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.)
Detendants.)
)

PLAINTIFFS' MOTION FOR APPOINTMENT AS GUARDIAN AD LITEM

Plaintiffs respectfully request that the Court appoint Nightlight Christian Adoptions as guardian ad litem for all human embryos at risk of being destroyed by embryonic stem cell research pursuant to funding by the U.S. Government. Federal Rule of Civil Procedure 17(c) explicitly authorizes the Court to appoint a guardian ad litem, and Nightlight Christian Adoptions would be an excellent guardian to protect the interests of the Embryo Plaintiffs.

Dated: August <u>19</u>, 2009

Respectfully Submitted,

moo

Thomas G. Hungar, D.C. Bar No. 447783 Bradley J. Lingo, D.C. Bar No. 490131 Ryan G. Koopmans, D.C. Bar No. 986233 GIBSON, DUNN & CRUTCHER LLP 1050 Connecticut Avenue, N.W. Washington, D.C. 20036 (202) 955-8500

Blaine H. Evanson, Cal. Bar No. 254338 Alison E. Klingel, Cal. Bar No. 258194 GIBSON, DUNN & CRUTCHER LLP 333 South Grand Avenue Los Angeles, CA 90071 (213) 229-7000

Samuel B. Casey, Cal. Bar No. 76022 Law of Life Project ADVOCATES INTERNATIONAL 8001 Braddock Road, Suite 300 Springfield, VA 22151 (703) 894-1076

Steven H. Aden, D.C. Bar No. 466777 ALLIANCE DEFENSE FUND 801 G. Street N.W., Suite 509 Washington, D.C. 20001 (202) 393-8690

CERTIFICATE OF SERVICE

The undersigned does hereby certify that a true and accurate copy of the foregoing Mo-

tion for Appointment as Guardian Ad Litem, Memorandum of Law in Support of Plaintiffs' Mo-

tion for Appointment as Guardian Ad Litem, Declaration of Ronald L. Stoddart, and Proposed

Order was served by Certified United States Mail, postage prepaid, this 19th day of August,

2009, upon the following:

Kathleen Sebelius Secretary, Department of Health and Human Services 200 Independence Avenue, S.W. Bethesda, MD 20892

Dr. Francis Collins Director, National Institutes of Health 9000 Rockville Pike Bethesda, MD 20892

The Honorable Eric Holder United States Attorney General U.S. Department of Justice 950 Pennsylvania Avenue, N.W. Washington, DC 20530-0001

Channing D. Phillips Acting United States Attorney 555 4th Street, NW Washington, DC 20530