

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

REPORTER'S TRANSCRIPT OF PROCEEDINGS

EXAMINER HEARING

PREHEARING TRANSCRIPT

CONTINUANCES, DISMISSALS AND SCHEDULING

April 18, 2019

Santa Fe, New Mexico

BEFORE: WILLIAM V. JONES, CHIEF EXAMINER
TERRY WARNELL, TECHNICAL EXAMINER
DAVID K. BROOKS, LEGAL EXAMINER

ALSO PRESENT: Velvet Valentine
Marlene Salvidrez

This matter came on for hearing before the New Mexico Oil Conservation Division, William V. Jones, Chief Examiner, Terry Warnell, Technical Examiner, and David K. Brooks, Legal Examiner, on Thursday, April 18, 2019, at the New Mexico Energy, Minerals and Natural Resources Department, Wendell Chino Building, 1220 South St. Francis Drive, Porter Hall, Room 102, Santa Fe, New Mexico.

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New Mexico CCR #20
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1 (8:22 p.m.)

2 EXAMINER JONES: Good morning, everyone.

3 This is the examiner hearing for April the 18th. This
4 is Docket Number 14-19. Already the end of the first
5 quarter is here and time for the reports to EPA for all
6 of us.

7 We wanted to make sure we introduced Velvet
8 Valentine.

9 Velvet, will you stand up?

10 She is our point of contact now with the
11 office here in Santa Fe. And so there is a sign-in
12 sheet when you come in to -- right next to her. She's
13 very efficient. She's got up calendars, and we tell her
14 when we're going to be absent, and she knows everything.
15 And she's got -- if you call the main number, she gets
16 the main number. It's going to be Velvet,
17 Florene and -- who else now is going to get it?

18 MS. MURPHY: Marlene.

19 EXAMINER JONES: -- Marlene. Okay.

20 And so Velvet is going to be our person to
21 make appointments to come in and talk and make sure
22 we're there. It's better if you know we're there before
23 you come in.

24 Now, Marlene --

25 Marlene, do you want to come up and sit?

1 Marlene is pretty much taking over --
2 taking care of our examiner dockets, and we wanted to
3 make sure that everyone knows that. We've got the OCD
4 hearing email now and the OCC hearing email. So those
5 should always be copied every time you have
6 correspondence related to a case. And Marlene takes
7 care of that email, and she takes care of all our files
8 and basically been a great help to Florene. She's
9 coming back after being down in Forestry for a while.
10 So we're glad to have her back.

11 Okay. So we've got a handout back in the
12 back. I don't know if everybody got my email last night
13 about the current record of what's on the docket right
14 now. I don't know if the handout is still back there,
15 but if you don't have one, please pick it up and follow
16 along with me, if you will, and then -- and then tell me
17 your corrections after -- after I dismiss all of
18 Mr. Bruce's cases here.

19 Okay. Page 1, I've got a record that Case
20 20267 is continued. And Cases 16239, 16240, 16241,
21 16242, 16243 -- these are all EOG cases -- they're all
22 dismissed.

23 Down to number 23 on the docket, which is
24 Cases 20291, 20292, 20293, 20210, 20211, 20255, 16381,
25 20169, 20164, 20163, those are all -- I have a record of

1 those being continued.

2 Before I move on, we have the Lime Rock
3 cases, 20210 and 20211, as continued to May 30th. It
4 will be Mr. Larson -- or Mr. Bruce.

5 Is that correct?

6 MR. BRUCE: My two cases?

7 EXAMINER JONES: Your two cases. They
8 would be in conjunction with the other contested
9 matters.

10 MR. BRUCE: Percussion cases.

11 MR. RANKIN: Correct.

12 EXAMINER JONES: Percussion cases.

13 Okay. Continuing on with the docket:
14 20136, continued; 20138, continued; 20317, continued;
15 20135, continued. And then the Matador cases, 16470,
16 16471, 16472, 16473, 16474, 16475, are continued. And
17 Cases 20246, 20247, 20265, continued. And then
18 Mewbourne cases, 20053, 20054, are continued. Okay.

19 Number 51 on the docket, Cases 20175,
20 20176, 20177, 20178, 20173, 20180, those are all Novo
21 cases. They're continued.

