

UNITED STATES DEPARTMENT OF JUSTICE

Drug Enforcement Administration

In the Matter of

Scheduling 4-OH-DiPT, 5-MeO-AMT, 5-MeO-MiPT, 5-MeO-DET, and DiPT

Docket No. 22-15

ORDER REJECTING MINDSTATE AND TACTOGEN'S SUPPLEMENT TO MOTION FOR SUMMARY DISPOSITION

On April 19, 2022, this tribunal issue the Briefing Order Regarding Summary Disposition setting April 28, 2022 as the deadline for the Interested Parties to file a motion for summary disposition. On April 27, 2022, Interested Parties Mindstate and Tactogen filed their Motion for Summary Adjudication. On May 9, 2022,¹ Mindstate and Tactogen filed their Supplement to Motion for Summary Disposition without seeking advanced leave from this tribunal or showing good cause for the untimely filing. Further, the Motion and certificate of service were incorrectly dated as May 6, 2022.

Accordingly, Mindstate and Tactogen's Supplement to Motion for Summary Disposition is hereby **REJECTED**. It is further **ORDERED** that, should they wish to do so, Mindstate and Tactogen may refile their Supplement to Motion for Summary Disposition with a correct date and a showing of good cause for the tribunal's consideration no later than **May 10, 2022 at 2:00 p.m. Eastern Time**.

Dated: May 9, 2022

TERESA
WALLBAUM
TERESA A. WALLBAUM
Administrative Law Judge

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TERESA WALLBAUM
Date: 2022.05.09
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¹ Counsel for Mindstate and Tactogen served their Supplement to Motion for Summary Disposition on Sunday, May 8, 2022. Per the Order Modifying Order for Prehearing Statements, it is deemed filed the following business day.

CERTIFICATE OF SERVICE

This is to certify that the undersigned, on May 9, 2022, caused a copy of the foregoing to be delivered to the following recipients:

- (1) John E. Beerbower, Esq., Counsel for the Government, via email at John.E.Beerbower@dea.gov and to the DEA Government Mailbox at dea.registration.litigation@dea.gov;
- (2) David Heldreth, CEO of Panacea Plant Sciences, via email at davidh@panaceaplantsciences.net;
- (3) John T. Hunter, Esq., Counsel for Jason Wallach and Hamilton Morris, via email at john@hljdefense.com;
- (4) Matt Baggott, Tactogen Inc., via email at matt@tactogen.com;
- (5) Dillian DiNardo, Kykeon Biotechnologies Inc., via email at dillan@mindstate.design;
- (6) Graham Pechenik, Esq., Counsel for Tactogen Inc. and Kykeon Biotechnologies Inc., via email at graham@calyxlaw.com; and
- (7) Matthew C. Zorn, Esq., Counsel for Tactogen Inc. and Kykeon Biotechnologies Inc., via email at mzorn@yettercoleman.com.

**ANIAYAH
BECKFORD**

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Date: 2022.05.09
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Aniayah S. Beckford
Staff Assistant to Judge Wallbaum