

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

APPLICATION OF ALPHA ENERGY
PARTNERS, LLC, FOR COMPULSORY
POOLING, EDDY COUNTY, NEW MEXICO

CASE NO. 24944

PRE-HEARING ORDER

This Pre-Hearing Order follows a status conference held on November 21, 2024, all Parties in attendance. Based on the Parties' representations that a contested hearing is necessary to resolve disputed issues:

THE HEARING EXAMINER FINDS AND ORDERS:

1. The contested hearing will commence on **March 4, 2025**, at **9:00 a.m.** and may continue on March 5, 2025.
2. If objections to a hearing by affidavit are subsequently withdrawn, the case will proceed by affidavit on March 10, 2025.
3. The hearing will be recorded and transcribed verbatim by a court reporter.
4. The hearing shall be conducted in hybrid fashion, in-person at Pecos Hall, 1220 South St. Francis Drive, 1st Floor, Santa Fe, NM and via MS Teams virtual meeting platform (sign in information will be sent to the parties closer to the date of the hearing). It is strongly preferred that Counsel appear in-person while witnesses may be offered in-person or virtually. The Hearing Examiner may modify the format of the hearing consistent with the available resources at the time of the hearing.
5. Pre-hearing statements shall be filed no later than 9:00 a.m., 4 business days prior to the hearing and in addition to the requirements of 19.15.4.13.B(1) NMAC, shall include the following:
 - a) All evidentiary exhibits, documents, affidavits, and full-written testimony of any witness a party offers at the hearing.

Exhibits must be sequentially marked on every page. Failure to timely file a complete pre-hearing statement may cause the Hearing Examiner to continue the hearing and/or impose sanctions up to and including the exclusion of late-filed evidence.

6. Evidentiary objections must be filed no later than 48 hours before the hearing. Rulings on the objections will be addressed as a preliminary matter when the case is called.
7. All witnesses filing direct testimony shall attend the hearing and may be subject to cross examination by Counsel and the Division's Examiners.
8. Requests for a continuance shall be filed in writing through the OCD fee portal at least one week prior to the contested hearing for approval by the Hearing Examiner.

Gregory Chakalian
Digitally signed by
Gregory Chakalian
Date: 2024.11.26
08:38:13 -07'00'

GREGORY CHAKALIAN
HEARING EXAMINER

STATE OF NEW MEXICO
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OIL CONSERVATION DIVISION

**APPLICATION OF ALPHA ENERGY
PARTNERS, LLC, FOR COMPULSORY
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CASE NO. 24944

**MOTION TO DISQUALIFY A HEARING EXAMINER FOR LACK OF IMPARTIALITY
REQUEST TO DENY ALPHA OPPOSITION OF THE MOTION AND AER RESPONSE INSUPPORT OF
THE APPROVAL OF THE MOTION**

American Energy Resources LLC (AER), through statute 19.25.2.14 requests to disqualify hearing examiner for lack of impartiality.

- 1) Before the scheduled status conference, the hearing examiner singled out AER and demanded evidence of AER ownership be presented.

19.15.4.14 C opposing part is not obligated to present evidence

19.15.4.16 prehearing procedure for adjudicatory hearing

The examiner was willfully Bias in how he conducted his request, and in fact violated the laws of procedure with no remorse toward AER the effected party.

2. The examiner tried to fix his Bias wrong, with slight of hand, by entering an order after the hearing, requesting for all parties to produce their ownership of interest.

The fact is the examiner tried to correct his bias wrong and is evidence and with justified merit of the examiners Bias toward AER. See Exhibit "A"

3. Applicants opposition to AER motion is without legal basis of statutory of case law.

Applicant and their attorney Darin Savage, both received the same notice from the hearing examiner that AER received on November 20, 2024, requesting that AER must provide proof of ownership interest before the scheduled hearing.

Applicant and their attorney Darin Savage, both received the same order from the Division, correcting the examiners premature willful bias act toward AER, by requesting all parties to present evidence. Only after the fact did the examiner try to fix his willful bias act.

WHEREFORE, the hearing examiner failed at his duties with great disregard to the hearing procedures, and has shown bias towards AER an involved party, by demanding evidence from AER prematurely and before a scheduled hearing and singled out and only requested from AER to present evidence of ownership.

Therefore, Disqualifying the hearing examiner from hearing case #24944 is the only remedy to proceed with a fair hearing and to prevent future harm to an effected party.

Respectfully Submitted,



Jonathan Samaniego

P.O. Box 114 Hagerman, NM 88232

Representative for American Energy Resources LLC

CERTIFICATE OF SERVICE

I hereby certify that a true a correct copy of the foregoing was filed with the New Mexico Oil Conservation Division and was served on counsel of record via Electronic mail on December 3, 2024:

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