

DEWEY, BALLANTINE, BUSHBY, PALMER & WOOD

to Dr. Grinspoon

For your information.

Cathy DuBose

August 15, 1986

8/11/86

UNITED STATES DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Received
8/15/86

In The Matter Of
MDMA SCHEDULING

Docket No. 84-48

ORDER

On June 27, 1986, Respondents Drs. Grinspoon, Greer, et. al., moved to strike portions of the Exceptions filed by DEA staff and also moved to request an opportunity for oral presentation to the Administrator.

Rejected by page

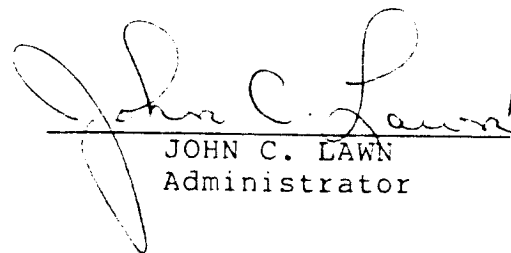
The first motion refers to the Exceptions filed by the Agency, pursuant to 21 CFR 1316.66, in response to the Opinion and Recommended Ruling, Findings of Fact, Conclusions of Law and Decision by the Administrative Law Judge (ALJ). Respondents submit that the Agency acted improperly in alleging bias on the part of the ALJ. The Administrator agrees. The Agency has presented no grounds for such allegations except that the ALJ did not give sufficient weight to evidence and argument presented by the Agency. These grounds are insufficient. No independent evidence of bias is raised by the Agency. The allegations, as presented, are unfounded, potentially prejudicial to the other parties of the proceeding and should be stricken from the Agency's pleading.

In their second motion, Respondents request the opportunity for oral presentation to the Administrator. The Administrator has before him the complete record in this matter with all the post-hearing pleadings and fully understands the alternatives posed in the case and the consequences of the decision that he will make. Both the Agency and all Respondents have had ample opportunity to present evidence and argument on the issues. The record, along with the ALJ's recommendations, provide the Administrator with sufficient information to make his decision.

Accordingly, upon consideration of Respondents' motions herein, it is this 11 day of August, 1986

ORDERED that Respondents' Motion to Strike Portions of the Exceptions Filed by DEA Staff is hereby granted. The Agency's Exceptions are expunged from the record. The Agency is directed to refile its Exceptions without such allegations of bias against the ALJ within ten days of the date of this order. This ruling does not affect the timeliness of the filing of the Exceptions nor does it allow for additional filings by the Respondents.

It is further ORDERED that Respondents' Motion to Request Opportunity for Oral Presentation to the Administrator is hereby denied.



JOHN C. LAWN
Administrator

AUG 11 1986

CERTIFICATE OF SERVICE

This is to certify that the undersigned on AUG 11 1986 caused a copy of the foregoing to be delivered to:

Hon. Francis L. Young
Administrative Law Judge
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Washington, D.C. 20537

Stephen E. Stone, Esq.
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Counsel for the Government

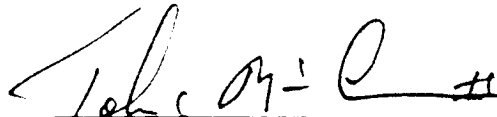
and caused a copy to be mailed, postage paid, to each of the following:

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