

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. 24-44**

ORDER REGARDING OCO, ET AL.'S PROPOSED EXHIBITS

On December 4, 2024, this tribunal issued a prehearing ruling (the Prehearing Ruling or PHR) outlining a series of procedural directives in the above-captioned matter. The Prehearing Ruling ordered all parties to comply with a set of instructions regarding the submission of proposed evidentiary exhibits, including the directive that “each party must also timely provide three (3) complete sets of hard copies of all proposed exhibits to the Hearing Clerk” no later than January 3, 2025. PHR at 4 (emphasis in original) (italics supplied). The consolidated party of the Connecticut Office of the Cannabis Ombudsman (OCO), Ellen Brown, and My Doc App (collectively, OCO, *et al.*) complied with the portion of the Prehearing Ruling mandating electronic submission of its proposed exhibits to the Department of Justice Enterprise File Sharing (JEFS). *Id.* at 4. Despite its compliance with that portion of the PHR,¹ OCO, *et al.*, has not filed hard copies of any of its proposed exhibits with this tribunal.

Accordingly, OCO, *et al.*'s proposed exhibits are herein deemed as being **NOT TIMELY PROVIDED**, and based on OCO, *et al.*'s failure to comply with the directives of the Prehearing Ruling, the issue of sanction is herein **RESERVED** for a determination to be made at such time during the hearing on the merits that its proposed exhibits are offered into the record.

¹ For reasons that are not readily apparent, this Designated Participant (DP) attempted to electronically serve all parties to this ongoing litigation with copies of its proposed exhibits via email and through its utilization of the (unauthorized) platform of Dropbox.com. The creation of its own method of service without consultation with chambers staff carries with it indications of a potentially deliberate defiance of an unequivocal tribunal directive. *See* 21 C.F.R. 1316.51(b). Stated differently, this DP's actions were not borne of inadvertence or excusable neglect, but an intentional determination to invent its own procedural rules.

Dated: January 13, 2025

JOHN J. MULROONEY, II
Chief Administrative Law Judge

CERTIFICATE OF SERVICE

This is to certify that the undersigned, on January 13, 2025, 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 AKline@perkinscoie.com; and Abdul Kallon, Esq., Counsel for Hemp for Victory, via email at and AKallon@perkinscoie.com; (7) Scheril Murray Powell, Esq., Counsel for Veteran's Initiative 22, via email at smpesquire@outlook.com; and David C. Holland, Esq., Counsel for Veterans Initiative 22, via email at dch@hollandlitigation.com; (8) Kelly Fair, Esq., Counsel for The Commonwealth Project, via email at Kelly.Fair@dentons.com; Joanne Caceres, Esq., Counsel for The Commonwealth Project, via email at joanne.caceres@dentons.com; and Lauren M. Estevez, Esq., Counsel for The Commonwealth Project, via email at lauren.estevez@dentons.com; (9) Rafe Petersen, Esq., Counsel for Ari Kirshenbaum, via email at Rafe.Petersen@hkllaw.com; (10) David G. Evans, Esq., Counsel for Cannabis Industry Victims Educating Litigators, Community Anti-Drug Coalitions of America, 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) Patrick Kenneally, Esq. Counsel for Drug Enforcement Association of Federal Narcotics Agents, via email at pdkenneally78@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.

Tayonna Eubanks
Secretary (CTR)
Office of Administrative Law Judges