

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

**APPLICATION OF COLGATE OPERATING, LLC
FOR COMPULSORY POOLING AND
NON-STANDARD SPACING AND PRORATION
UNIT, EDDY COUNTY, NEW MEXICO.**

CASE NO. 22323

**COLGATE OPERATING, LLC'S REPLY IN SUPPORT OF MOTION TO VACATE
PRE-HEARING ORDER AND FOR STATUS CONFERENCE**

Colgate Operating, LLC ("Colgate") submits the following reply in support of its Motion to Vacate Pre-Hearing Order and for Status Conference ("Motion") filed on January 12, 2022.

1. Elizabeth Kaye Dillard's ("Dillard") Response to Colgate's Motion fails to demonstrate how setting this case for a status conference on February 3, 2022 would injure her correlative rights or result in unfair prejudice. Although Dillard claims that any delay of the hearing will deprive her of due process and of her right to receive her fair share of oil and gas, that argument is unfounded. The hearing in this matter will address whether Dillard was entitled to receive notice of Colgate's pooling application at an address other than the address to which notice was sent. Dillard will receive due process through the hearing process, and her right to receive her fair share of oil and gas is not impacted by the timing of the hearing.

2. Additionally, Dillard's claims of Colgate's "dilatatory and unprofessional" conduct lack merit. The hearing in this matter has not been previously continued. In its Motion, Colgate explained that its current counsel entered an appearance on January 13, 2022 and was not involved in the underlying case. As such, Colgate requires additional time to work with its current counsel to adequately prepare for hearing and ensure its interests and rights in this matter will be protected.

Colgate supports setting a hearing in this matter on the next date available to the parties and the Oil Conservation Division following a status conference on February 3, 2022.

WHEREFORE, Colgate requests the Oil Conservation Division grant its Motion and schedule this case for a status conference on the February 3, 2022 hearing docket.

Respectfully submitted,

HINKLE SHANOR LLP

/s/ Dana S. Hardy _____

Dana S. Hardy
Michael Rodriguez
P.O. Box 2068
Santa Fe, NM 87504-2068
Phone: (505) 982-4554
Facsimile: (505) 982-8623
dhardy@hinklelawfirm.com
mrodriguez@hinklelawfirm.com
Counsel for Colgate Operating, LLC

CERTIFICATE OF SERVICE

I hereby certify that on January 25, 2022, I caused a true and correct copy of the foregoing reply to be electronically served on the following:

Scott S. Morgan
Brandon D. Hajny
smorgan@cilawnm.com
bhajny@cilawnm.com
Attorneys for Elizabeth Kaye Dillard

/s/ Dana S. Hardy
Dana S. Hardy