

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

---

DR. JAMES L. SHERLEY; DR. THERESA DEISHER;  
NIGHTLIGHT CHRISTIAN ADOPTIONS,  
individually and as next friend for PLAINTIFF  
EMBRYOS; 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  
Services; DEPARTMENT OF HEALTH AND  
HUMAN SERVICES; DR. FRANCIS S. COLLINS, in  
his official capacity as Director of the National Institutes  
of Health; NATIONAL INSTITUTES OF HEALTH,  
  
Defendants.

---

**DECLARATION OF BRADLEY J. LINGO**

I, Bradley J. Lingo, declare as follows:

1. I am an associate in the law firm of Gibson, Dunn & Crutcher LLP, counsel of record for the plaintiffs in this case and a member of the bar of this Court. I am over the age of eighteen and am competent to testify. I am knowledgeable about the facts set forth herein and make this declaration in support of plaintiffs' Motion for Preliminary Injunction.

2. Attached as Exhibit A is a true and correct copy of the National Institutes of Health Guidelines for Human Stem Cell Research, 74 Fed. Reg. 32,170 (July 7, 2009).

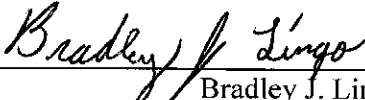
3. Attached as Exhibit B is a true and correct copy of the Comments of Do No Harm: The Coalition of Americans for Research Ethics, molecular biologists and stem cell

researchers Dr. Theresa Deisher and Dr. James L. Sherley, the Family Research Council, Concerned Women for America, the Christian Medical Association, Advocates International, and the Alliance Defense Fund, submitted during the public comment period in response to the Draft National Institutes of Health Guidelines for Human Stem Cell Research, 74 Fed. Reg. 18,578 (April 23, 2009).

4. Attached as Exhibit C is a true and correct copy of the Comments of the U.S. Conference of Catholic Bishops, submitted during the public comment period in response to the Draft National Institutes of Health Guidelines for Human Stem Cell Research, 74 Fed. Reg. 18,578 (April 23, 2009).

5. Attached as Exhibit D is a true and correct copy of the “Rabb Memorandum,” issued in 1999 by Health and Human Services (“HHS”) General Counsel Harriet S. Rabb.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on August 19, 2009.

  
\_\_\_\_\_  
Bradley J. Lingo