No. 26-1106 (Consolidated with Nos. 26-1130, 26-1136)

IN THE

United States Court of Appeals for the District of Columbia Circuit

SAM INC., et al.,
Petitioners,

v.

DEPARTMENT OF JUSTICE, et al.,
Respondents.

On Petition for Judicial Review of Attorney General Order No. 6754–2026

OPPOSITION OF SAM INC. AND NDASA TO MOTION OF MEDPHARM IOWA, LLC AND TRI-MOUNTAIN PURE, LLC FOR LEAVE TO INTERVENE IN SUPPORT OF RESPONDENTS

Patrick F. Philbin
Chase T. Harrington
TORRIDON LAW PLLC
801 Seventeenth Street NW,
Suite 1100
Washington, DC 20006
(202) 249-6633
pphilbin@torridonlaw.com

Counsel for Smart Approaches to Marijuana and National Drug and Alcohol Screening Association, Inc.

July 9, 2026

Petitioners, SAM Inc. (d/b/a Smart Approaches to Marijuana) (SAM) and the National Drug and Alcohol Screening Association (NDASA) oppose the motion for leave to intervene in support of the government filed by MedPharm Iowa, LLC and Tri-Mountain Pure, LLC (collectively "Proposed Intervenors"). Proposed Intervenors acknowledge that they seek the exact "same relief" as the government, Mot. at 14, and fail to identify any interests of theirs that diverge from the government's interest in defending the Rescheduling Order. Under circuit law, "[a] would-be intervenor is adequately represented when [it] 'offers no argument not also pressed by' an existing party." *United States v. All Assets Held at Credit Suisse (Guernsey) Ltd.*, 45 F.4th 426, 432 (D.C. Cir. 2022). Proposed Intervenors have not identified any argument they would make that would not be pressed by the government. As a result, Proposed Intervenors are not entitled to intervention as of right, and they also do not request permissive intervention. The motion should be denied.

LEGAL STANDARD

To intervene as of right, a proposed intervenor must show (1) "the timeliness of the motion," (2) "an interest relating to the property or transaction which is the subject of the action," (3) the proposed intervenor "is so situated that the disposition of the action may as a practical matter impair or impede the [proposed intervenor's] ability to protect that interest," and (4) that "interest is adequately represented by existing parties." *Fund For Animals, Inc. v. Norton*, 322 F.3d 728, 731 (D.C. Cir. 2003) (citation omitted); Fed. R. Civ. P. 24(a)(2). Intervention is properly denied on the basis of the fourth factor if a proposed intervenor seeks the same relief as the United States and whose arguments will be cumulative of those advanced by the United States. *See, e.g.*, *Mass. Sch. of L. at Andover, Inc. v. United States*, 118 F.3d 776, 781 (D.C. Cir. 1997); *Doe 1 v. FEC*, 2018 WL 2561043, at *5 (D.D.C. Jan. 31, 2018); *see also Bldg. & Const. Trades Dep't, AFL-CIO v. Reich*, 40 F.3d 1275, 1282 (D.C. Cir. 1994).

ARGUMENT

The motion to intervene should be denied because Proposed Intervenors have failed to make any showing on the fourth factor this Court considers in evaluating intervention—namely, they have not shown that the government will not adequately represent their interests in this case. Because Proposed Intervenors expressly "seek the same relief as the federal government," Mot. at 14, their interests are adequately represented absent some showing that their interests diverge from the government's in a way that will prompt them to present different arguments in this case. *Fund For Animals, Inc. v. Norton*, 322 F.3d 728, 736 (D.C. Cir. 2003) (discussing whether proposed intervenor's interests would "diverge during the course of litigation" from existing parties). Proposed Intervenors have made no such showing.

It is well settled that "[a] would-be intervenor is adequately represented when [it] 'offers no argument not also pressed by' an existing party." *United States v. All Assets Held at Credit Suisse (Guernsey) Ltd.*, 45 F.4th 426, 432 (D.C. Cir. 2022) (quoting *Reich*, 40 F.3d at 1282); *see also Akiachak Native Cmty. v. United States Dep't of Interior*, 827 F.3d 100, 109 (D.C. Cir. 2016) ("[T]his court has squarely held that Rule 24(a) is designed to allow intervention on the ground that the intervening party seeks to make a legal argument not pursued by a named party[.]"). Put differently, where a proposed intervenor's "position is identical to that of the agency," it is adequately represented and intervention is inappropriate. *Doe 1*, 2018 WL 2561043, at *5.

