

## CQ POLITICS

Thursday, September 9, 2010

Great late breaking news! Within the last hour, the DC Court of Appeals sided with the Department of Justice and issued a stay of the preliminary injunction halting federal funding for human embryonic stem cell research. This ruling is temporary and only in place while the full arguments about the request for a stay of the preliminary injunction are heard in the Court of Appeals. These full arguments could occur as early as late September. While the judicial system runs its course it remains important a permanent legislative fix is secured.

However, for at least until the next court proceedings, the injunction is no longer in place against the National Institutes of Health (NIH) and funding can continue.

The Department of Justice on Wednesday night filed an emergency motion to stay the preliminary injunction barring federal funding of human embryonic stem cell (hESC) research by the NIH. Thursday morning, the US Court of Appeals for the D.C. Circuit **stayed the preliminary injunction pending briefing** on the DOJ emergency motion. The plaintiffs have been given until September 14 to respond to the DOJ motion, and DOJ has until September 20 to respond back. The plaintiffs are expected to file a motion for summary judgment in the suit on Friday. Action on that motion is unlikely before the Court of Appeals acts on the motion to stay the injunction.

During the stay period, NIH can resume both its intramural hESC research and its normal extramural application and grant processes. Given that we are approaching the end of the current fiscal year and the Recovery Act period, this stay - albeit brief - is welcome news.



### **NIH Statement regarding Stay of Stem Cell Injunction**

September 10, 2010

**“We are pleased with the Court's interim ruling, which will allow promising stem cell research to continue while we present further arguments to the Court in the weeks to come. With the temporary stay in place, NIH has resumed intramural research and will continue its consideration of grants that were frozen by the preliminary injunction on August 23. The suspension of all grants, contracts, and applications that involve the use of human embryonic stem cells has been temporarily lifted. Human embryonic stem cell research holds the potential for generating profound new insights into disease, cell-based therapeutics, and novel methods of screening for new drugs.”**