

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 GRANTING MOTION FOR SUBSTITUTION**

On December 11, 2024, this tribunal received a motion (Motion for Substitution or MFS) petitioning for, *inter alia*, the admission of revised versions of some documents filed on behalf of multiple Designated Participants (DPs) represented by common counsel. In light of this tribunal's receipt of numerous copies of the same document(s), the Motion for Substitution seeks the removal of those purportedly outdated versions from the record and replacement with the updated document(s) attached to this most recent filing.<sup>1</sup>

For the reasons stated therein (and notwithstanding the absence of any demonstration of good cause), the Motion for Substitution is herein **GRANTED**.<sup>2</sup>

Dated: December 11, 2024

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JOHN J. MULROONEY, II  
Chief Administrative Law Judge

<sup>1</sup> After receiving multiple iterations of what may or may not have been the same document(s) (some were marked as corrected versions without guidance as to what was being corrected), counsel in this matter was directed to file a substitution motion so that the intended version(s) could be relied upon, thereby removing a potential element of unfortunate surprise during the hearing. This was an exercise in extending additional attention to ensure that the most accurate and comprehensive version of the DPs' filings are afforded careful consideration (there was no indication from counsel as to which (if not all) document(s) were to be relied upon). Although, for reasons that are not altogether clear, the MFS highlights a notice clarification directive addressed to the Government, that party did not reference multiple versions of the same or similar documents, but instead sought leave to supplement with additional sources. Thus, the confusion potentially spawned by multiple iterations of the same or similar documents was not a feature of the Government's approach, nor was the Government afforded some manner of parental lenity in its filings. Likewise, the concept that a represented party in active litigation must have one source of filings (irrespective of the number of clients taken on by counsel and what or whether they are billed for services) should hardly represent a complex legal epiphany.

<sup>2</sup> The MFS's notice of withdrawal regarding DP Phillip Drum is herein acknowledged and **GRANTED**.

## CERTIFICATE OF SERVICE

This is to certify that the undersigned, on December 11, 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; (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, Phillip Drum, 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.

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Quinn Fox  
Staff Assistant to the Chief Judge  
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