Here, Proposed Intervenors fail to demonstrate that their interests diverge from the government's in any way or that their presentations in the case will differ at all from the government's. They do not point to any legal argument or strategy they might pursue that will not be pursued by the government. All they offer is a single sentence asserting that they, unlike the government, have "private commercial interests" at stake, namely "a specific, focused interest in the transfer of their products to schedule III and the opportunity to register with DEA to ensure their operations do not violate the Controlled Substances Act." Mot. 12–13. But that boilerplate assertion of private commercial interests could be made by almost every entity affected by a government regulation that seeks to intervene to defend a regulatory change alongside the federal government. *Cf. Reich*, 40 F.3d at 1282 (trade association of construction employers asserting private interests deemed adequately represented by government). That has never been deemed sufficient, without something more, to establish that a government agency defending the exact same legal position cannot adequately represent the interests of a private party.

Proposed Intervenors rely heavily on decisions suggesting that the burden of showing a divergence of interests from the government is "minimal." Mot. 12 (quoting *Trbovich v. United Mine Workers*, 404 U.S. 528, 538 n. 10 (1972)). But "minimal" does not mean "nonexistent." Proposed Intervenors still must point to *some* difference between their interests and the government's that will produce a practical difference in the arguments they advance or the positions they will take in this case.

In particular, in the cases Proposed Intervenors cite, this Court has never held that merely pointing to an abstract commercial interest of a private party suffices, without more, to establish that the government cannot adequately represent the interests of that party. Instead, this Court has permitted intervention only where such differences are likely to have a tangible impact on the strategies and arguments offered in a case. Thus, the Court has explained that "[a]dequacy of representation must be assessed in relation to the specific purpose that intervention will serve." *United States v. Am. Tel. & Tel. Co.*, 642 F.2d 1285, 1293 (D.C. Cir. 1980). And to show that intervention will serve some purpose, a proposed intervenor must explain how its interests diverge from the government's and how that divergence in interest will translate into different arguments or different positions being presented to the Court.

For example, in *Crossroads Grassroots Policy Strategies v. FEC*, 788 F.3d 312 (D.C. Cir. 2015) (cited in Mot. at 12), the Court explained that the proposed intervenor and the government "disagree[d] about the extent of the [government's] regulatory power, the scope of the administrative record, and post-judgment strategy" and that the government had even argued that the proposed intervenor did not "ha[ve] any cognizable interest in [the] case." *Id.* at 321. The proposed intervenor's interest in that case thus clearly diverged from the government's and that different interest would be manifested in different arguments being presented to the Court.

Natural Resources Defense Council v. Costle, 561 F.2d 904 (D.C. Cir. 1977), is similar. In holding that the government did not adequately represent the proposed intervenor's interests there, this Court specifically discussed the fact that the proposed intervenor had a different ultimate goal for the case than the government and therefore would likely take a different position on the timetable for the case. *Id.* at 912. The Court also noted that the proposed intervenor had superior "experience and expertise" that would give it an edge over the government in defending agency decisions that turned on "very technical detail and data" in the record. *Id.* at 913; *see also Fund for Animals*, 322 F.3d at 736 (explaining that the proposed intervenor, a Mongolian government agency, would likely take a different position from the U.S. government on the effectiveness of a Mongolian conservation program relevant to the disposition of the case).

Here, Proposed Intervenors offer no similar explanation suggesting that their participation will address points that diverge from the government's arguments or that they will aid the Court's consideration of the case by providing expertise that may help in deciphering a complex record. Nor could they make such assertions. Unlike many petitions for review of agency action, this case does not involve a rulemaking with an extensive record in which parties participated by submitting comments below. Instead, this case involves an Attorney General order issued pursuant to a claimed statutory authority to reschedule marijuana based on the Attorney General's sole determination as to how marijuana should be scheduled under the Controlled Substances Act to meet treaty obligations. 91 Fed. Reg. 22714 (Apr. 28, 2026).

Indeed, part of the whole point of the petitions for review is that the Attorney General invoked a claimed statutory authority under 21 U.S.C. § 811(d) to completely *bypass* a rulemaking process required by Congress. As a result, there was no public participation in the rulemaking, and there is no lengthy record of public comments to parse for arguments on appeal. Instead, the primary issues on this appeal will involve purely legal questions including: (i) whether the Attorney General's claim to statutory authority under section 811(d) is correct; (ii) whether additional changes to DEA regulations adopted in the same order should have gone through a notice-and-comment rulemaking process; and (iii) whether, without those additional changes to regulations, the rescheduling of marijuana by itself would violate U.S. treaty obligations. But Proposed Intervenors fail to offer a word of explanation to suggest how their interests differ from the government's in terms of defending the Attorney General's actions on those points. This case is unlike an ordinary arbitrary and capricious challenge to an agency rulemaking in which industry participants may argue that they will likely focus their arguments on different aspects of the comments submitted in the record to support an agency decision.

