no attention to processing emotions and trauma arising – and sometimes originating – from their pseudo-therapeutic treatments, as though experiencing

distressing emotions such as anger, aggression, and pain is necessary to "heal" into heterosexuality.

Repudiating Femininity

59. Defendants further represented that one of the main causes of male homosexuality is the failure of mothers to maintain appropriate boundaries with their sons. On one occasion, Downing instructed Unger to beat an effigy of his mother with a tennis racket, as though killing her, and encouraged Unger to scream at his mother while beating her effigy.

Male Touch

60. Citing Cohen, who describes himself as "the king of touch," Defendants claimed that hugging and cuddling a person of the same sex would reduce or eliminate same-sex attraction. For example, Defendant Downing, who has admitted to having his own same-sex attractions and who is considerably older than Unger, frequently hugged Unger as part of treatment. Downing similarly supervised and participated in group cuddling sessions with and among young clients.

Denigrating Gay People

61. Defendants repeatedly misrepresented that being gay is loathsome and that gay people are more likely to be pedophiles, drug abusers, and alcoholics. In order to promote their services, Defendants also falsely claimed that gay people are all generally lonely, suicidal, and have or will contract HIV/AIDS.

62. Those and similar claims are consistent with discredited assertions of Paul Cameron, a psychiatrist who is the architect of modern anti-gay pseudoscience and who has been censured by four professional organizations for his shoddy research and animus against LGBT (lesbian, gay, bisexual, and transgender) people.

63. Defendants reinforced these and similar misrepresentations to Plaintiffs and other clients, by, for example, disseminating patently false statistics purportedly showing that gay people are more likely to molest children.

64. In addition to being premised on discredited theories and beliefs about homosexuality, Defendants' "treatments" are contraindicated by modern therapeutic practice that does not include, among other techniques, instructing clients to undress, beat effigies of their mothers, or subject to activities designed to induce profound anger or shame.[29]

COUNT I
(By Benjamin Unger Against All Defendants)
VIOLATIONS OF THE CFA
(UNCONSCIONABLE PRACTICES, DECEPTION, FRAUD, FALSE PRETENSES, FALSE PROMISES, MISREPRESENTATIONS)

65. Plaintiffs incorporate by reference all preceding paragraphs.

66. Defendants' promotion and provision of their conversion therapy services to Unger, who is gay, constituted unconscionable commercial practices, deception, fraud, false pretenses, false promises and misrepresentations in violation of the CFA.

67. On multiple occasions, Defendants misrepresented to Unger that gay sexual orientation is a mental disorder and that it is "unnatural to be gay." Downing and Goldberg assured Unger that Unger was not in fact gay and, if he followed the conversion therapy process, his attractions to men would disappear.

68. Goldberg also falsely promised Unger that "change is absolutely possible," claiming that Unger would eliminate or substantially reduce his same-sex attraction within two to four years of using – and paying for – Defendants' services. Defendants repeatedly misrepresented to Unger

---

[29] *See e.g.*, *Clinical Handbook of Psychological Disorders: A Step-By-Step Treatment Manual* (David H. Barlow ed., 4th ed. 2008).

that their program would change his sexual orientation to heterosexual or at a minimum, dramatically decrease his attractions to men, replacing them with opposite-sex attractions.

69. In order to achieve success, Downing claimed, Unger had to absolutely trust the process, "if you don't believe it will work, it won't."

70. Defendants similarly misrepresented to Unger on multiple occasions that their conversion therapy methods are "scientifically based," citing the work of Joseph Nicolosi and Richard Cohen.

71. Conversion therapy was, in Unger's experience, "psychological abuse." By the time he terminated sessions with JONAH, he was deeply depressed and had commenced taking anti-depressant medications. During sessions, Downing "picked apart every human emotion and childhood disappointment" of Unger, to present them as treatable origins of Unger's orientation.

