

**UNITED STATES DEPARTMENT OF JUSTICE
Drug Enforcement Administration**

In the Matter Of:

**Schedules of Controlled Substances:
Proposed Rescheduling of Marijuana**

**Docket. NO: DEA-1362
Hearing Docket: No. 24-44**

RE: DEA Docket No. 1362, Hearing Docket No. 24-44
CBIH witness/motion to amend pre-trial statement
Scheduled testimony: February 4, 2025

Honorable Chief Judge John J. Mulrooney, II:

Your Honor, please accept this letter brief in lieu of a more formal motion.

At this current juncture, CBIH (Cannabis Bioscience International Holdings) continues to represent itself, *pro se*. As Your Honor is aware, CBIH is a testifying party involved in the above referenced action. Our company is due to testify before Your Honor on February 4, 2025.

Though this letter is brief, we respectfully request a grant of permission for CBIH to make an amendment/modification to our previous pre-hearing statement; to add one additional fact witness, which inclusive of myself, would be a final two potential witnesses. This potential witness would exclusively be a fact witness.

Ms. Bortell's life story is incredibly compelling, and she is the exact gravamen and crux at the heart of these proceedings. Ms. Bortell has suffered greatly in her life, as a young child and to present, having to endure decades of acute severities due to the still current Schedule I illegal federal status of marijuana.

We are respectfully requesting that you permit Ms. Bortell to be added as a second potential CBIH witness for testimony on February 4, 2025.

Your Honor, CBIH made significant efforts to locate and contact Ms. Bortell and her family, achieving this only last week. Ms. Bortell's willingness to testify was secured without delay, but this timing resulted in the late notice to the Court. However, her testimony is indispensable to CBIH's case and directly impacts the gravity and importance of the issues to be resolved. Therefore, CBIH respectfully requests that the Court grant her permission to testify, recognizing the good cause behind this request.

Your Honor, this fact testimony we feel could be extremely beneficial to the Court as to the issues at hand. If Your Honor allows her testimony, one could not rationalize any material prejudice to the other parties involved in this matter. If anything, there would be testimonial benefits to all involved in allowing her testimony, as her direct testimony will elicit practical life affects and ramifications that will be reasoned by this Court. Ms. Bortell is a genuine life study of the current scheduling decision making at the bar of the Court. Thus, CBIH cannot identify any reasoned direct prejudice to any party due to this individual's fact based testimony.

Wherefore, we hope and pray this Honorable Court will use its discretion and grant permission for Ms. Bortell to be added/amended to the CBIH witness list for the upcoming proceedings. If Your Honor should have any questions or concerns, please let us know. Otherwise, we will await your decision as to adding Ms. Bortell to the CBIH witness list.

As required of a potential witness, below are the Court ordered prerequisites:

1. WITNESS

Alexis Marmol Bortell
5452 Grimes Lane.
Larkspur CO 80118

2. SUMMARY OF TESTIMONY

Alexis Bortell has been actively advocating for access to medical cannabis since she was about eight years old. She was a party to the federal lawsuit of *Washington v. Sessions* (Case 1:17-cv-05625). Over the years, she has delivered speeches on this topic in various locations, particularly in her former home state of Texas. Most importantly, her advocacy is rooted in her personal experience as a patient who has benefited immensely from marijuana as medicine. Ms. Bortell is now living in Colorado, where her parents moved the family in search of a quicker therapeutic solution due to the severe and urgent nature of her condition while they lived in the state of Texas.

Diagnosed with Intractable Epilepsy at age seven, Ms. Bortell faced numerous failed treatments with anti-epileptic drugs. Faced with conventional treatments offering only drastic options, like a lobotomy brain surgery at age eight that would remove part of the brain, or taking

a high-risk drug like Felbatol, she decided to turn to medical marijuana instead. **Ms. Bortell's use of the combination of CBD and THC has left her seizure-free for nearly a decade.** More to the point, the past and present current Schedule I designation for marijuana had, and continues to have, a massive effect on her life every day. From childhood to adolescence, Ms. Bortell has faced unimaginable suffering. Shouldn't our society prioritize protecting its children and youth instead of pushing them into a position where they must defend their right to survive? The stigma of a Schedule I classification has not only denied her access to vital medication but also cast her as a criminal for choosing to live.

If Ms. Bortell had undergone invasive brain surgery, such as a brain resection to treat her epilepsy, the devastating effects could have included the loss of cognitive functions like memory and speech, motor impairments affecting her mobility, emotional or psychological disorders due to the alteration of brain areas responsible for emotions, an increase in postoperative seizures, and severe medical complications such as infections or bleeding. Invasive brain surgeries are often viewed as controversial and ethically questionable practices in the medical field due to the significant risks they carry.

Additionally, Felbatol (Felbamate), suggested as part of Miss Bortell's treatment for her condition, is effective for certain types of epilepsy but carries serious, life-threatening side effects. Its use can lead to severe hepatic reactions, including liver failure, as well as aplastic anemia, a condition where the bone marrow fails to produce enough blood cells. Other side effects may include dizziness, fatigue, headaches, loss of appetite, and common reactions like nausea and vomiting. Additionally, Felbatol carries risks of dependency and abuse if used long-term, similar to opioids. Opioid medications also present a high risk of addiction and overdose due to their higher concentrations compared to CBD and THC-based treatments. The OxyContin crisis, exacerbated by misleading claims about addiction risk, underscores the dangers of opioids, leading to widespread dependency and overdose deaths. This highlights the urgent need for safer, non-addictive alternatives like cannabinoid-based therapies for more effective pain and condition management.

