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September 26, 1997

Frank Sapienza
Secretary of Drug and Chemical Evaluation
Office of Diversion Control
U.S. Department of Justice
Drug Enforcement Administration
Washington, D.C. 20537
Via Fax (202) 307-8570 and U.S. Mail

Re: Petition of Jon Gettman and Trans-High Corporation

Dear Mr. Sapienza:

I write to follow up on our conversation of today. As you know my clients are extremely concerned about what they believe is a lack of due diligence on the part of the DEA to pass the petition on to HHS.

On July 10, 1995 my clients filed their petition pursuant to 21 CFR 1308.44 challenging the classification of Marijuana as a Schedule I drug. The petition was accepted for filing on July 27, 1995. In a July 27, 1995 letter, then Deputy Administrator Greene stated that the DEA will determine within a reasonable period of time whether there are sufficient grounds for our petition, and if there are sufficient grounds there will be a medical and scientific recommendation from the Secretary of HHS which will be binding on the DEA, and only then will the DEA initiate proceedings for rulemaking.

On November 19, 1996, you indicated that my clients' petition was assigned to Dr. Judy Lawrence for review in early 1997 and that the petition would be passed on to her once she finished reviewing another petition assigned to her.

Today you stated that you are disappointed that you have not made the progress on our petition that you intended, and that Dr. Lawrence, who is still assigned to reviewing our petition has been busy working on Chemidine but will finish in the next few to several weeks. You also stated that based on your own initial review of the petition and its very detailed and comprehensive

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nature you will be sending the petition on to HHS shortly because it is not something you can deny at this point internally without HHS.

Some 26 months have passed since my clients' submission of their petition. I do not understand how the passage of 26 months comports with Deputy Administrator Greene's representation to us in the July 27, 1995 letter that the DEA will determine "within a reasonable period of time" whether there are sufficient grounds for our petition, and if there are sufficient grounds that there will be a medical and scientific recommendation from the Secretary of HHS which will be binding on the DEA, and only then will the DEA initiate proceedings for rulemaking. Although I appreciate that your office is very busy and respect your taking out the time to discuss this matter with me, my clients are unwilling to wait much longer.

Based on our conversation, I understand that the medical marijuana initiatives and Chemidine issues have taken up a lot of your office's time and resources. My clients would like to know when the Chemidine petition was filed. My clients find it curious that the medical marijuana initiatives are receiving more attention from your office than our petition, when our petition was filed long before most if not all of the initiatives. My office has previously requested that the DEA provide the date of the six other petitions filed before my clients' and the names of the petitioners. My clients ask that this information be provided to us as soon as possible.

Since you acknowledge that based on your review the petition will have to be passed on to HHS, I ask you to consider just sending the petition over to them now, rather than waiting any longer for Doctor Lawrence's review at this time.

It is my feeling that it is a waste of your time, my time and the taxpayers money and interest to force my clients to seek help from the Court to get the DEA to move on this petition, when it is something you can do right now. Please let me know exactly when you will be turning over the petition to HHS. I look forward to hearing from you.

Sincerely,


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