In short, Proposed Intervenors have failed to make any showing whatsoever establishing that the government will not adequately represent their interests. They "'offe[r] no argument not also pressed by' an existing party," *All Assets*, 45 F.4th at 432 (quoting *Reich*, 40 F.3d at 1282), and under this Court's precedents that means they are adequately represented. Granting intervention based on the showing Proposed Intervenors have made would effectively require adopting a *per se* rule that the government can *never* adequately represent the interests of a private party, even in the absence of any showing of divergent interests. This Court has never adopted such a blanket rule in the past. *See, e.g.*, *Reich*, 40 F.3d at 1282 (holding that the Secretary of Labor adequately represented proposed intervenor's interests). And it should not adopt such a rule in this case. The Court should instead grant Proposed Intervenor's alternative request to participate as *amici curiae*. Mot. at 16. *See Scotts Valley Band of Pomo Indians v. Burgum*, 2025 WL 1178598, at *11 (D.D.C. Apr. 23, 2025) ("For now, fairness to the existing parties in this case counsels against more chefs in the kitchen. The proposed intervenors are, however, welcome to file amicus briefs.").

CONCLUSION

The motion for leave to intervene should be denied.

July 9, 2026

Respectfully submitted.

/s/ *Patrick F. Philbin*

Patrick F. Philbin
Chase T. Harrington
TORRIDON LAW PLLC
801 Seventeenth Street NW,
Suite 1100
Washington, DC 20006
(202) 249-6633
pphilbin@torridonlaw.com

Counsel for Smart Approaches to Marijuana and National Drug and Alcohol Screening Association, Inc.

CERTIFICATE OF COMPLIANCE

This document complies with the type-volume limit of Federal Rule of Appellate Procedure 27(d)(2)(A) because, excluding the parts of the document exempted by Rule 32(f), this document contains 1803 words.

This document complies with the typeface requirements of Federal Appellate Procedure Rule 32(a)(5) and the type-style requirements of Rule 32(a)(6) because this document has been prepared in a proportionally spaced typeface using Word O365 in 14-point, Times New Roman font.

July 9, 2026

/s/ *Patrick F. Philbin*
Patrick F. Philbin

CERTIFICATE OF SERVICE

I hereby certify that I caused the foregoing document to be electronically filed with the Clerk and served on the parties using the Clerk's electronic filing system.

July 9, 2026

/s/ *Patrick F. Philbin*
Patrick F. Philbin

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

NEW DIRECTIONS ADDICTION RECOVERY SERVICES, *et al.*, *Petitioners*, v. DONALD J. TRUMP, in his official capacity as President of the United States, *et al.*, *Respondents*.	Case No. 26-1136

AMENDED RESPONSE IN OPPOSITION TO THE MOTION OF MEDPHARM IOWA, LLC AND TRI-MOUNTAIN PURE, LLC FOR LEAVE TO INTERVENE IN SUPPORT OF RESPONDENTS

Petitioners New Directions Addiction Recovery Services, *et al.* respectfully submit this response in opposition to the motion of MedPharm Iowa, LLC, d/b/a Bud & Mary's, and Tri-Mountain Pure, LLC (together, "Movants") for leave to intervene as party respondents.[1]

Movants are two state-licensed marijuana businesses that seek to become full parties in these consolidated proceedings for the stated purpose of defending the Acting Attorney General's Final Order—something

[1] Petitioners file this Amended Motion to add a Certificate of Compliance, per D.C. Circuit Local Rules.

Respondents can do just fine on their own. Movants' own filing confirms that they seek the same relief as the federal government, and advance the same defense of the same Final Order. *See* Mot. at 14. And the commercial reliance Movants describe, including pending DEA registration applications, prospective relief from 26 U.S.C. § 280E, and generalized industry concerns about banking, research, and hiring, has no bearing on the questions of law the petitions exclusively present.

Because Movants identify no interest or argument that Respondents will not adequately represent, and because their asserted injuries are speculative and contingent, intervention as of right is unwarranted, and permissive intervention would only add duplicative briefing to this proceeding. To the extent Movants have a distinct perspective to offer, the appropriate vehicle is participation as *amici curiae*—the exact relief Movants request in the alternative. The Court should deny the motion to intervene and, at most, permit Movants to participate as *amici* subject to this Court's ordinary rules.

I. Background

This petition, filed on May 28, 2026, and its two consolidated cases seek review of the Acting Attorney General's April 28, 2026 Final Order transferring FDA-approved marijuana products and marijuana subject to a qualifying state medical-marijuana license from Schedule I to Schedule III of the Controlled Substances Act, and correspondingly amending DEA permit regulations. 91 Fed. Reg. 22,714 *et seq.* (Apr. 28, 2026). Petitioners in this proceeding contend that the Final Order is *ultra vires* under 21 U.S.C. § 811(d)(1) and *NORML v. DEA*, 559 F.2d 735 (D.C. Cir. 1977); that it unlawfully creates a bifurcated, hybrid schedule; that it is arbitrary and capricious; that it was issued without the notice-and-comment rulemaking and on-the-record hearing required by law; and that it contravenes the major questions doctrine, the law's best reading, the Single Convention, and constitutional constraints. The petitions raise legal and procedural challenges to agency action, not fact-bound disputes about any individual operator's business.