To avoid these risks and prevent legal repercussions, as her home state did not allow this type of treatment, Alexis Bortell's parents moved to Colorado, where she was able to access cannabis-based therapy. While this decision improved her quality of life, it also confined her to a system that, due to the federal classification of cannabis as a Schedule I substance, restricts her freedom and the mobility of her and her family, as she cannot travel freely to many states, including her home state of Texas, nor bring any medications onto federal lands such as military bases, nor transport her THC medication, which is vital to her health, on airplanes. This deprived Alexis of a normal childhood and now hinders her ability to pursue her dreams as this federal state limitation on medical treatment. Ms. Bortell's ability to travel freely within the country for tourism, work, or education—such as her goal of studying medicine—is hindered by federally mandated drug testing policies for THC, which would prevent her, even though her use of

marijuana is medically necessary. She also contends with stigma and judgment for using a medication that has been essential in saving her life.

The current federal classification of cannabis as a Schedule I drug continues to significantly impact the daily lives of many people dealing with this health condition and their lives. These restrictions, consequences, and ramifications have severely limited her career opportunities, dictate where she must live, and create completely unnecessary barriers to accessing her life-saving medication.

3. DOCUMENTS

The witness intends to present the same evidence that will be presented by CBIH on or before the date established in the pre-hearing rules, prior to January 3.

4. HEARING DATE AVAILABILITY.

Ms. Bortell is available for the current set testimony date of February 4th, 2025 as to CBIH. Further, she is available any other day and time, if the current testimony date should be changed. If permitted, Ms. Bortell's testimony will be live in Court/in-person, not via any teleconference system.

5. DISTRICT COURT INTERVENTION.

Ms. Bortell does not presently intend to seek the intervention of the U.S. District Court in accordance with *Axon Enterprise, Inc. v. FTC*, 598 U.S. 175 (2023).

Dante Picazo

Signature

Dante Picazo

CEO



Date: December 13, 2024

CERTIFICATE OF SERVICE

This is to certify that the undersigned, on December 11, 2024, caused a copy of the foregoing to be delivered to the following recipients: (1) Julie L. Hamilton, Esq., Counsel for the Government, via email at julie.l.hamilton@dea.gov; James J. Schwartz, Esq., Counsel for the Government, via email at james.j.schwartz@dea.gov; Jarrett T. Lonich, Esq., Counsel for the Government, via email at jarrett.t.lonich@dea.gov; and S. Taylor Johnston, Esq., Counsel for the Government, via email at stephen.t.johnston@dea.gov; (2) the DEA Government Mailbox, via email at dea.registration.litigation@dea.gov; (3) Shane Pennington, Esq., Counsel for Village Farms International, via email at spennington@porterwright.com; and Tristan Cavanaugh, Esq., Counsel for Village Farms International, via email at tcavanaugh@porterwright.com; (4) Nikolas S. Komyati, Esq., Counsel for National Cannabis Industry Association, via email at nkomyati@foxrothschild.com; William Bogot, Esq., Counsel for National Cannabis Industry Association, via email at wbogot@foxrothschild.com; and Khurshid Khoja, Esq., Counsel for National Cannabis Industry Association, via email at khurshid@greenbridgelaw.com; (5) Dante Picazo for Cannabis Bioscience International Holdings, via email at ir@cbih.net; (6) Andrew J. Kline, Esq., Counsel for Hemp for Victory, via email at Kline@perkinscoie.com; and Abdul Kallon, Esq., Counsel for Hemp for Victory, via email at and AKallon@perkinscoie.com; (7) Timothy Swain, Esq., Counsel for Veterans Initiative 22, via email at t.swain@vicentellp.com; Shawn Hauser, Esq., Counsel for Veterans Initiative 22, via email at s.hauser@vicentellp.com; and Scheril Murray Powell, Esq., Counsel for Veteran's Initiative 22, via email at smpesquire@outlook.com; (8) Kelly Fair, Esq., Counsel for The Commonwealth Project, via email at Kelly.Fair@dentons.com; (9) Rafe Petersen, Esq., Counsel for Ari Kirshenbaum, via email at Rafe.Petersen@hklaw.com; (10) David G. Evans, Esq., Counsel for Cannabis Industry Victims Educating Litigators, Community Anti-Drug Coalitions of America, Phillip Drum, Kenneth Finn, International Academy on the Science and Impacts of Cannabis, and National Drug and Alcohol Screening Association, via email at thinkon908@aol.com; (11) Patrick Philbin, Esq., Counsel for Smart Approaches to Marijuana, via email at pphilbin@torridonlaw.com; and Chase Harrington, Esq., Counsel for Smart Approaches to Marijuana, via email at charrington@torridonlaw.com; (12) Eric Hamilton, Esq., Counsel for the State of Nebraska, via email at eric.hamilton@nebraska.gov; and Zachary Viglianco, Esq., for the State of Nebraska, via email at zachary.viglianco@nebraska.gov; (13) Gene Voegtlin for International Association of Chiefs of Police, via email at voegtlin@theiacp.org; (14) Gregory J. Cherundolo for Drug Enforcement Association of Federal Narcotics Agents, via email at executive.director@afna.org and afna.org@gmail.com; (15) Reed N. Smith, Esq., Counsel for the Tennessee Bureau of Investigation, via email at Reed.Smith@ag.tn.gov; and Jacob Durst, Esq., Counsel for Tennessee Bureau of Investigation, via email at Jacob.Durst@ag.tn.gov; and (16) Matthew Zorn, Esq., Counsel for OCO et al., via email at mzorn@yettercoleman.com.

Dante Picazo

Signature
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