

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

**APPLICATIONS OF AVANT  
OPERATING, LLC FOR  
COMPULSORY POOLING AND  
APPROVAL OF AN OVERLAPPING  
NON-STANDARD HORIZONTAL  
SPACING UNIT, LEA COUNTY,  
NEW MEXICO.**

**CASE NOS. 24632-24633**

**APPLICATIONS OF MAGNUM  
HUNTER PRODUCTION, INC.  
FOR COMPULSORY POOLING,  
LEA COUNTY, NEW MEXICO.**

**CASE NOS. 24756-24759  
CASE NOS. 24684-24687**

**APPLICATIONS OF MRC PERMIAN  
COMPANY FOR COMPULSORY POOLING,  
LEA COUNTY, NEW MEXICO.**

**CASE NOS. 24760-24767**

**JOINT MOTION TO VACATE AND RESCHEDULE HEARING**

The parties in this matter, Avant Operating, LLC, Magnum Hunter Production, Inc., Cimarex Energy, Cimarex Energy Company of Colorado, Coterra Energy, Inc., Franklin Mountain Energy 3, LLC, Permian Resources Operating, LLC, Foran Oil Company, and MRC Permian (the "Parties"), jointly move that the contested hearing that is currently set for Tuesday, October 8, 2024, be vacated and rescheduled for Tuesday, December 3, 2024, or in the alternative no later than 60 days after October 8, 2024. In support of this motion, the Parties state as follows:

1. Multiple scheduling conferences have been held, each attended by representatives of all parties.

2. The Division issued a Pre-Hearing Order dated July 26, 2024, consolidating Case Nos. 24632, 24633, and 24684-24687 and setting them for contested hearing on September 17, 2024.

3. The Division issued an Amended Pre-Hearing Order dated August 27, 2024, consolidating additional Case Nos. 24756-24767, and setting them for contested hearing on October 8, 2024.

4. All Parties have continued to engage in good faith settlement negotiations, and there is a possibility that some portion of the contested matters can be resolved prior to a contested hearing.

5. In addition, due to an unforeseen family emergency, Shane Kelly, Avant Operating, LLC's engineering expert and witness, will be unavailable to present testimony on the October 8, 2024, hearing date. An affidavit from Mr. Kelly to this effect is attached hereto as Exhibit A.

6. A later setting, such as to the mutually agreed Tuesday, December 3, 2024 date, will both allow all Parties to have their witnesses available for testimony, and provide the possibility of at least partial issue resolution, and thus a more succinct presentation of the issues to the Hearing Examiner.

7. No party will be prejudiced by delaying the hearing.

WHEREFOR, the Parties request that the contested hearing set for Tuesday, October 8, 2024, and all interim due dates be vacated and the hearing reset for Tuesday, December 3, 2024, or in the alternative no later than 60 days after October 8, 2024.

Respectfully submitted,

HOLLIDAY ENERGY LAW GROUP, PC

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*Attorneys for Franklin Mountain Energy 3, LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that on September 26, 2024, I served a copy of the foregoing document to the following counsel of record via electronic mail:

Jennifer L. Bradfute- jennifer@bradfutelaw.com  
*Attorney for Magnum Hunter Production, Inc.;*  
*Coterra Energy Inc.;*  
*Cimarex Energy;*  
*Cimarex Energy of Colorado*

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*Foran Oil Company;*  
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Earl Debrine – earl.debrine@modrall.com  
Yarithza Pena – yarithza.pena@modrall.com  
*Attorneys for Franklin Mountain Energy 3, LLC*

/s/ Benjamin B. Holliday  
Benjamin B. Holliday

# **Exhibit A**

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**CASE NOS. 24760-24767**

**AFFIDAVIT**

STATE OF COLORADO    §  
  §  
COUNTY OF DENVER    §

I, Shane Kelly, Vice President of Engineering for Avant Operating, LLC (“Avant”), the Applicant in the Case Nos. 24632 and 24633, as well as a party to Case Nos. 24684-24687 and 24756-24767, being first duly sworn, states the following:


1. The Division issued a Pre-Hearing Order dated July 26, 2024, consolidating Case Nos. 24632, 24633, and 24684-24687 and setting them for contested hearing on September 17, 2024.

Shane Kelly Unavailability Affidavit Case Nos. 24632, 24633, 24684-24687, 24756-24767

2. The Division issued an Amended Pre-Hearing Order dated August 27, 2024, consolidating additional Case Nos. 24756-24767, and setting them for contested hearing on October 8, 2024.

3. I will serve as Avant Operating, LLC's engineering expert and witness in the above matters. My testimony in the above matters is critical to Avant's application. Due to an unforeseen family emergency that has arisen after the August 27, 2024 Amended Pre-Hearing Order, I will be unavailable to present testimony on the October 8, 2024, hearing date.

4. I make this Affidavit in conjunction with a Joint Motion to Vacate and Reschedule the above case numbers, whereby all parties request a rescheduling of the hearing date to Tuesday, December 3, 2024.

  
\_\_\_\_\_  
Shane Kelly  
VP Engineering  
Avant Operating, LLC

**COLORADO NOTARY ACKNOWLEDGMENT**

STATE OF COLORADO §  
  §  
COUNTY OF DENVER §

SUBSCRIBED AND SWORN to before me this 26<sup>th</sup> day of September, 2024 by Shane Kelly.

**Sophia Guerra**  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID# 20194020815  
MY COMMISSION EXPIRES 9/14/2027

  
\_\_\_\_\_  
Notary Public, State of Colorado