22 And the Percussion case, 20226, continued.
23 The two Tap Rock -- the first two Tap Rock cases, 20118,
24 20119, dismissed. And there are four Tap Rock cases
25 now, 16467, 16430, 16431, 16489, continued.

1 The NGL cases, 16504, 16506 and 20150 are
2 being readvertised, and they're set for May the 2nd.
3 And Cases 16507, 20141, 20151, 20142 are all continued,
4 all those NGL cases.

5 And the two Rover cases, 16354 and 16355,
6 are continued.

7 Of the two Novo cases, numbers 76 and 77,
8 which is 16344, 16345, are dismissed.

9 The two EOG cases, 16221, 16434, continued.

10 And two Mewbourne cases, 16184, 20248, are
11 continued.

12 And Percussion Case 20190 is continued.

13 And the Cimarex cases, 20301 through 20308,
14 are continued to June 20th, along with Cases 20162,
15 20260, 20259. Those are all continued to June 20th.

16 Marathon cases, 20309, 20310, 20219, 20217,
17 20218, are continued. The three XTO cases, 20276, 77,
18 and 78, are continued.

19 Two Cimarex cases, 20283, 20284, are
20 continued.

21 And the Blackbuck case, Case 20315, is
22 continued to May 30th and will be heard in conjunction
23 with the Mesquite matter. And 20316 is dismissed.

24 Any changes to the docket?

25 MR. BRUCE: Mr. Examiner, on page 1, cases

1 one and two, 16409 and 16410, Ascent, those cases should
2 be dismissed.

3 EXAMINER JONES: Thanks, Jim.

4 MR. BRUCE: And then on page 3, the Novo
5 cases, in the middle of the page -- there's six of
6 them -- five of them, whatever -- they were continued
7 to -- I requested May 16th, but Mr. DeBrine isn't
8 available then and so he's asked that they be continued
9 to May 30th.

10 And, Mike, were you interested in those?

11 MR. FELDEWERT: Yes.

12 MR. BRUCE: Do you have an objection to May
13 30th?

14 MR. FELDEWERT: No.

15 MR. LARSON: And I represent WPG [sic]
16 Exploration, and I don't object.

17 EXAMINER JONES: Okay. Will those be a
18 contested matter?

19 MR. BRUCE: I don't know. The parties are
20 discussing amongst themselves. There are three players,
21 I think, COG and Chevron and Novo. So this gives them
22 extra time.

23 EXAMINER JONES: Okay.

24 MR. BRUCE: Right above that, it says --
25 Mewbourne Oil Company is the next case. That was the

1 one that was filed by Tom Ragsdale contesting well
2 costs. I just bring it up because I don't believe he's
3 here. So the Division can do what it wants with the
4 case.

5 EXAMINER JONES: Okay. Subject to
6 Mr. Bruce's -- Mr. Brooks' guidance here, I think we're
7 going to dismiss that case.

8 EXAMINER BROOKS: Sounds like a good idea.

9 EXAMINER JONES: If it needs to be
10 refiled --

11 MR. BRUCE: And then the one final thing is
12 on page 2, the last three Kaiser-Francis cases, 20291, 2
13 and 3. With Mr. Feldewert's permission -- I do plan on
14 putting them on, but I would ask they be moved to the
15 end of the docket, as well as the other Kaiser-Francis
16 cases.

17 MR. FELDEWERT: That's fine.

18 EXAMINER JONES: That's acceptable?

19 Okay. Any other changes?

20 Any other pleas for a certain continuance
21 date also?

22 MR. DeBRINE: Yeah. While we're on page 2,
23 Mr. Bruce neglected to mention the Matador cases, which
24 are set -- which were continued to May 16th, but it's
25 the same issue, that they should be continued to May

1 30th when we're available.

2 EXAMINER ONES: Okay. There are a whole
3 bunch of Matador -- you're talking about the
4 Leatherneck?

5 MR. DeBRINE: Numbers 45, 46 and 47, the
6 Ray State.

7 EXAMINER JONES: The Ray State.

8 MR. DeBRINE: 20246.

9 EXAMINER JONES: And 20265, too, right?

10 MR. DeBRINE: Right, the two Ray States.

11 EXAMINER JONES: To May 30th?

12 MR. DeBRINE: May 30th.

13 And also on page 1, the third case for
14 Cimarex, 20254, should be continued to May 30th as well.

15 EXAMINER JONES: Okay. I'm having a little
16 troubling finding that one.

17 20254, continued?

