

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 TRIBUNAL FILINGS

These are hearing proceedings being conducted in connection with a notice of proposed rulemaking (NPRM) issued by the Department of Justice on May 21, 2024,¹ and a general notice of hearing (GnOH) issued by the (then) Drug Enforcement Administration (DEA) Administrator on August 29, 2024.² David Evans, Esq. is currently representing multiple Designated Participants in these hearing proceedings.³

At the nascent stages of these prehearing proceedings, this tribunal issued a prehearing ruling (PHR) which explained, *inter alia*, that while “***email is utilized as the method to forward documents for filing . . . no substantive matter communicated through the body of a forwarding email will be considered.***” PHR at 9 (emphasis in original).

During the course of the prehearing proceedings in this matter,⁴ Mr. Evans has filed numerous emails sent through the DEA Judicial Mailbox⁵ that bore no motions, but communicated various items of interest to Mr. Evans and some or all of his clients.⁶ The emails do not seek specific relief, and instead, are more couched in an informal, sort of “good to know” format that the Judicial Mailbox system is singularly designed to preclude.

¹ 89 Fed. Reg. 44597 (2024).

² 89 Fed. Reg. 70148 (2024).

³ *To wit*, Community Anti-Drug Coalitions of America (CADCA), Dr. Kenneth Finn, Cannabis Industry Victims Educating Litigators (CIVEL), National Drug and Alcohol Screening Association (NDASA), and the Drug Enforcement Association of Federal Narcotics Agents (DEAFNA).

⁴ *See, e.g.*, emails dated January 13, 2025, January 14, 2025, January 16, 2025, January 19, 2025, and January 21, 2025.

⁵ ECF-DEA@dea.gov.

⁶ The identification of which client(s) Mr. Evans was communicating on behalf of remains unclear. Some of the communications referred to other Designated Participants, counsel for other Participants, some to current events, and one to executive orders issued by the President.

Mr. Evans (as well as all Designated Participants, reviewing authorities, and the world at large) is herein (and once again) advised that communication in this manner is prohibited by the PHR, and that the content of these emails can form no part of the administrative record.

Dated: January 21, 2025

JOHN J. MULROONEY, II
Chief Administrative Law Judge

CERTIFICATE OF SERVICE

This is to certify that the undersigned, on January 21, 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, 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; (16) Matthew Zorn, Esq., Counsel for OCO, *et al.*, via email at mzorn@yettercoleman.com; and (17) Ellen Brown, via email at ellen@greenpathtraining.com.

Tayonna Eubanks
Secretary (CTR)
Office of Administrative Law Judges