

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

**IN THE MATTER OF THE HEARING CALLED  
BY THE OIL CONSERVATION COMMISSION FOR  
THE PURPOSE OF CONSIDERING:**

**APPLICATION OF THE NEW MEXICO  
OIL CONSERVATION DIVISION, THROUGH  
THE ENFORCEMENT AND COMPLIANCE  
MANAGER, FOR A COMPLIANCE ORDER  
AGAINST MARKS AND GARNER PRODUCTION  
LTD. COMPANY; (1) FINDING THAT OPERATOR  
VIOLATED 19.15.4 201 NMAC AS THE TWENTY-  
THREE WELLS OR ALTERNATIVELY IS IN  
VIOLATION OF 19.15.13.1115 NMAC; (2) REQUIRING  
OPERATOR TO BRING SAID WELLS INTO  
COMPLIANCE WITH 19.15.14.201 NMAC AND/OR  
19.15.13.1115 NMAC BY A DATE CERTAIN; AND  
(3) REQUIREING THAT THE OPERATOR PAY  
PENALTIES, AND IN THE EVENT OF NON-COMPLIANCE,  
DECLARING THE WELLS ABANDONED AND  
AUTHORIZING THE DIVISION TO PLUG SAID WELLS AND  
FORFEIT THE APPLICABLE FINANCIAL ASSURANCE;  
LEA COUNTY, NEW MEXICO.**

**CASE NO. 14041 (De Novo)  
ORDER NO. R-12963-A**

RECEIVED OCD  
2009 OCT -6 P 4: 17

**MOTION FOR CONTINUANCE**

Marks and Garner Production LTD., Co., (Marks and Garner) by and through its undersigned counsel of record, hereby requests a for a continuance of the hearing in the above-captioned matter and as grounds therefore states:

1. Quinton Welborn, principal in Marks and Gardner Production LTD. Company, and listed witness for the hearing in this matter has been referred by his Hobbs, New Mexico physician for further medical treatment for a bleeding ulcer in Lubbock, Texas, and will probably be hospitalized there. Attached is a copy of an email from Mr. Welborn to undersigned counsel informing him of his medical condition.

2. As a result of Mr. Welborn's medical condition, he will be unable to attend the hearing in this matter set for October 7, 2009.

3. Counsel for the Oil Conservation Division, Mikal Altomare, is not opposed to a continuance, but such stance is conditioned on undersigned counsel providing to the OCD some form of verification from Mr. Welborn's medical providers of his medical condition.

WHEREFORE, for the foregoing reasons Marks and Gardner Production LTD., Co. requests a continuance to the Commission's next regularly scheduled hearing docket.

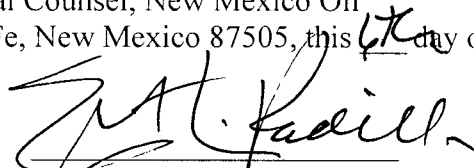
PADILLA LAW FIRM, P.A.

By: 

Ernest L. Padilla  
P.O. Box 2523  
Santa Fe, New Mexico 87504  
(505) 988-7577

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Motion for Continuance was hand-delivered to Mikal Altomare, Esq., Assistant General Counsel, New Mexico Oil Conservation Division, 1220 S. St. Francis Drive, Santa Fe, New Mexico 87505, this 6th day of October, 2009.

  
ERNEST L. PADILLA

## Ernest Padilla

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**From:** qwelborn@windstream.net  
**Sent:** Tuesday, October 06, 2009 9:47 AM  
**To:** Ernest Padilla  
**Subject:** Re: FW: Marks & Garner - Case No. 14041 De Novo

Mr. Padilla, I have a bleeding ulcer that has erupted, I was at the hospital in hobbs most of yesterday and they are going to send me to Lubbock today, I do not know how long it will take to get released.

thanks  
qw

----- Ernest Padilla <epadillaplf@qwestoffice.net> wrote:  
> Here is Altomare's response to my inquiry this morning.

>  
>  
>  
> Ernest L. Padilla  
> PADILLA LAW FIRM, P.A.  
> P.O. Box 2523  
> Santa Fe, New Mexico 87504-2523  
> T: 505-988-7577  
> F: 505-988-7592  
> E: epadillaplf@qwestoffice.net  
>  
> CONFIDENTIALITY NOTICE: THIS MESSAGE (INCLUDING ATTACHMENTS, IF ANY)  
> IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT  
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> e-mail to inform the sender that you have received this e-mail in error, and (iii)  
delete this e-mail and all attachments.

>  
> \_\_\_\_\_  
>  
> From: Altomare, Mikal, EMNRD [mailto:Mikal.Altomare@state.nm.us]  
> Sent: Thursday, October 01, 2009 10:49 AM  
> To: Ernest Padilla  
> Cc: Sanchez, Daniel J., EMNRD; Macquesten, Gail, EMNRD  
> Subject: RE: Marks & Garner - Case No. 14041 De Novo

>  
>  
> Mr. Padilla,

>  
>  
> In response to your inquiry regarding what your client, Marks &  
> Garner, would need to do to come into compliance in this matter -

>  
> As was set out in the Motion to be heard next Wednesday before the  
> Commission :

>  
>  
> 1. On September 11, 2008 the Commission issued Order No. R-12963-A, and  
> the order has become final.