72. Defendants' services also impaired Unger's ability to engage in physical and emotional relationships with men, in part, by conditioning him to view such relations as unnatural and to analyze what attribute in the other person Unger is lacking as the supposed reason for his attraction to that person.

73. As a result of Defendants' unlawful acts, Unger suffered the ascertainable loss of paying for the costs of repairing the damage caused by Defendants' "treatments."

74. As a result of Defendants' unlawful acts, Unger was unable to work for approximately one year with the loss of corresponding wages.

75. Unger's ascertainable losses also include attorneys' fees associated with bringing meritorious claims under the CFA.

76. Each of Unger's ascertainable losses resulted from Defendants' unlawful conduct.

COUNT II

(By Chaim and Bella Levin Against All Defendants)

VIOLATIONS OF THE CFA

(UNCONSCIONABLE PRACTICES, DECEPTION, FRAUD, FALSE PRETENSES, FALSE PROMISES, MISREPRESENTATIONS)

77. Plaintiffs incorporate by reference all preceding paragraphs.

78. Defendants' promotion and provision of their conversion therapy services to Levin constituted unconscionable commercial practices, deception, fraud, false pretenses, false promises, and misrepresentations in violation of the CFA.

79. On multiple occasions, Defendants misrepresented to Levin that gay sexual orientation is a mental disorder. Defendants falsely promised Levin that they would help him change from gay to straight.

80. Goldberg misrepresented to Levin that "you can change if you just try hard enough . . . you just need to work really hard, we are experts at this . . . we have helped so many people."

81. Other typical statements by Goldberg and Downing included, "it's all about the work and figuring out what is really bothering you – making you feel this way [gay]."

82. Defendants repeatedly misrepresented to Levin that their conversion therapy methods are "scientifically based" citing as authorities the work of Nicolosi and Cohen.

83. Based on Defendants' misrepresentations and false promises to her son, Plaintiff Bella Levin suffered the ascertainable loss of fees paid to JONAH for weekly group and individual sessions that her son attended for nearly a year and a half.

84. Levin also paid several hundred dollars for JONAH sessions.

85. As a result of Defendants' unlawful acts, Levin has suffered the ascertainable loss of paying for costs of repairing damage caused by Defendants' "treatments."

86. Additionally, Levin's and Bella Levin's ascertainable losses include attorneys' fees associated with bringing meritorious claims under the CFA.

87. Each of Levin's and Bella Levin's ascertainable losses resulted from Defendants' unlawful conduct.

COUNT III
(By Sheldon and Jo Bruck Against JONAH and Arthur Goldberg)
VIOLATIONS OF THE CFA
(UNCONSCIONABLE PRACTICES, DECEPTION, FRAUD, FALSE PRETENSES, FALSE PROMISES, MISREPRESENTATIONS)

88. Plaintiffs incorporate by reference all preceding paragraphs.

89. Defendants' promotion and provision of their conversion therapy services to Bruck, who is gay, constituted unconscionable commercial practices, deception, fraud, false pretenses, false promises, and misrepresentations in violation of the CFA.

90. In the summer of 2009 when Bruck was 17 years old, he called Goldberg who promised to Bruck that "as long as you put in the effort, you're going to change." Goldberg falsely promised Bruck that JONAH could help him change his orientation from gay to straight.

91. Goldberg referred Bruck to a JONAH-affiliated conversion therapist, Thaddeus Heffner, based in Tennessee, because JONAH had no therapists in Chicago where Bruck was living.

92. Based on JONAH's and Goldberg's false promises and assured representations of the origins of Bruck's homosexuality as well as effective treatment options for Bruck, Bruck initiated conversion therapy with Heffner via telephone and Skype.

93. Heffner placed blame for Bruck's gay orientation on Bruck for not working hard enough to change, on his father for being too distant, and on his mother for being too close to him.

94. While receiving no benefit from conversion therapy, Bruck experienced deepening depression and anxiety leading to suicidal ideation and feelings of hopelessness about his life.

