

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 DRUG ENFORCEMENT ASSOCIATION OF FEDERAL  
NARCOTICS AGENTS' MOTION TO RECONSIDER**

On January 2, 2025, the Drug Enforcement Association of Federal Narcotics Agents (DEAFNA) filed a motion to reconsider (Motion to Reconsider or MTR) the tribunal's order (January Order) granting DEAFNA's request to withdraw.<sup>1</sup> Yesterday, through its newly-retained counsel, DEAFNA also filed "a supplement" to the Motion to Reconsider (MTR Supplement or MTR Supp.) providing additional insight into the organization's representation odyssey prior to the January Order's issuance. The Motion to Reconsider petitions for DEAFNA's participation in the hearing on the merits now that it has retained counsel and "solved the financial and representation obstacles that DEAFNA was faced with." MTR at 1. This "solving" of some manner of financial issues is the exclusive basis for the MTR's requested relief. *Id.* The MTR Supplement represents DEAFNA's witness/representative/president elect did not want to be subject to cross-examination by the pro-rescheduling parties because "going through that gauntlet without counsel would not be advisable." MTR Supp. at 1. However, it is challenging to perceive how the specter of cross-examination should not have been anticipated from the outset by the executive director/representative/president elect, himself a highly experienced, retired former special agent.

All that being said, in the interests of extending the maximum level of due process possible to this Designated Participant, DEAFNA's Motion to Reconsider is herein **GRANTED**.

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<sup>1</sup> Although styled as a motion for leave, DEAFNA's motion sought to submit an affidavit in place of the noticed testimony of its sole witness during the hearing on the merits and stated that the organization's representative would not attend the hearing. Jan. Ord. at 1.

Dated: January 7, 2025

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JOHN J. MULROONEY, II  
Chief Administrative Law Judge

### **CERTIFICATE OF SERVICE**

This is to certify that the undersigned, on January 7, 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 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, 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; 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  
Office of Administrative Law Judges