

UNITED STATES DEPARTMENT OF JUSTICE
Drug Enforcement Administration

*Received
3/25/85*

In The Matter Of)
)
MDMA SCHEDULING)
)

Docket No. 84-48

MEMORANDUM TO COUNSEL

The administrative law judge has studied all of the memoranda and statements submitted to him pursuant to the Memorandum And Order dated February 8, 1985. He concludes that the potential issue there designated as 4. does pose a legal question subject to being resolved without evidence, and that it should be resolved before any further action is taken in this proceeding.

Counsel for Hoffmann-La Roche, Inc. and McNeilab, Inc. has proposed that that issue be restated. The administrative law judge accepts counsel's proposal, with slight modification, and as so modified, it is set forth below:

Assuming that a substance has a potential for abuse less than "a high potential", and has no currently accepted medical use in treatment in the United States, can the substance lawfully be placed in any schedule other than Schedule I?

Of the participants who filed memoranda or statements which commented on this matter, only Agency counsel has adopted the negative position on this issue. The others have taken the affirmative.

Accordingly:

1. Counsel for Hoffmann-La Roche and McNeilab, and for Drs. Greer and Grinspoon, Professors Bakalar and Roberts, are to file with the hearing clerk, in duplicate, and serve on all other participants, on or before April 8,

1985 a legal memorandum in support of their position on the issue stated above;

2. Agency counsel similarly is to file and serve, on or before April 22, 1985, a legal memorandum in support of his position; and

3. Counsel specified in paragraph 1., above, are to file in duplicate, and serve on all other participants, such reply memoranda as they may wish on or before April 29, 1985.

Promptly thereafter the administrative law judge will issue his opinion on the issue. In the meantime, all other proceedings in this matter will be stayed.

II

However, all are advised that, with respect to evidentiary hearing sessions for cross-examination of witnesses, in the event such a session is to be scheduled in this proceeding in the Western part of the country, it will probably be set for sometime between June 3 and June 14, 1985, inclusive, in Los Angeles, California.

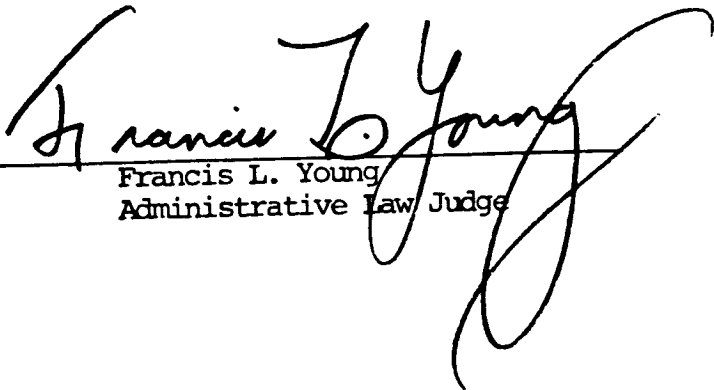
All interested participants should take note of this at this time.

III

The Memorandum And Order dated February 8, 1985 provided that failure to comply fully with its provisions would be considered a waiver of opportunity to participate in the hearing in this matter or as an implied revocation of a request for hearing. The only participants who complied with it were Lester Grinspoon, M.D., Professor James Bakalar, George Greer, M.D., Professor Thomas B. Roberts, Lyn B. Ehrnstein, Hoffmann-La Roche, Inc., McNeilab, Inc. and the

Agency, D.E.A. Accordingly, they are considered to be the only remaining participants in this proceeding, and copies of documents filed hereafter need be served only on them, or on their attorneys. They are identified by an asterisk (*) on the certificate of service annexed hereto. Persons not so identified are no longer considered participants or parties in this proceeding.

Dated: March 22, 1985


Francis L. Young
Administrative Law Judge

CERTIFICATION OF SERVICE

This is to certify that the undersigned on March 22, 1985, caused a copy of the foregoing to be mailed, postage paid, to each of the following:

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Hearing Clerk