

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

**IN THE MATTER OF THE HEARING CALLED
BY THE OIL CONSERVATION DIVISION FOR
THE PURPOSE OF HEARING:**

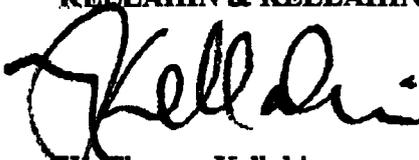
**APPLICATION OF MATRIX NEW MEXICO
HOLDINGS, LLC FOR COMPULSORY POOLING,
LEA COUNTY, NEW MEXICO**

CASE 13357

MOTION TO DISMISS

Chesapeake Operating, Inc. hereby move that the New Mexico Oil Conservation Division ("Division") dismiss the application of Matrix New Mexico Holdings, LLC ("Matrix") on the grounds that Matrix, in violation of Division rules and procedures, failed to file a pre-hearing statement on Friday, October 15, 2004 and to provide a copy to all counsel of record.

KELLAHIN & KELLAHIN



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CERTIFICATE OF SERVICE

I certify that on October 19, 2004, I served a copy of the foregoing documents by:

- US Mail, postage prepaid
- Hand Delivery
- Facsimile

to the following:

- Paul Owen, Esq.
Fax 505-982-4289
- James Bruce, Esq.
Fax 982-2151
- William F. Carr, Esq.
Fax 983-6043.



W. Thomas Kellahin