On June 29, 2026, Movants (an Iowa marijuana product manufacturer and a Pennsylvania marijuana grower/dispensary) moved to intervene in support of Respondents. Movants assert that setting aside the Final Order would (1) return their operations to § 280E's tax treatment; (2) forfeit the benefit of pending DEA registration applications; (3) restore research-related burdens; (4) impair commercial relationships; and (5) impair recruiting and retention. Every one of those asserted harms flows from marijuana's classification generally, is shared across the state-licensed industry, and is untethered to the legal questions this Court must decide. Movants concede they seek the same relief as the federal government and, in the alternative, request leave to participate as amici curiae. Mot. at 14, 16.

II. Argument

A. Movants Are Not Entitled to Intervention as of Right, Because Respondents Adequately Represent the Only Interest They Assert

Intervention of right requires the movant to show, among other things, that its interest is not adequately represented by an existing party. Fed. R. Civ. P. 24(a)(2). A movant's burden is certainly not satisfied where the proposed intervenor advances the same legal theories and arguments as an existing party and fails to identify any way in which that party fails to represent their interests in the litigation. *See Sevier v. Lowenthal*, 302 F. Supp. 3d 312, 323 (D.D.C. 2018). A proposed intervenor that has offered no argument not also pressed by an existing party has not carried even the minimal burden. *See Bldg. & Constr. Trades Dep't, AFL-CIO v. Reich*, 40 F.3d 1275, 1282 (D.C. Cir. 1994); *accord Freedom from Religion Found., Inc. v. Geithner*, 644 F.3d 836, 841 (9th Cir. 2011) (finding that "where the party and the proposed intervenor share the same 'ultimate objective,' a presumption of adequacy of representation applies").

Movants' stated objective is to defend DOJ's final order, and they concede they seek the same relief as the federal government. Mot. at 11, 14. The consolidated petitions present pure questions of statutory authority and procedure. Among them are:

a. whether 21 U.S.C. § 811(d)(1) authorized the Acting Attorney General to reschedule marijuana via the Final Order outside the formal-rulemaking procedures this Court construed in *NORML v. DEA*;

b. whether the Final Order unlawfully fails to provide adequate information to prescribe marijuana;

c. whether the Final Order created a hybrid schedule Congress never enacted and thereby exceeds the bounds of the Acting Attorney General's authority under 21 U.S.C. § 811(d);

d. whether the Final Order's issuance without the notice-and-comment and on-the-record hearing required by 5 U.S.C. § 553 and 21 U.S.C. § 811 violated the law; and

e. whether the order violates the major questions doctrine under *West Virginia v. EPA* and the best reading of the statute under *Loper Bright Enterprises v. Raimondo*.

On each of those questions, this Court should assume Respondents (as authors, executors, and principal defenders of the Final Order) will marshal the full institutional record and related expertise to provide a reasoned explanation for their actions. *See FCC v. Prometheus Radio Project*, 592 U.S. 414, 423 (2021) (requiring agency action to "be reasonable and reasonably explained").

Movants do not identify a single legal argument in defense of the order that Respondents are unable or unwilling to make. Their motion instead lists commercial and operational grievances—tax treatment under § 280E, pending registration applications, banking, research, and hiring—that are irrelevant to the issue in this case, namely whether Respondents acted within their statutory authority and observed required procedures .

Movants' reliance on *Natural Resources Defense Council v. Costle*, 561 F.2d 904 (D.C. Cir. 1977), and *Fund for Animals, Inc. v. Norton*, 322 F.3d 728 (D.C. Cir. 2003), does not carry them across the line. Those cases recognize only that a shared objective with the government does not *conclusively* establish adequacy. They do not excuse a movant from identifying *some* interest or argument the government will not advance. Here, Movants have identified none. Their generalized economic stake in Schedule III status, *see* Mot. at 13, is hardly a "unique perspective" on the lawfulness of the Final Order. It is materially indistinguishable from that of every other state-licensed operator. The Final Order will rise or fall entirely on the legal questions Respondents are fully equipped to defend.

B. Movants' Asserted Interests Are Speculative and Contingent

Intervention of right also requires an interest "relating to the … transaction that is the subject of the action." Fed. R. Civ. P. 24(a)(2). Movants' asserted interests are neither concrete nor presently held. Each Movant relies principally on this litigation's effect on recently-filed DEA registration applications that have not been granted, which is not a legally protectable interest in the subject of this litigation. Likewise, Movants' prospective loss of § 280E tax treatment and diffuse concerns about banking, research partnerships, insurance, and personnel are generalized consequences of marijuana's federal classification shared by the entire industry; they are not particularized interests in the specific agency action under review.