18 MR. DeBRINE: Yeah, continued to May 30th.

19 EXAMINER JONES: Okay. That's number three
20 on the docket.

21 MR. DeBRINE: Correct.

22 EXAMINER JONES: As we have been doing the
23 last few hearings --

24 MR. LARSON: Mr. Examiner, I have one more.

25 EXAMINER JONES: Yes, sir.

1 MR. LARSON: Gary Larson for Seguro Oil and
2 Gas, case number 73, 20253. I requested that be
3 continued to May 16th.

4 EXAMINER JONES: You need it on May 16th?

5 MR. LARSON: (Indicating.)

6 I emailed a request.

7 EXAMINER JONES: Sharon.

8 MS. SHAHEEN: Case Number 20190, 82 on the
9 docket, the Percussion Lakewood Federal #20H. You'll
10 notice there is a competing case, 20248, that Mr. Bruce
11 has, and it notes that there was a special docket
12 requested. So I just wanted to clarify whether you
13 wanted us to go forward on May 16th or you wanted us to
14 set a special docket date.

15 EXAMINER JONES: Who is 20190 and 20248?

16 MS. SHAHEEN: 20190 is Percussion and 20248
17 Mewbourne. Is that right?

18 MR. BRUCE: Yes.

19 EXAMINER JONES: Oh, yeah, yeah. I'm
20 sorry.

21 Both of these cases are competing. How
22 long will they take?

23 MR. BRUCE: I don't think it's a whole day.

24 EXAMINER JONES: Okay. Okay. Thanks, Jim
25 (laughter). Not a whole day, huh?

1 MR. BRUCE: You know -- you know, two to
2 three hours. I mean, it's a case where I do not plan on
3 presenting any engineering. It would be a landman and a
4 geologist. I think it's fairly straightforward.

5 MS. SHAHEEN: We'll have all three, a
6 landman, geologist and engineer.

7 EXAMINER JONES: Okay. Sounds like half a
8 day then.

9 EXAMINER WARNELL: Why can't we do it on
10 the 16th?

11 MS. SHAHEEN: We can. There was the note
12 about the special docket, so I wanted to make sure that
13 you weren't expecting a special docket date.

14 EXAMINER JONES: Okay. So tell your
15 witnesses it may be on the 17th, depending on the load.
16 But for scheduling purposes, for the 16th.

17 MS. SHAHEEN: Okay.

18 MR. BRUCE: Okay.

19 EXAMINER JONES: Okay. Any other changes,
20 comments?

21 MR. FELDEWERT: A comment, question.

22 EXAMINER JONES: Yes, sir.

23 MR. FELDEWERT: The May 30th docket, which
24 would be the third docket in May, is that going to be a
25 hybrid docket where we can have new cases, as well as

1 continued cases?

2 EXAMINER JONES: The word I got is it's
3 just continued cases. That's what -- Florene was asking
4 that early on, and that's -- unless -- unless something
5 changes on that. You know, we're using that for
6 continued cases. But let's see here. So far -- so far
7 my list only has four cases on that day other than the
8 ones we are doing from this docket.

9 MR. FELDEWERT: Right. So is it possible
10 we could consider making that like a hybrid docket?

11 EXAMINER JONES: It's possible. Florene
12 would have to -- you'd have to get the stuff in 30 days
13 before that --

14 MR. FELDEWERT: Yes.

15 EXAMINER JONES: -- of course, and she'd
16 have to publish a notice.

17 Marlene, this is your bailiwick. What do
18 you think?

19 MS. SALVIDREZ: What do I think? I would
20 say no, but that's just me.

21 (Laughter.)

22 MR. FELDEWERT: Wait a minute. Let's talk
23 about that.

24 (Laughter.)

25 MS. SALVIDREZ: It's up to you guys.

1 MR. FELDEWERT: Because the problem we have
2 is it's more than a month before we have a new case
3 docket, and, of course, filings would be due at the end
4 of month. But if there is any possibility of making
5 that more of a hybrid docket, where we could have some
6 new cases, that would be helpful to a lot of people.

