

**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

**MOTION TO VACATE PRE-HEARING ORDER
AND FOR STATUS CONFERENCE**

Colgate Operating, LLC (“Colgate”) request that the Division vacate the pre-hearing order and set this matter for a status conference on February 3, 2022. In support of this motion, Colgate states the following:

1. Applicant Elizabeth Kaye Dillard (“Dillard”) seeks to challenge Order No. R-21354-A (“Order”), which was issued on September 25, 2020 in Case No. 21226. The Order: pooled all uncommitted interests in the Winchester Bone Spring Pool underlying Sections 33 and 34, Township 19 South, Range 38 East, N.M.P.M., Eddy County, New Mexico; dedicated the unit to the Dawson 34 Fed State Com 123H, 124H, 133H, and 134H wells; and designated Colgate as operator of the wells.

2. On December 3, 2021, The Division entered a pre-hearing order setting this case for hearing on February 3, 2022, with exhibits and testimony due on January 27, 2022.

3. On January 13, 2022, Hinkle Shanor, LLP (Dana S. Hardy and Michael Rodriguez) entered its appearance and substituted as counsel for Colgate.

4. The underlying case that Dillard seeks to reopen was handled by Colgate’s prior counsel.

5. Because counsel for Colgate was only recently engaged in this matter and was not involved in the underlying case, additional time is required to evaluate the allegations asserted

against Colgate, review the underlying case, determine whether discovery is necessary, and prepare for hearing.

6. Colgate is unaware of any reason that a later hearing date would impair Dillard's correlative rights or result in waste. In contrast, requiring Colgate to proceed to hearing on February 3, 2022 would unfairly prejudice Colgate.

7. Dillard was contacted regarding this motion and opposes Colgate's request.

WHEREFORE, Colgate requests the pre-hearing order and hearing date be vacated and the above-referenced case be scheduled for a status conference on the February 3, 2022 hearing docket.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on January 21, 2022, I caused a true and correct copy of this document to be electronically served on the following:

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