

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 MOTION TO SUBSTITUTE
WITNESS AND AMEND PREHEARING STATEMENT**

On December 13, 2024, the consolidated party of the Office of the Cannabis Ombudsman for the State of Connecticut (OCO), Ellen Brown (Brown), and the Doc App, Inc. (the Doc App) (collectively OCO, *et al.*), filed a motion (Motion to Amend or MTA) seeking the substitution of a witness previously noticed in its prehearing statement. It was previously determined that although Brown had not, through her filings, established adequate standing under the Administrative Procedure Act to continue on independently as a party in these proceedings, consolidation with a Designated Participant could be a viable option. *Stand'g Ord.* at 40-41. Brown ultimately consolidated with another Designated Participant (as part of OCO, *et al.*) and now seeks to substitute Dr. Staci Gruber, Ph.D, for one of the witnesses previously noticed in OCO, *et al.*'s consolidated prehearing statement.¹ MTA at 1, 3.

The Motion to Amend was timely filed in compliance with a deadline fixed by a prehearing ruling (the Prehearing Ruling or PHR) issued on December 4, 2024. PHR at 7. Consistent with the Prehearing Ruling,² OCO, *et al.*, is authorized to present two witnesses with direct examinations not to exceed one hundred and twenty (120) minutes in total.

Accordingly, for the reasons stated therein, Brown's Motion to Amend is herein **GRANTED.**³

¹ The request is to have Dr. Gruber replace Jim Preston. MTA at 3. OCO, *et al.*, also indicated that it would be withdrawing Nick Garulay, another previously-noticed proposed witness. *Id.* at 6 n.3.

² Preh'g Rul'g at 2.

³ The proposed exhibit lists filed at various times on behalf of OCO, *et al.*, are disjointed and confusing. OCO, *et al.*, is **DIRECTED** to file a single, consolidated list of exhibits it will seek to have admitted. The non-disjointed and non-confusing consolidated proposed exhibit list, which will be filed no later than **2:00 p.m. Eastern Time on**

Dated: December 18, 2024

JOHN J. MULROONEY, II
Chief Administrative Law Judge

CERTIFICATE OF SERVICE

This is to certify that the undersigned, on December 18, 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@hklaw.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

December 23, 2024, will also indicate which proposed witness it will utilize to lay an adequate foundation for the admission of each proposed exhibit on the list.

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