95. Realizing that conversion therapy was causing him to experience depression, anxiety and suicidal ideation, after approximately five weekly sessions, Bruck decided to stop conversion therapy.

96. When Bruck informed Heffner that he was going to stop sessions with him, Heffner expressed anger exclaiming to Bruck that he was "making a big mistake" and "throwing [his] life away" by "giving into [his] desires" and that he would "never lead a happy life" but would "lead a life of unhappiness in that unhealthy lifestyle."

97. Relying on JONAH's and Goldberg's misrepresentations, Jo Bruck, Bruck's mother, paid JONAH the ascertainable loss of approximately $500, $100 for each session.

98. Jo Bruck's ascertainable losses include payment of fees for legitimate mental health services that her son required to overcome damage caused by Defendants' "treatments."

99. Additionally, Bruck's and Jo Bruck's ascertainable losses include attorneys' fees associated with bringing meritorious claims under the CFA.

100. Each of the ascertainable losses resulted from Defendants' unlawful conduct.

COUNT IV
(By Michael Ferguson Against Defendants Downing and JONAH)
VIOLATIONS OF THE CFA
(UNCONSCIONABLE PRACTICES, DECEPTION, FRAUD, FALSE PRETENSES, FALSE PROMISES, MISREPRESENTATIONS)

101. Plaintiffs incorporate by reference all preceding paragraphs.

102. Defendants' promotion and provision of conversion therapy to Ferguson, who is gay, constituted unconscionable commercial practices, deception, fraud, false pretenses, false promises and misrepresentations in violation of the CFA.

103. Ferguson engaged in conversion therapy with Downing based on Defendants' misrepresentations that it would help him become heterosexual.

104. At the time, Ferguson paid for and participated in conversion therapy based on Downing's misrepresentation that he would help Ferguson achieve promised orientation change.

105. Downing described "change" to mean that one's same-sex attractions would disappear and heterosexual attractions would emerge.

106. Ferguson paid Downing directly while group sessions consisted of JONAH clients, and group and individual sessions were held at JONAH's Jersey City building.

107. Relying on Defendants' misrepresentations and false promises, Ferguson paid Downing the ascertainable loss of approximately $1,000 for Downing's conversion therapy program.

108. Ferguson has suffered the ascertainable loss of paying for reasonable costs of repairing damage caused by Defendants' "treatments."

109. Additionally, Ferguson's ascertainable losses include attorneys' fees associated with bringing meritorious claims under the CFA.

110. Each of Ferguson's ascertainable losses resulted from Defendants' unlawful conduct.

111. Defendants' conduct constitutes multiple violations of N.J.S.A. § 56:8-2, *et seq.*

PRAYER FOR RELIEF

112. **WHEREFORE**, Plaintiffs respectfully request that the Court enter judgment against Defendants:

a) Declaring that the acts of Defendants constitute multiple instances of unlawful practices in violation of the CFA;

b) ordering the revocation of JONAH's business license;

c) permanently enjoining Defendants and JONAH's officers, directors, founders, managers, agents, servants, employees, representatives, independent contractors and all other persons or entities directly under their control, from engaging in, continuing to engage in, or doing any acts or practices in violation of the CFA, including, but not limited to, the acts and practices alleged in this Complaint;

d) directing the assessment of restitution amounts to Plaintiffs for all of their payments to Defendants for individual and group conversion therapy;

e) directing the assessment of restitution amounts to Plaintiffs for reasonable costs of repairing damage resulting from Defendants' unlawful acts;

f) directing the assessment against Defendants, jointly and severally, of treble Plaintiffs' ascertainable losses;

g) directing the assessment of costs and fees against Defendants, including Plaintiffs' investigation costs and attorneys' fees, jointly and severally, as authorized by the CFA; and

h) granting such other relief as the interests of justice may require.

JURY DEMAND

113. The Plaintiffs demand trial by a jury for all of the triable issues of this Complaint.

CERTIFICATION UNDER RULE 4:5-1

114. Plaintiffs certify that the matter in controversy is not the subject of any other current or contemplated court or arbitration proceeding. As of this date, no other parties should be joined to this action.

