



**BEFORE THE  
OIL CONSERVATION DIVISION**

**NEW MEXICO DEPARTMENT OF ENERGY AND MINERALS**

**IN THE MATTER OF THE APPLICATION OF  
BURLINGTON RESOURCES OIL & GAS COMPANY  
FOR COMPULSORY POOLING AND A NON-STANDARD  
GAS PRORATION AND SPACING UNIT, SAN JUAN  
COUNTY, NEW MEXICO**

**CASE NO. 11808  
CASE NO. 11809  
(Consolidated)  
De Novo**

**INTERIM RESPONSE TO BURLINGTON'S MOTION TO QUASH**

Total Minatome Corporation ("Total") provides this interim response to the Motion to Quash filed on November 10, 1977.

1. Burlington's Motion to Quash is untimely.
2. No notice of non-appearance has been filed. The subpoena remains in effect and Burlington is obliged to comply on November 12, 1997. Total's counsel will be in attendance at the scheduled production.
3. Burlington's counsel has made no good faith attempt to confer with Total's counsel in order to reconcile any discovery dispute. Moreover, Burlington's counsel did not attempt to ascertain opposing counsel's concurrence or opposition to the motion.
4. The scope of Burlington's blanket-wide motion is inappropriate and its assertions are without merit.
5. Unless the motion is otherwise stricken for the above reasons, Total plans on a further response. Unless immediately stricken, the motion should be considered by the Commission under the public hearing procedures set forth under Section 70-2-23.

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**Certificate of Mailing**

I hereby certify that a true and correct copy of the foregoing was ~~mailed~~ <sup>FILED</sup> to counsel of record on the 17 day of November, 1997, as follows:

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