7 EXAMINER JONES: Well, it's possible that
8 docket won't be very full.

9 EXAMINER WARNELL: We can run it by the
10 folks upstairs, but I tend to agree with Marlene, the
11 answer is no. But we'll run it by the folks upstairs
12 and see what we can do.

13 EXAMINER BROOKS: Remember the Capital One
14 commercials. The answer is always no.

15 EXAMINER JONES: Well, we'll talk about it
16 upstairs --

17 MR. FELDEWERT: Okay. Thank you.

18 EXAMINER JONES: -- with Florene and Gabe.

19 As far as this -- we're rapidly moving
20 towards maybe having our new database print these
21 dockets out, so we're trying to get all our data entered
22 and get the report out. So that's coming. In the
23 meantime, if -- I had a nightmare trying to get all my
24 cases ready for today because Scott got pulled into some
25 other meeting, and so it really helps to be able to sort

1 this. And I've been sending it out to you folks in PDF
2 format, and I'm thinking you probably want an Excel
3 format so you can sort it a little bit. So if you do,
4 let me know. I can just send it that way.

5 And we had discussed talking about -- so,
6 Earl and Jim, can get together with Terry by phone,
7 maybe, about setting the Apache, Ascent issue.

8 MR. DeBRINE: Okay. We can do that.

9 EXAMINER JONES: Okay.

10 Okay. If anybody is -- looks like we'll
11 just move right on down the docket and -- it's too early
12 to take a break.

13 Mr. Bruce, do you want to start first?
14 We've got yours scheduled, the Cimarex cases.

15 MR. BRUCE: Oh. Those were also continued
16 at somebody else's request, and I don't object.

17 EXAMINER JONES: Number four and five?

18 MR. BRUCE: Number four and five, those
19 should be continued to May 16th.

20 EXAMINER JONES: Is it all right if we go
21 to May 30th on those?

22 MR. BRUCE: Sure. Sure.

23 MS. BENNETT: Actually, that was Jennifer
24 Bradfute with Marathon.

25 MR. BRUCE: Yeah. It's Marathon.

1 May 30th is all right with me.

2 EXAMINER WARNELL: We have a little bit of
3 issue with the docket on May 16th, you know, because it
4 may carry over to May 17th. They've rescheduled the OCC
5 hearing to May 17th.

6 MR. FELDEWERT: Why did they do that?

7 (Laughter.)

8 EXAMINER WARNELL: I don't know. They
9 didn't ask me.

10 So, you know, I'm not quite sure how we're
11 going to handle that. Perhaps we can do everything for
12 the OCD hearings on the 16th, and Maureen, on the 17th,
13 could have OCC later in the day.

14 MR. FELDEWERT: Does that OCC docket have
15 cases on it?

16 EXAMINER WARNELL: I believe it does,
17 but --

18 MR. FELDEWERT: Because the last two have
19 been very short.

20 EXAMINER WARNELL: The last two have been
21 extremely short. This could be a little longer.

22 MS. BENNETT: On the scheduling for the
23 16th and 17th, we also have a special hearing date set
24 for May 17 for the Homework Larry, Duda Bides, Little
25 Giant, Little Rascals, and I think Mike might have some

1 cases for that hearing date, too. So that's been set
2 for May 17th, just as a reminder.

3 EXAMINER JONES: So there might be some
4 issues with it -- with that date?

5 MS. BENNETT: Well, I'm just saying that
6 it's already booked, so to the extent that there is
7 discussion about having other things on the 17th, like
8 moving cases over from the 16th --

9 EXAMINER JONES: Oh, yeah, yeah.

10 MS. BENNETT: -- there is already a full
11 day set aside for this special hearing date for those --
12 all of those cases.

13 MR. FELDEWERT: Right. They're saying
14 there is a Commission hearing.

15 MS. BENNETT: Right. Yes. There's that,
16 too, so just as a heads-up.

17 EXAMINER JONES: Terry, is that true?
18 We've got a Commission date the same day?

19 EXAMINER WARNELL: Yeah. There is a
20 Commission date on the 17th.

21 EXAMINER JONES: Well, we've got May 30th
22 available.

23 EXAMINER BROOKS: There is a rumor that the
24 Hilcorp cases have been settled. Is that true?

25 MR. FELDEWERT: Completely settled? It

1 depends on what the Division's position is.