Nor can Movants manufacture a protectable interest by casting themselves as "the object of the agency action under review." Mot. at 14. The Final Order regulates the scheduling of a controlled substance. It does not name Movants, impose any obligation on them, or subject them to any federal requirement they must satisfy. If anything, Movants are incidental beneficiaries of a more favorable classification and recipients of a hoped-for regulatory windfall. The "object of the action" principle on which Movants rely addresses parties subject to or injured by government regulation. *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 561–62 (1992) (when "the plaintiff is himself the object of the action . . . there is ordinarily little question that the action . . . has caused him injury"). It does not confer a protectable interest on parties that stand to gain from an agency's decision to reduce regulation.

Because Movants seek the same relief as Respondents, they contend they need not establish independent Article III standing. Mot. at 14 (citing *Inst. S'holder Servs., Inc. v. SEC*, 142 F.4th 757, 764 (D.C. Cir. 2025)). That contention only underscores the point: Movants are, on their own account, redundant to the Respondents they seek to assist.

C. Permissive Intervention Should Be Denied, and Amicus Participation Is the Appropriate Alternative

Even if the Rule 24(a) requirements were debatable, the Court retains wide latitude to deny permissive intervention under Rule 24(b), and should decline to allow Movants to advance the very same arguments brought by Respondents. *See Sevier*, 302 F. Supp. 3d at 323. Time is of the essence in these proceedings. Stay motions are pending and a related agency hearing has already commenced. *See* Exhibit 1 (order setting schedule of DEA administrative hearing on Final Order). Adding party-status intervenors who duplicate Respondents' defense would multiply briefing and complicate scheduling without materially aiding the Court's resolution of the legal questions presented.

Movants request leave to participate as *amici curiae* if intervention is denied. Mot. at 16. Amicus participation fully accommodates any "unique perspective" Movants can offer while protecting the parties and the Court from cumulative advocacy. See D.C. Cir. R. 28(d), 29; U.S. Ct. App. D.C. Cir. Practice Handbook § IX(A)(4) (an amicus "may not repeat facts or legal arguments made and adequately elaborated upon in the parties' briefs"). Movants' contemplated contribution is properly made as an amicus and party-status intervention would invite precisely the duplication this Court's rules are designed to prevent. If the Court is inclined to hear from Movants at all, it should grant leave to appear as *amici curiae* rather than as parties.

III. Conclusion

For the foregoing reasons, Petitioners respectfully request that the Court deny Movants' motion for leave to intervene. To the extent the Court concludes that Movants should be heard, they should be permitted to participate only as *amici curiae*, subject to this Court's rules governing the length, timing, and content of amicus briefs.

Date: July 10, 2026

Respectfully submitted,

/s/Patrick Kenneally

Patrick Kenneally
IL Bar #6286573
BURKE LAW GROUP, PLLC
205 N Michigan Avenue, Suite 810
Chicago, Illinois 60601
Telephone: (832) 987-2214
Fax: (832) 793-0045
patrick.kenneally@burkegroup.law

Connor W. Mighell
TX Bar #24110107
D.D.C. Bar ID #TX0032
BURKE LAW GROUP, PLLC
1000 Main Street, Suite 2300
Houston, Texas 77002

connor.mighell@burkegroup.law

Counsel for Petitioners

CERTIFICATE OF SERVICE

I hereby certify that, on July 10, 2026, I electronically filed the foregoing Amended Response with its attendant exhibit and this Certificate of Service with the Clerk of Court for the United States Court of Appeals for the District of Columbia by using the CM/ECF system.

/s/Patrick Kenneally
Patrick Kenneally

CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing Amended Response complies with the type-volume limitation of Federal Rule of Appellate Procedure 27(d)(2)(A), as required by Federal Rule of Appellate Procedure 32(g) and D.C. Circuit Rule 32, because, excluding the parts of the document exempted by Federal Rule of Appellate Procedure 32(f), it contains 1,688 words and therefore does not exceed 5,200 words.

I further certify that the response complies with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5) and the type-style requirements of Federal Rule of Appellate Procedure 32(a)(6), and the applicable D.C. Circuit local rules, because it has been prepared in a proportionally spaced 14-point Book Antiqua typeface, with plain roman type except for permitted italics and boldface.

/s/Patrick Kenneally
Patrick Kenneally

UNITED STATES DEPARTMENT OF JUSTICE

Drug Enforcement Administration

In the Matter of

Schedules of Controlled Substances: Proposed Rescheduling of Marijuana

DEA Docket No. 1362
Hearing Docket No. 26-96

ORDER SETTING SCHEDULE FOR HEARING PROCEEDINGS

Pursuant to the Preliminary Order issued by this tribunal on June 18, 2026, the Designated Parties have timely submitted their availability for the hearing window. This tribunal has given due consideration to each Designated Party's availability and has concluded that the following schedule will be best suited. Accordingly, it is herein **ORDERED** that the Designated Parties are assigned to begin their respective cases-in-chief as follows:

