

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

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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

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**DECLARATION OF DR. THERESA DEISHER**

I, Dr. Theresa Deisher, declare as follows:

1. I am a plaintiff in this action, and I am over the age of eighteen and 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. I am an adult stem cell researcher specializing in adult stem cell therapies and regenerative medicine. I work exclusively with adult stem cells, and I do not conduct research on embryos or use embryonic stem cells.
3. I am the founder, managing member, and research and development director of AVM Biotechnology. I personally funded AVM Biotechnology, with the help of private donors.

These funds are limited, and additional private funding is scarce and difficult to obtain. In order to continue my research, and in order for AVM Biotechnology to achieve success, I must obtain funding from the National Institutes of Health ("NIH"). I am currently in the process of applying for NIH funding, and I will continue to seek funding for adult stem cell research in the future.

4. 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.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on August 16, 2009.

  
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Dr. Theresa Deisher