2 EXAMINER BROOKS: Okay. And this is one of
3 those situations where I've been asked to file papers
4 and things, but I've not been told what's going on.

5 MR. FELDEWERT: And that's made it
6 difficult for this to get resolved.

7 EXAMINER BROOKS: It makes it difficult for
8 everyone.

9 MR. FELDEWERT: So whatever clarification
10 you can provide there at some point will be helpful.

11 EXAMINER BROOKS: Well, if I can catch the
12 boss at some point, I will ask her.

13 EXAMINER JONES: We have one SWD case on
14 the docket, I believe, Solaris. And Mr. Bruce is
15 putting that case on. I don't know how many people are
16 here for that, but we hope to just start that right
17 after lunch.

18 MR. BRUCE: Which case?

19 MR. GOETZE: Solaris. Does that work for
20 you?

21 MR. BRUCE: Everything works for me.

22 EXAMINER JONES: Which would be 1:30, just
23 for talking purposes.

24 Okay. Adam, sounds like you're ready to
25 go.

1 (The prehearing proceedings, continuances,
2 dismissals and scheduling, conclude, 8:46
3 a.m.)

4 (2:39 p.m.)

5 EXAMINER JONES: We wanted to make sure
6 that a few cases that we heard the disbursement on
7 during the day, at least we have it on the record.

8 The Kaiser-Francis cases, those are numbers
9 18 through 25 on the docket. I think it's Cases 20286,
10 20287, 20288, 20289, 20290, 20291, 20292 and 20293.
11 Those are continued to May the 30th.

12 And also, Mr. Bruce, I understand we're
13 dismissing Case 16231, which is number 75 on the docket?

14 MR. BRUCE: Yes. That should be dismissed.

15 EXAMINER JONES: Dismiss that case.

16 And -- excuse me. I can't talk today.

17 And, Mr. Warnell, did you want to talk
18 about Case --

19 EXAMINER WARNELL: Was that 78, 79 and 80?

20 EXAMINER JONES: Yeah, 78, 79 and 80.

21 EXAMINER WARNELL: Cases 16221, 16434 and
22 16184 have been dismissed.

23 EXAMINER JONES: Okay. For the record,
24 those cases were heard -- they were on the docket for
25 the 29th of November last year. They were continued to

1 January 24th, and they were further continued from there
2 to this docket. And because of the number of
3 continuances, the director has decided to dismiss the
4 cases without prejudice for reapplying. We still have
5 the other two cases that were heard on that date,
6 November 29th, under advisement. Scott Dawson has them,
7 and he's working on them right now. And he did send an
8 email out yesterday to confirm that those two cases are
9 still needed. They were, I think, your cases.

10 MR. BRUCE: I'm sure they were. They are
11 still needed because they -- they pertain to different
12 land than these.

13 EXAMINER JONES: Different land. So they
14 weren't contested.

15 MR. RANKIN: I trust counsel's assessment.

16 MR. BRUCE: I think they were in the north
17 half of a section or two, and these cases are in the
18 south half.

19 MR. RANKIN: Sounds right, but I can't --

20 MR. BRUCE: So Mr. Rankin and I will
21 just -- the parties are negotiating with -- probably
22 have to refile.

23 MR. RANKIN: That much, I can confirm.

24 EXAMINER JONES: And the other thing I
25 wanted to make sure we brought up is Cases 81 and 82,

1 which is Mewbourne versus Percussion, those -- we talked
2 earlier about continuing those to May 16th. We have a
3 little concern because we have to get the whole docket
4 done in one day that day, because Sharon and Jim and, I
5 guess, EOG was in that, too.

6 MR. BRUCE: Whatever works with the
7 Division is fine with me.

8 EXAMINER GOETZE: That's a dangerous
9 precedent.

10 (Laughter.)

11 EXAMINER JONES: Leave it up to
12 Mr. Warnell.

13 EXAMINER BROOKS: Leave it in his capable
14 hands.

15 EXAMINER WARNELL: Continued to a future
16 date.

17 EXAMINER JONES: Anyway, that was our
18 concern. So I don't think May 16th --

19 MR. BRUCE: Will work.

20 EXAMINER JONES: I don't think we can do it
21 there because it might take three hours for that matter
22 or so.

23 MS. SHAHEEN: Would May 30th work?

24 EXAMINER BROOKS: Didn't we set something
25 on May 30th?

1 EXAMINER JONES: Deana might have something
2 tied up here. May 16th, also there was this other case,
3 this Marathon-Mewbourne matter.

