

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 DENYING DP BROWN'S COMBINED MOTIONS FOR LEAVE

On March 14, 2025, Designated Participant (DP) Ellen Brown (DP Brown) filed a motion bearing the caption “Motion for Leave to File Out of Time, Motion to Reconsider, and Motion for Tailored Relief to Prevent Manifest Injustice” (the Combined Motions). In the Combined Motions, DP Brown petitions for a wide range of relief related to procedural matters already addressed through the prehearing motion practice in this case, and seeks relief regarding a pending interlocutory appeal to the Administrator of the Agency. Inasmuch as DP Brown’s participation in this proposed rescheduling matter and her numerous petitions for relief have been delineated in considerable detail through previous orders and motions, those matters need not be repeated here.

Dating back to the issuance of the Standing Order on November 19, 2024, DP Brown has been afforded multiple opportunities to reconsolidate with other Designated Participants with administrative standing, amend her proposed exhibit list, and substitute her witness proffers. Through the Combined Motions, DP Brown now seeks reconsideration of issues already adjudicated by the tribunal as well as reconsideration of an interlocutory appeal currently pending before the DEA Administrator and the stay granted for that purpose. While DP Brown has been afforded considerable latitude in these proceedings, that latitude cannot reasonably be without its limits. That point has arrived.

Accordingly, the relief sought in the Combined Motions is herein **DENIED IN ALL RESPECTS**.

Dated: March 17, 2025

JOHN J. MULROONEY, II
Chief Administrative Law Judge

CERTIFICATE OF SERVICE

This is to certify that the undersigned, on March 17, 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; and William Bogot, Esq., Counsel for National Cannabis Industry Association, via email at wbogot@foxrothschild.com; (5) Brian Cuban, Esq., for Cannabis Bioscience International Holdings, via email at brian@briancuban.com; (6) Andrew J. Kline, Esq., 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 Vighianco, Esq., for the State of Nebraska, via email at zachary.vighianco@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) Ellen Brown, via email at ellen@greenpathtraining.com.

Jazmin Catlett-Price
Secretary (CTR)
Office of Administrative Law Judges