CERTIFICATE OF SERVICE UPON THE ATTORNEY GENERAL

115. In accordance with N.J.S.A. § 56:8-20, Plaintiffs mailed a copy of this Complaint to the Attorney General at P.O. Box 080, Trenton, NJ 08625-0080 as well as to the Division of Consumer Affairs at P.O. Box 45027, Newark, NJ 07101.

TRIAL COUNSEL DESIGNATION

116. Under Rule 4:25-4, Lite DePalma Greenberg, LLC, the Southern Poverty Law Center, and Cleary Gottlieb Steen & Hamilton LLP are designated as trial counsel for the Plaintiffs in this action.

Dated: November 27, 2012

Respectfully submitted,

Allyn Z. Lite
Jeffrey A. Shooman
LITE DEPALMA GREENBERG, LLC
Two Gateway Center – Suite 1201
Newark, NJ 07102
Telephone: (973) 623-3000
Facsimile: (973) 623-0858

Attorneys for Plaintiffs

Christine P. Sun (*pro hac vice* admission pending)
Samuel E. Wolfe (*pro hac vice* admission pending)
Alesdair H. Ittelson (*pro hac vice* admission pending)
SOUTHERN POVERTY LAW CENTER
400 Washington Ave.
Montgomery, AL 36104
Telephone: (334) 956-8200
Facsimile: (334) 956-8481

Attorneys for Plaintiffs

James L. Bromley (*pro hac vice* admission pending)
Scott McCoy (*pro hac vice* admission pending)
CLEARY GOTTLIEB STEEN & HAMILTON
One Liberty Plaza
New York, NY 10006
Telephone: (212) 225-2000
Facsimile: (212) 225-3999

Attorneys for Plaintiffs

Appendix XII-B1

CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial Law Division
Civil Part pleadings (not motions) under *Rule* 4:5-1
Pleading will be rejected for filing, under *Rule* 1:5-6(c), if information above the black bar is not completed or attorney's signature is not affixed

FOR USE BY CLERK'S OFFICE ONLY
PAYMENT TYPE: ☐ CK ☐ CG ☐ CA
CHG/CK NO.
AMOUNT:
OVERPAYMENT:
BATCH NUMBER:

1. ATTORNEY / PRO SE NAME Allyn Z. Lite	2. TELEPHONE NUMBER (973) 623-3000	3. COUNTY OF VENUE Hudson
4. FIRM NAME (if applicable) Lite DePalma Greenberg, LLC		5. DOCKET NUMBER (when available)
6. OFFICE ADDRESS Two Gateway Center -- Suite 1201		7. DOCUMENT TYPE Complaint
		8. JURY DEMAND ■ YES ☐ NO

9. NAME OF PARTY (e.g., John Doe, Plaintiff) Michael Ferguson, Benjamin Unger, Sheldon Bruck, Chaim Levin, Jo Bruck, Bella Levin	10. CAPTION M. Ferguson, B. Unger, S. Bruck, C. Levin, J. Bruck, B. Levin, Plaintiffs, v. JONAH, Arthur Goldberg, Alan Downing, Alan Downing Life Coaching LLC, Defendants
11. CASE TYPE NUMBER (See reverse side for listing) 599	12. IS THIS A PROFESSIONAL MALPRACTICE CASE? ☐ YES ■ NO IF YOU HAVE CHECKED "YES," SEE *N.J.S.A.* 2A:53 A -27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.
13. RELATED CASES PENDING? ☐ YES ■ NO	14. IF YES, LIST DOCKET NUMBERS
15. DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? ☐ YES ■ NO	16. NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known) ☐ NONE ■ UNKNOWN

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

17. DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? ■ YES ☐ NO	IF YES, IS THAT RELATIONSHIP: ☐ EMPLOYER/EMPLOYEE ☐ FRIEND/NEIGHBOR ☐ OTHER (explain) ☐ FAMILIAL ■ BUSINESS

18. DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? ■ YES ☐ NO

19. USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION

20. DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? ☐ YES ■ NO	IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION
21. WILL AN INTERPRETER BE NEEDED? ☐ YES ■ NO	IF YES, FOR WHAT LANGUAGE?

