

**STATE OF NEW MEXICO
DEPARTMENT OF ENERGY, MINERALS AND NATURAL RESOURCES
OIL CONSERVATION DIVISION**

**APPLICATION OF ELIZABETH KAYE DILLARD
TO REOPEN CASE NO. 21226 (ORDER NO. R-21354),
EDDY COUNTY, NEW MEXICO**

CASE NO. 22323

**OPPOSED MOTION TO SUSPEND PRE-HEARING ORDER
AND SET CASES FOR STATUS CONFERENCE**

Colgate Operating, LLC (“Colgate”) requests that the Division: (1) suspend the Pre-Hearing Order, issued on September 16, 2022; and (2) set the case for a status conference on December 15, 2022. In support of this motion, Colgate states the following.

1. Elizabeth Kaye Dillard (“Ms. Dillard”) has brought this matter to the Division to reopen Case No. 21226 regarding the Application of Colgate for Compulsory Pooling and Non-Standard Spacing Unit in Eddy County, New Mexico.

2. The case is set for a contested hearing on December 15, 2022, under an Amended Pre-Hearing Order issued on September 16, 2022.

3. The parties believed they had reached an agreement ahead of the deadlines for submittal of exhibits, testimony, and the pre-hearing statement. Because the parties believed an agreement had been reached, neither party submitted exhibits or testimony by the December 8, 2022 deadline.

4. It is now unclear whether an agreement has been reached, and Ms. Dillard is requesting that Colgate provide voluminous information before she elects to participate in the wells.

5. As a result, Colgate needs additional time to prepare for a hearing and submit exhibits, proposed testimony, and amend its pre-hearing statement.

6. In addition, there are matters that require clarification from the Division.

7. As a result, Colgate requests that the Division suspend the Amended Pre-Hearing Order and set the case for a status conference on December 15, 2022.

8. Although Ms. Dillard did not provide the information required by the Prehearing Order, she opposes Colgate's request to suspend the Prehearing Order and for a status conference.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on December 13, 2022, I caused a true and correct copy of the foregoing motion to be electronically served on the following:

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