Dates Assigned to Begin Case-in-Chief	
The Government	June 29, 2026
National Drug & Alcohol Screening Association (NDASA)	July 2, 2026
Smart Approaches to Marijuana (SAM)	July 6, 2026
DUID Victim Voices'	July 7, 2026
Kenneth Finn, M.D.	July 8, 2026
Tennessee Bureau of Investigation (TBI)	July 10, 2026
Phillip A. Drum, PharmD	July 13, 2026
States of Nebraska, Idaho, Indiana, and Louisiana (The States)	July 14, 2026

It is further **ORDERED** that the following detailed schedule shall control for the hearing[1]:

Detailed Schedule of the Hearing	
Day 1: June 29, 2026	
9:00 A.M.[2]	Chief ALJ Opening Statement
9:30 A.M.	Government Opening Statement
9:45 A.M.	Government's First Witness: Direct Examination
10:30 A.M.[3]	Comfort Break
10:45 A.M.	Cont. Government's First Witness: Direct Examination
12:00 P.M.	Lunch Break
1:00 P.M.	Government's First Witness: Cross Examination Opportunity by NDASA
2:00 P.M.	Government's First Witness: Cross Examination Opportunity by TBI
3:00 P.M.	Comfort Break
3:15 P.M.	Government's First Witness: Cross Examination Opportunity by DUID Victim Voices
4:15 P.M.	Government's First Witness: Cross Examination Opportunity by The States
5:00 P.M.	END OF DAY 1
Day 2: June 30, 2026	
9:00 A.M.	Cont. Government's First Witness: Cross Examination Opportunity by The States
9:15 A.M.	Government's First Witness: Cross Examination Opportunity by SAM
10:15 A.M.	Comfort Break
10:30 A.M.	Government's First Witness: Cross Examination Opportunity by Dr. Kenneth Finn

[1] While this schedule is meant to serve as a detailed guide for the hearing, parties may conclude examinations early or forgo cross or redirect examinations. To the extent that a party concludes with its examination prior to the end of their scheduled time or forgoes examination, the hearing will proceed ahead of schedule to the next item for that day—provided that a Designated Party will not be required to begin its case-in-chief on a different date than the one assigned above. The ALJ will make other scheduling advancement determinations on a day-to-day basis as needed.

[2] All times are given in Eastern Time, unless otherwise noted.

[3] The ALJ reserves the right to modify the timing of a comfort break to accommodate the flow of examination occurring during that scheduled break time.

11:30 A.M.	Government's First Witness: Cross Examination Opportunity by Dr. Phillip A. Drum
12:00 P.M.	Lunch Break
1:00 P.M.	Cont. Government's First Witness: Cross Examination Opportunity by Dr. Phillip A. Drum
1:30 P.M.	Government's First Witness: Redirect Examination Opportunity
2:30 P.M.	Comfort Break
2:45 P.M.	Government's Second Witness: Direct Examination
4:45 P.M.	END OF DAY 2
Day 3: July 1, 2026	
9:00 A.M.	Government's Second Witness: Cross Examination Opportunity by NDASA
10:00 A.M.	Government's Second Witness: Cross Examination Opportunity by TBI
10:30 A.M.	Comfort Break
10:45 A.M.	Cont. Government's Second Witness: Cross Examination Opportunity by TBI
11:15 A.M.	Government's Second Witness: Cross Examination Opportunity by DUID Victim Voices
12:00 P.M.	Lunch Break
1:00 P.M.	Cont. Government's Second Witness: Cross Examination Opportunity by DUID Victim Voices
1:15 P.M.	Government's Second Witness: Cross Examination Opportunity by The States
2:15 P.M.	Comfort Break
2:30 P.M.	Government's Second Witness: Cross Examination Opportunity by SAM
3:30 P.M.	Government's Second Witness: Cross Examination Opportunity by Dr. Kenneth Finn

4:30 P.M.	Government's Second Witness: Cross Examination Opportunity by Dr. Phillip A. Drum
5:00 P.M.	END OF DAY 3
Day 4: July 2, 2026	
9:00 A.M.	Cont. Government's Second Witness: Cross Examination Opportunity by Dr. Phillip A. Drum
9:30 A.M.	Government's Second Witness: Redirect Examination Opportunity
10:30 A.M.	Comfort Break
10:45 A.M.	NDASA's Opening Statement
11:00 A.M.	NDASA's First Witness: Direct Examination
12:00 P.M.	Lunch Break
1:00 P.M.	Cont. NDASA's First Witness: Direct Examination
2:00 P.M.	NDASA's First Witness: Cross Examination Opportunity by Government
3:00 P.M.	Comfort Break
3:15 P.M.	NDASA's First Witness: Redirect Examination Opportunity
4:15 P.M.	NDASA's Second Witness: Direct Examination
5:00 P.M.	END OF DAY 4
July 3, 2026	**HEARING IN RECESS**
Day 5: July 6, 2026	
9:00 A.M.	Cont. NDASA's Second Witness: Direct Examination
10:15 A.M.	Comfort Break
10:30 A.M.	NDASA's Second Witness: Cross Examination Opportunity by Government
11:30 A.M.	NDASA's Second Witness: Redirect Examination Opportunity
12:00 P.M.	Lunch Break
1:00 P.M.	Cont. NDASA's Second Witness: Redirect Examination Opportunity
1:30 P.M.	SAM's Opening Statement
1:45 P.M.	SAM's First Witness: Direct Examination
3:45 P.M.	Comfort Break