22. **I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule* 1:38-7(b).**

23. ATTORNEY SIGNATURE

Side 2

CIVIL CASE INFORMATION STATEMENT
(CIS)

Use for initial pleadings (not motions) under *Rule* 4:5-1

CASE TYPES (Choose one and enter number of case type in appropriate space on the reverse side.)

Track I - 150 days' discovery

151 NAME CHANGE
175 FORFEITURE
302 TENANCY
399 REAL PROPERTY (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction)
502 BOOK ACCOUNT (debt collection matters only)
505 OTHER INSURANCE CLAIM (including declaratory judgment actions)
506 PIP COVERAGE
510 UM or UIM CLAIM (coverage issues only)
511 ACTION ON NEGOTIABLE INSTRUMENT
512 LEMON LAW
801 SUMMARY ACTION
802 OPEN PUBLIC RECORDS ACT (summary action)
999 OTHER (briefly describe nature of action)

Track II - 300 days' discovery

305 CONSTRUCTION
509 EMPLOYMENT (other than CEPA or LAD)
599 CONTRACT/COMMERCIAL TRANSACTION
603N AUTO NEGLIGENCE – PERSONAL INJURY (non-verbal threshold)
603Y AUTO NEGLIGENCE – PERSONAL INJURY (verbal threshold)
605 PERSONAL INJURY
610 AUTO NEGLIGENCE – PROPERTY DAMAGE
621 UM or UIM CLAIM (includes bodily injury)
699 TORT – OTHER

Track III - 450 days' discovery

005 CIVIL RIGHTS
301 CONDEMNATION
602 ASSAULT AND BATTERY
604 MEDICAL MALPRACTICE
606 PRODUCT LIABILITY
607 PROFESSIONAL MALPRACTICE
608 TOXIC TORT
609 DEFAMATION
616 WHISTLEBLOWER / CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA) CASES
617 INVERSE CONDEMNATION
618 LAW AGAINST DISCRIMINATION (LAD) CASES

Track IV - Active Case Management by Individual Judge / 450 days' discovery

156 ENVIRONMENTAL/ENVIRONMENTAL COVERAGE LITIGATION
303 MT. LAUREL
508 COMPLEX COMMERCIAL
513 COMPLEX CONSTRUCTION
514 INSURANCE FRAUD
620 FALSE CLAIMS ACT
701 ACTIONS IN LIEU OF PREROGATIVE WRITS

Centrally Managed Litigation (Track IV)

285 STRYKER TRIDENT HIP IMPLANTS
288 PRUDENTIAL TORT LITIGATION
289 REGLAN
290 POMPTON LAKES ENVIRONMENTAL LITIGATION
291 PELVIC MESH/GYNECARE
292 PELVIC MESH/BARD
293 DEPUY ASR HIP IMPLANT LITIGATION
295 ALLODERM REGENERATIVE TISSUE MATRIX
623 PROPECIA

Mass Tort (Track IV)

266 HORMONE REPLACEMENT THERAPY (HRT)
271 ACCUTANE/ISOTRETINOIN
274 RISPERDAL/SEROQUEL/ZYPREXA
278 ZOMETA/AREDIA
279 GADOLINIUM
281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL
282 FOSAMAX
284 NUVARING
286 LEVAQUIN
287 YAZ/YASMIN/OCELLA
601 ASBESTOS

If you believe this case requires a track other than that provided above, please indicate the reason on Side 1, in the space under "Case Characteristics.

Please check off each applicable category ☐ **Putative Class Action** ☐ **Title 59**