

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

**APPLICATION OF XTO ENERGY INC.
FOR A SPACING WITHIN THE BIG EDDY
FEDERAL EXPLORATORY UNIT,
EDDY AND LEA COUNTIES, NEW MEXICO**

CASE NO. 26248

ORDER ON XTO ENERGY INC.'S MOTION IN LIMINE

This matter came before the New Mexico Oil Conservation Division ("Division") Hearing Examiner on the Motion in Limine filed by XTO Energy Inc. ("XTO") seeking to exclude V-F Petroleum Inc.'s ("V-F") Exhibit 10, and the Response filed by V-F. The Hearing Examiner, having considered the motion, response, arguments of counsel, and the administrative record, finds as follows:

FINDS THAT:

1. On Motion in Limine, XTO requested the exclusion of V-F's Exhibit 10—a 2026 Plan of Development—alleging that the exhibit contains proprietary and commercially sensitive trade secret information.
2. In its Response to the Motion in Limine, V-F tendered an Amended Hearing Packet (attached as Exhibit A to its Response) which voluntarily omits Exhibit 10 from its submittal.
3. V-F requested that if the Division determines Exhibit 10 should be excluded, the Division grant XTO's Motion in Limine and substitute V-F's Amended Hearing Packet into the evidentiary record.
4. Pursuant to 19.15.4.19 NMAC, the Division has full authority to rule on evidentiary objections, admit or exclude exhibits, and control the conduct of the proceeding to ensure an orderly hearing.
5. Substituting V-F's Amended Hearing Packet efficiently resolves the evidentiary dispute, protects potential proprietary information, and prevents unnecessary collateral litigation without prejudicing either party's substantive rights.

6. Exclusion of Exhibit 10 does not impair V-F's ability to present its case or cross-examine XTO witnesses regarding the necessity, scope, and operational merits of XTO's application using public, non-confidential filings and testimony in the record.

IT IS THEREFORE ORDERED THAT:

1. XTO Energy Inc.'s Motion in Limine regarding Exhibit 10 is hereby **GRANTED**.
2. V-F Petroleum Inc.'s original Hearing Packet containing Exhibit 10 is withdrawn, and V-F's **Amended Hearing Packet** (attached as Exhibit A to V-F's Response) is substituted as V-F's official hearing submittal in Case No. 26248.
3. Exhibit 10 is excluded from the evidentiary record in this proceeding.
4. V-F retains full scope to cross-examine XTO witnesses and present arguments on the merits of XTO's requested spacing and setback relief relying on non-confidential, public evidence in the administrative record.
5. Jurisdiction of this case is retained for the entry of such further orders as the Division may deem necessary.

IT IS SO ORDERED

GREGORY CHAKALIAN

HEARING EXAMINER

OIL CONSERVATION DIVISION