

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 THE GOVERNMENT’S REVISED SUBPOENA REQUESTS

This morning, the tribunal issued an order (Subpoena Order or Sub. Ord.) granting the Government’s request to issue a subpoena to one of four Food and Drug Administration (FDA) employees noticed by the Government as potential witnesses. The Government has resubmitted a corrected version of its earlier request, which now apparently lists the correct names of the remaining subpoena-target FDA employees.

Accordingly, the Government’s request for issuance of its revised subpoenas which seek to compel the attendance of Dominic Chiapperino (the Chiapperino Subpoena), Marta Sokolowska (the Sokolowska Subpoena), and Douglas C. Throckmorton (the Throckmorton Subpoena) is herein **GRANTED**.¹

Dated: December 17, 2024

JOHN J. MULROONEY, II
Chief Administrative Law Judge

¹ The three executed subpoenas are attached to this order. Naturally, the Government, as the requesting party, will be responsible for proper service on the witnesses and compliance with any applicable FDA service requirements. As noted in the Subpoena Order, to the extent the Government intends to request a stay of these proceedings to seek enforcement of the Cavazzoni Subpoena, Chiapperino Subpoena, Sokolowska Subpoena, or the Throckmorton Subpoena in the United States District Court (21 U.S.C. § 876(c); 5 U.S.C. § 555), it should make that request expeditiously, but in no event later than **2:00 p.m. Eastern Time on January 3, 2025**. Sub. Ord. at 2 n.2. Although the requested subpoenas have been issued as requested by the Drug Enforcement Administration (DEA), it must be acknowledged that inasmuch as the Department of Justice may be charged with both seeking the DEA’s enforcement of, and defending the FDA employees against these subpoenas, any enforcement proceedings in the United States District Court may prove to be quite a unique procedural endeavor.

CERTIFICATE OF SERVICE

This is to certify that the undersigned, on December 17, 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 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, 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.

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