

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 DENYING HEMP FOR VICTORY, VILLAGE FARMS INTERNATIONAL,
NATIONAL CANNABIS INDUSTRY ASSOCIATION, VETERAN’S INITIATIVE 22,
ARI KIRSHENBAUM, AND THE CONNECTICUT OFFICE OF THE CANNABIS
OMBUDSMAN, ET AL.’S MOTION FOR COORDINATION**

On January 3, 2025, the following Designated Participants (collectively, the Pro-Rescheduling Designated Participants) filed a motion with this tribunal (Motion) petitioning for the delegation of their allotted twenty (20) minutes-per-witness of cross-examination during the hearing on the merits: Hemp for Victory; Village Farms, International; National Cannabis Industry Association; Veteran’s Initiative 22; Dr. Ari Kirshenbaum; and the consolidated parties of the Connecticut Office of the Cannabis Ombudsman, Ellen Brown, and My Doc App, collectively OCO, *et al.* Mot. at 1. The Motion requests this tribunal for the ability to allocate each party’s twenty (20) minutes of cross-examination for the Designated Participants opposed to the proposed marijuana rescheduling action with the possibility of pooling their time for a total of up to one hundred and forty (140) minutes. *Id.* The Motion avers that the Pro-Rescheduling Designated Participants “may optionally choose to cede their allotted time” and that they “will file notice . . . indicating which participants will be conducting which cross-examination and for what period of time[.]” *Id.* at 2.

During the preliminary hearing conducted on December 2, 2024, the tribunal directly addressed the matter of consolidating cross-examination allocations and explained that it would not be a feature of the hearing on the merits. A prehearing ruling (PHR) issued on December 4, 2024, noted that “[a]s explained during the Preliminary Hearing, **cross-examination will be limited to twenty (20) minutes** for *each* party on the opposing side of the issue.” PHR at 3 (italics supplied). Inasmuch as all of the parties in this litigation have been on notice that

consolidation and voluntary relinquishment of their opportunity to cross-examine would not be an available litigation strategy. 21 C.F.R. § 1316.52. There has been no changed circumstance that would support the requested procedural modification.

Accordingly, the Pro-Rescheduling Designated Participants' Motion is herein **DENIED**.

Dated: January 7, 2025

JOHN J. MULROONEY, II
Chief Administrative Law Judge

CERTIFICATE OF SERVICE

This is to certify that the undersigned, on January 7, 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) 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; 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, Drug Enforcement Association of Federal Narcotics Agents, 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.

Quinn Fox
Staff Assistant to the Chief Judge
Office of Administrative Law Judges