4 Terry, what did you decide on that?

5 EXAMINER WARNELL: We can take that up with
6 the four of us when we're done.

7 EXAMINER JONES: We can do that. Gabe kind
8 of wanted things to be on the record.

9 EXAMINER WARNELL: Oh, okay.

10 (Laughter.)

11 MS. BENNETT: I guess my question about
12 that was really -- so we had set May 17th for the
13 Mewbourne Little Giant, Little Rascals, Homework Larry
14 and Duda Bides. And I believe that there is some
15 Holland & Hart involvement in that scenario, but I can't
16 really say for sure. And so we had agreed on May 17th
17 as the date for that contested hearing, but now I
18 understand that the Commission changed its hearing date
19 to May 17th.

20 EXAMINER WARNELL: Yes.

21 MS. BENNETT: But -- and maybe there are
22 other countervailing things that Mr. Bruce would like to
23 say about that.

24 MR. BRUCE: Not really.

25 MS. BENNETT: Okay.

1 MR. BRUCE: I think we probably better
2 consult with our clients about potential dates and get
3 that to Mr. Warnell.

4 EXAMINER GOETZE: That would be fine. But
5 it does look like May 16th -- because we're not even
6 through May 2nd yet, and there might be something
7 critical on May 2nd to go through.

8 MS. BENNETT: Uh-huh. All of my cases are
9 critical.

10 (Laughter.)

11 MR. BRUCE: Do you want expedited orders on
12 those?

13 (Laughter.)

14 MS. BENNETT: Yeah. That would be fine.
15 Move to the 30th and then figure out the dates after
16 that so they're at least continued to a specific date,
17 because right now, they're just floating in limbo.

18 EXAMINER WARNELL: Or place them on the
19 June 27th.

20 EXAMINER GOETZE: Whoa.

21 MR. BRUCE: What's that now?

22 EXAMINER WARNELL: Going to June 27th.

23 MR. BRUCE: June?

24 EXAMINER WARNELL: June. June, the month
25 after May.

1 (Laughter.)

2 MR. BRUCE: I live on a two-week cycle.
3 This is 12 weeks into the future. Well, if you want to
4 mark it, down I'll check with my clients.

5 MS. BENNETT: Well, that's just the date
6 we're continuing them to. That's not the date we would
7 be discussing as a potential date for a hearing, just
8 so -- I mean, am I right about that? Would that be the
9 hearing date you're proposing?

10 EXAMINER WARNELL: That's the hearing date
11 I'm proposing. We wouldn't hear them before that.

12 EXAMINER GOETZE: Remember, he's a contract
13 person. He may go away at any time, but we'll bring him
14 back because he does a good job.

15 (Laughter.)

16 MS. BENNETT: Yeah. I'm smiling.

17 EXAMINER WARNELL: Keep smiling.

18 EXAMINER JONES: Okay. That's all we have
19 on this docket. This docket is adjourned.

20 (The proceedings conclude, 2:47 p.m.)

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1 STATE OF NEW MEXICO
2 COUNTY OF BERNALILLO

3

4 CERTIFICATE OF COURT REPORTER

5 I, MARY C. HANKINS, Certified Court
6 Reporter, New Mexico Certified Court Reporter No. 20,
7 and Registered Professional Reporter, do hereby certify
8 that I reported the foregoing proceedings in
9 stenographic shorthand and that the foregoing pages are
10 a true and correct transcript of those proceedings that
11 were reduced to printed form by me to the best of my
12 ability.

13 I FURTHER CERTIFY that the Reporter's
14 Record of the proceedings truly and accurately reflects
15 the exhibits, if any, offered by the respective parties.

16 I FURTHER CERTIFY that I am neither
17 employed by nor related to any of the parties or
18 attorneys in this case and that I have no interest in
19 the final disposition of this case.

20 DATED THIS 28th day of April 2019.

21

22

23 MARY C. HANKINS, CCR, RPR
24 Certified Court Reporter
New Mexico CCR No. 20
Date of CCR Expiration: 12/31/2019
Paul Baca Professional Court Reporters

25