

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

BRIEFING ORDER REGARDING SUMMARY DISPOSITION

On April 6, 2022, the Interested Parties filed their Reply in Support of Preliminary Objection and Motion to Stay (Reply).¹ In their Reply, the Interested Parties indicated that, if “the proceedings do proceed, Movants may later move for summary disposition. This procedural issue is a pure legal issue where there is no dispute on any material fact.” Reply at 12 n.7. On April 19, 2022, this tribunal issued the Order Denying Interested Parties Preliminary Objection and Motion to Stay. To the extent that the Interested Parties may wish to file a motion for summary disposition based on any issue where, in their view, there is no dispute as to any material fact, it is hereby **ORDERED** that the Interested Parties shall file any such motion no later than **2:00 p.m. Eastern Time (ET) on April 28, 2022**, and the Government shall file its response no later than **2:00 p.m. ET on May 9, 2022**.²

Dated: April 19, 2022

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WALLBAUM
TERESA A. WALLBAUM
Administrative Law Judge

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¹ Interested Parties Panacea, Mindstate, Tactogen, and Amy Rising jointly filed the Reply. Interested Parties Hamilton Morris and Jason Wallach filed a separate reply but expressly joined and adopted the Reply.

² Replies are not a matter of right in these administrative proceedings and will be granted only when deemed necessary.

CERTIFICATE OF SERVICE

This is to certify that the undersigned, on April 19, 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;
- (7) Matthew C. Zorn, Esq., Counsel for Tactogen Inc. and Kykeon Biotechnologies Inc., via email at mzorn@yettercoleman.com; and
- (8) Amy Rising, via email at amynicholerising@gmail.com.

**BELLA
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Bella Mapeso
Staff Assistant,
Office of Administrative Law Judges