4:00 P.M.	SAM's First Witness: Cross Examination Opportunity by Government
5:00 P.M.	END OF DAY 5
Day 6: July 7, 2026	
9:00 A.M.	SAM's First Witness: Redirect Examination Opportunity
10:00 A.M.	Comfort Break
10:15 A.M.	SAM's Second Witness: Direct Examination
12:00 P.M.	Lunch Break
1:00 P.M.	Cont. SAM's Second Witness: Direct Examination
1:15 P.M.	SAM's Second Witness: Cross Examination Opportunity by Government
2:15 P.M.	SAM's Second Witness: Redirect Examination Opportunity
2:45 P.M.	Comfort Break
3:00 P.M.	Cont. SAM's Second Witness: Redirect Examination Opportunity
3:30 P.M.	DUID Victim Voices' Opening Statement
3:45 P.M.	DUID Victim Voices' Witness: Direct Examination
5:00 P.M.	END OF DAY 6
Day 7: July 8, 2026	
9:00 A.M.	Cont. DUID Victim Voices' Witness: Direct Examination
10:30 A.M.	Comfort Break
10:45 A.M.	Cont. DUID Victim Voices' Witness: Direct Examination
12:00 P.M.	Lunch Break
1:00 P.M.	DUID Victim Voices' Witness: Cross Examination Opportunity by Government
2:00 P.M.	DUID Victim Voices' Witness: Redirect Examination Opportunity
3:00 P.M.	Comfort Break
3:15 P.M.	Dr. Kenneth Finn's Opening Statement
3:30 P.M.	Dr. Kenneth Finn's First Witness: Direct Examination
5:00 P.M.	END OF DAY 7
Day 8: July 9, 2026	
9:00 A.M.	Cont. Dr. Kenneth Finn's First Witness: Direct Examination

9:30 A.M.	Dr. Kenneth Finn's First Witness: Cross Examination Opportunity by Government
10:30 A.M.	Comfort Break
10:45 A.M.	Dr. Kenneth Finn's First Witness: Redirect Examination Opportunity
11:45 A.M.	Dr. Kenneth Finn's Second Witness: Direct Examination
12:00 P.M.	Lunch Break
1:00 P.M.	Cont. Dr. Kenneth Finn's Second Witness: Direct Examination
2:45 P.M.	Comfort Break
3:00 P.M.	Dr. Kenneth Finn's Second Witness: Cross Examination Opportunity by Government
4:00 P.M.	Dr. Kenneth Finn's Second Witness: Redirect Examination Opportunity
5:00 P.M.	END OF DAY 8
Day 9: July 10, 2026	
9:00 A.M.	TBI's Opening Statement
9:15 A.M.	TBI's First Witness: Direct Examination
10:15 A.M.	Comfort Break
10:30 A.M.	Cont. TBI's First Witness: Direct Examination
11:30 A.M.	TBI's First Witness: Cross Examination Opportunity by Government
12:00 P.M.	Lunch Break
1:00 P.M.	Cont. TBI's First Witness: Cross Examination Opportunity by Government
1:30 P.M.	TBI's First Witness: Redirect Examination Opportunity
2:30 P.M.	Comfort Break
2:45 P.M.	TBI's Second Witness: Direct Examination
4:45 P.M.	END OF DAY 9
Day 10: July 13, 2026	
9:00 A.M.	TBI's Second Witness: Cross Examination Opportunity by Government
10:00 A.M.	Comfort Break

10:15 A.M.	TBI's Second Witness: Redirect Examination Opportunity
11:15 A.M.	Dr. Phillip A. Drum's Opening Statement
11:30 A.M.	Dr. Phillip A. Drum's First Witness: Direct Examination
12:00 P.M.	Lunch Break
1:00 P.M.	Cont. Dr. Phillip A. Drum's First Witness: Direct Examination
2:30 P.M.	Comfort Break
2:45 P.M.	Dr. Phillip A. Drum's First Witness: Cross Examination Opportunity by Government
3:45 P.M.	Dr. Phillip A. Drum's First Witness: Redirect Examination Opportunity
4:45 P.M.	END OF DAY 10
Day 11: July 14, 2026	
9:00 A.M.	Dr. Phillip A. Drum's Second Witness: Direct Examination
10:30 A.M.	Comfort Break
10:45 A.M.	Cont. Dr. Phillip A. Drum's Second Witness: Direct Examination
11:15 A.M.	Dr. Phillip A. Drum's Second Witness: Cross Examination Opportunity by Government
12:00 P.M.	Lunch Break
1:00 P.M.	Cont. Dr. Phillip A. Drum's Second Witness: Cross Examination Opportunity by Government
1:15 P.M.	Dr. Phillip A. Drum's Second Witness: Redirect Examination Opportunity
2:15 P.M.	Comfort Break
2:30 P.M.	The States' Opening Statement
2:45 P.M.	The States' First Witness: Direct Examination
4:45 P.M.	END OF DAY 11
Day 12: July 15, 2026	
9:00 A.M.	The States' First Witness: Cross Examination Opportunity by Government
10:00 A.M.	Comfort Break

