

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 DESIGNATED PARTICIPANT BROWN'S RESPONSE TO  
MOTION FOR LEAVE AND MOTION TO REMOVE COUNSEL**

Earlier this morning, Designated Participant (DP) Ellen Brown (Ms. Brown) submitted a filing entitled "Designated Participant Brown's Response to Order Regarding Brown's Motion for Leave and Motion to Remove Counsel" (Motion). The Motion marks the latest development in the ongoing representation saga related to the once-consolidated group of the Connecticut Office of the Cannabis Ombudsman (OCO), Brown, and The Doc App (formerly, OCO, *et al.*).<sup>1</sup> As extensively detailed in an order issued on January 16, 2025 and expounded upon in the Motion, Ms. Brown's experience with her former counsel was apparently mutually suboptimal.<sup>2</sup>

Ms. Brown now comes before the tribunal seeking relief related to her ability to further proceed in these (now stayed<sup>3</sup>) administrative proceedings. The Motion petitions for the following relief: (1) additional time to confer with a Designated Participant to explore her prospects for potential consolidation; (2) leave to revise and refile her expert witness' summary of testimony to ensure continuity with a new consolidated DP; and (3) leave to prepare and refile an updated exhibit list and hard copy exhibits. Mot. at 3.

Accordingly, the Motion is herein **GRANTED TO THE EXTENT** that Ms. Brown accomplishes the three (3) tasks she has requested no later than **2:00 p.m. Eastern Time on**

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<sup>1</sup> A joint withdrawal motion by OCO and The Doc App was granted in an order dated February 7, 2025.

<sup>2</sup> To be sure, Ms. Brown's allegations are potentially nettlesome for Ms. Brown's former counsel. However, findings on this collateral morass are not necessary to dispose of the present issue. For the purposes of this Order (only), the veracity of the allegations will be assumed as sufficiently credible to render an adjudication on the requested relief. To be clear, this order contains no findings on Ms. Brown's representation allegations.

<sup>3</sup> While proceedings have been stayed, I have retained jurisdiction to resolve non-dispositive procedural issues to facilitate the resumption of proceedings should the Agency elect to return the case for additional hearing proceedings.

**March 14, 2025.**

Dated: February 11, 2025

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JOHN J. MULROONEY, II  
Chief Administrative Law Judge

### **CERTIFICATE OF SERVICE**

This is to certify that the undersigned, on February 11, 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) 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](mailto:Jacob.Durst@ag.tn.gov); and (16) Ellen Brown, via email at [ellen@greenpathtraining.com](mailto:ellen@greenpathtraining.com).

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Tayonna Eubanks  
Secretary (CTR)  
Office of Administrative Law Judges