

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

DR. JAMES L. SHERLEY; DR. THERESA DEISH-
ER; NIGHTLIGHT CHRISTIAN ADOPTIONS, indi-
vidually and as next friend for PLAINTIFF EM-
BRYOS; SHAYNE AND TINA NELSON; WILLIAM
AND PATRICIA FLYNN; CHRISTIAN MEDICAL
ASSOCIATION,

Plaintiffs,

v.

Civil Action No. _____

KATHLEEN SEBELIUS, in her official capacity as
Secretary of the Department of Health and Human Ser-
vices; DEPARTMENT OF HEALTH AND HUMAN
SERVICES; DR. FRANCIS S. COLLINS, in his offi-
cial capacity as Director of the National Institutes of
Health; NATIONAL INSTITUTES OF HEALTH,

Defendants.

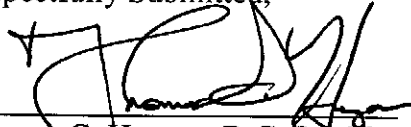
PLAINTIFFS’ MOTION FOR PRELIMINARY INJUNCTIVE RELIEF

Plaintiffs respectfully request a preliminary injunction enjoining Defendants from taking any further actions to implement or apply the guidelines for public funding of research involving stem cells derived from human embryos (“Guidelines”) promulgated by the National Institutes of Health (“NIH”). 74 Fed. Reg. 32,170 (July 7, 2009). The Guidelines are contrary to law, arbitrary and capricious, and were not issued in accordance with the procedures required by law.

The grounds for the present Motion are fully set forth in the accompanying Memorandum of Points and Authorities and Declarations of Dr. James L. Sherley, Dr. Theresa Deisher, Tina Nelson, William T. Flynn, and Ronald L. Stoddart.

Dated: August 19, 2009

Respectfully Submitted,



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CERTIFICATE OF SERVICE

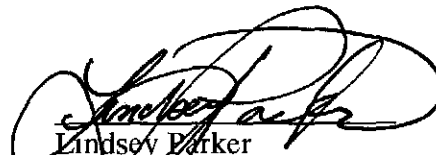
The undersigned does hereby certify that a true and accurate copy of the foregoing Motion for Preliminary Injunction, Memorandum of Law in Support of Plaintiffs' Motion for Preliminary Injunction and Declarations of William T. Flynn, Dr. James Sherley, Dr. Theresa Deisher, Mrs. Tina Nelson, Ronald L. Stoddart and Bradley J. Lingo, and Proposed Order was served by Certified United States Mail, postage prepaid, this 19th day of August, 2009, upon the following:

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Secretary, Department of Health and Human Services
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Bethesda, MD 20892

Dr. Francis Collins
Director, National Institutes of Health
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The Honorable Eric Holder
United States Attorney General
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