10:15 A.M.	The States' First Witness: Redirect Examination Opportunity
11:15 A.M.	The States' Second Witness: Direct Examination
12:00 P.M.	Lunch Break
1:00 P.M.	Cont. The States' Second Witness: Direct Examination
2:15 P.M.	The States' Second Witness: Cross Examination by Opportunity Government
3:15 P.M.	Comfort Break
3:30 P.M.	The States' Second Witness: Redirect Examination Opportunity
4:30 P.M.	Chief ALJ Closing Statement
5:00 P.M.	END OF DAY 12
END OF SCHEDULE	

Dated: June 24, 2026

DEREK JULIUS Digitally signed by DEREK JULIUS Date: 2026.06.24 13:30:50 -04'00'

DEREK C. JULIUS
Chief Administrative Law Judge

CERTIFICATE OF SERVICE

This is to certify that the undersigned, on June 24, 2026, caused a copy of the foregoing ORDER SETTING SCHEDULE FOR HEARING PROCEEDINGS to be delivered to the following parties:

(1) The Government, via email to
   i. The DEA Government Mailbox at dea.registration.litigation@dea.gov;
   ii. James J. Schwartz, Esq., at James.J.Schwartz@dea.gov;
   iii. Jarrett T. Lonich, Esq., at Jarrett.T.Lonich@dea.gov;
   iv. Alexis B. Attanasio, Esq., at Alexis.B.Attanasio@dea.gov;
   v. Kayla L. Kreinheder, Esq., at Kayla.L.Kreinheder@dea.gov;
   vi. David C. Maley, Esq., at David.C.Maley@dea.gov;
   vii. Lisa K. Man, Esq., at Lisa.K.Man@dea.gov;
   viii. Stacy M. Race, Esq., at Stacy.M.Race@dea.gov;
   ix. Mack J. Swan, Esq., at Mack.J.Swan@dea.gov;

(2) National Drug & Alcohol Screening Association, via email to
   i. M. Jo McGuire at jomcguire@ndasa.com;
   ii. David G. Evans, Esq., at thinkon908@aol.com;

(3) Tennessee Bureau of Investigation, via email to
   i. Jacob Durst, Esq., at jacob.durst@ag.tn.gov;
   ii. Reed N. Smith, Esq., at Reed.Smith@ag.tn.gov;

(4) Smart Approaches to Marijuana, via email to
   i. Patrick F. Philbin, Esq., at pphilbin@torridonlaw.com;
   ii. John M. McNichols, Esq., at jmcnichols@torridonlaw.com;
   iii. Chase T. Harrington, Esq., at charrington@torridonlaw.com;

(5) The States of Nebraska, Idaho, Indiana, and Louisiana, via email to
   i. Zachary Pohlman, Esq., at zachary.pohlman@nebraska.gov;
   ii. Michael Zarian, Esq., at Michael.Zarian@ag.idaho.gov;
   iii. Blake Lanning, Esq., at Blake.Lanning@atg.in.gov;
   iv. Zachary Faircloth, Esq., at FairclothZ@ag.louisiana.gov;

(6) DUID Victim Voices, via email to
   i. Ed Wood, at edwood27@icloud.com;
   ii. Patrick D. Kenneally, Esq., at patrick.kenneally@burkegroup.law;
   iii. Connor W. Mighell, Esq., at connor.mighell@burkegroup.law;
   iv. David G. Evans, Esq., at thinkon908@aol.com

(7) Kenneth Finn, M.D., via email to
   i. Patrick D. Kenneally, Esq., at patrick.kenneally@burkegroup.law;
   ii. Connor W. Mighell, Esq., at connor.mighell@burkegroup.law;
   iii. David G. Evans, Esq., at thinkon908@aol.com

(8) Phillip A. Drum, PharmD, *pro se*, via email at phillipdrum@comcast.net

TAYONNA EUBANKS (Affiliate)

Digitally signed by TAYONNA EUBANKS (Affiliate)
Date: 2026.06.24 15:12:01 -04'00'

Tayonna Eubanks
Secretary (CTR)
Office of Administrative Law Judges