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| DR. JAMES L. SHERLEY; NIGHTLIGHT CHRISTIAN ADOPTIONS, individually and as next friend for PLAINTIFF EMBRYOS; SHAYNE AND TINA NELSON; WILLIAM AND PATRICIA FLYNN; CHRISTIAN MEDICAL AND DENTAL ASSOCIATIONS; DR. THERESA DEISHER, 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 |))))))))) | |

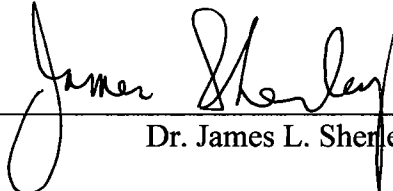
I, Dr. James L. Sherley, declare as follows:

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3. Research grants are my sole source of research funding. The vast majority of grants I receive are from the National Institutes of Health ("NIH"). Since 1999, I have applied for NIH funding approximately 41 times. Twelve of these proposals have received NIH funding, and one proposal is currently pending. Attached as Exhibit A is a list of my NIH grant submission activity from 1999-2009. During this time, I received only one significant private research award.

4. I will continue to seek NIH funding for adult stem cell research in the future. The National Institutes of Health Guidelines for Human Stem Cell Research will result in increased competition for the limited resources that are available to fund human stem cell research, threatening my ability to obtain federal funding for my adult stem cell research. Without NIH funding, I would likely be unable to continue my research.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on August 13, 2009.



Dr. James L. Sherley