

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

**IN THE MATTER OF THE APPLICATION OF  
PERCUSSION PETROLEUM OPERATING, LLC  
FOR COMPULSORY POOLING,  
EDDY COUNTY, NEW MEXICO**

**CASE NO. 20226**

**MOTION FOR CONTINUANCE**

VANGUARD NATURAL RESOURCES, INC. (Vanguard), for its motion for continuance states:

1. This case was previously scheduled for hearing on April 18, 2019.
2. Before the April 18 hearing the Applicant, Percussion Petroleum Operating, LLC requested a continuance from the Division to May 16 “or the next available hearing date” because its expert engineering witness had a conflict.
3. Vanguard reluctantly consented to the continuance because at least one of its expert witnesses would be unavailable for the May 16 Division docket. Now, all three of Vanguard’s original experts are no longer available and replacements will not be available until after May 16.
4. Vanguard’s replacement reservoir engineer will be out of the country on May 16, the date of the scheduled hearing.
5. Vanguard’s new geological expert, who is not aboard at Vanguard yet, will not be available until June and would not be familiar with the geology of the prospect area.
6. Engineering experts, very critical to Vanguard’s case, are not familiar with the engineering and geological considerations developed by Vanguard’s previous experts, will require additional time beyond May 16 to prepare for hearing, particularly because they are new employees of Vanguard.

7. Percussion, through its counsel, now opposes a continuance from the May 16 docket to a hearing date in June because Vanguard's requested continuance may not occur until June 27 based on the Division' policy of continued cases being heard on the second hearing date of each month.

8. Percussion gives no valid reason, such as a lease or term assignment expiration, or for opposing the continuance other than that Division orders are taking about ninety (90) to be issued.

WHEREFORE, Vanguard requests a continuance to the Division's June 27, 2019 docket.

Respectfully submitted,

PADILLA LAW FIRM, P.A.

/s/ ERNEST L. PADILLA

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### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the forgoing was served to counsel of record by electronic mail this 6<sup>th</sup> day of May, 2019, as follows:

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/s/ ERNEST L. PADILLA

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