

**Ezeanyim, Richard, EMNRD**

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**From:** jamesbruc@aol.com  
**Sent:** Thursday, April 19, 2012 7:03 AM  
**To:** epadillaplf@qwestoffice.net; Ezeanyim, Richard, EMNRD; Brooks, David K., EMNRD; Davidson, Florene, EMNRD  
**Subject:** Re: OCD cases Nos. 14820, 14821, 14822, 14823 set for April 26, 2012

I concur with the continuance.

The motion will be filed shortly.

Jim

-----Original Message-----

**From:** Ernest Padilla <epadillaplf@qwestoffice.net>  
**To:** richard.ezeanyim <richard.ezeanyim@state.nm.us>; Brooks, David K., EMNRD, EMNRD <david.brooks@state.nm.us>; Davidson, Florene, EMNRD, EMNRD <florene.davidson@state.nm.us>  
**Cc:** jamesbruc <jamesbruc@aol.com>  
**Sent:** Wed, Apr 18, 2012 4:50 pm  
**Subject:** RE: OCD cases Nos. 14820, 14821, 14822, 14823 set for April 26, 2012

Gentlemen:

After speaking with my client, we request that the above-referenced cases be continued for two weeks. This, of course, is subject to Mr. Bruce's approval. If you set a pre-hearing conference please let us know a proposed date and time. Thank you.

Ernest L. Padilla  
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**From:** Ernest Padilla [<mailto:epadillaplf@qwestoffice.net>]  
**Sent:** Wednesday, April 18, 2012 3:13 PM  
**To:** Ezeanyim, Richard, EMNRD [[richard.ezeanyim@state.nm.us](mailto:richard.ezeanyim@state.nm.us)] ([richard.ezeanyim@state.nm.us](mailto:richard.ezeanyim@state.nm.us)); Brooks, David K., EMNRD ([david.brooks@state.nm.us](mailto:david.brooks@state.nm.us))  
**Cc:** [jamesbruc@aol.com](mailto:jamesbruc@aol.com)  
**Subject:** OCD cases Nos. 14820, 14821, 14822, 14823 set for April 26, 2012

Gentlemen:

I spoke to Mr. Brooks earlier this afternoon requesting the Division's procedural handling of a motion to dismiss that Mr. Bruce, on behalf of Mewbourne Oil Company, will be filing with the Division in the above referenced compulsory pooling cases. He indicated that I should direct my request to Mr. Ezeanyim since he will be conducting the hearings on April 26. My question dealt with whether the Division would hear the motion at the time of the hearing, before the hearing, or both at the same time of the hearing.

The issue is whether the an 1973 operating agreement controls operation and drilling of wells in the S/2 of Section 7, T18S, R27E, in Eddy County, proposed by the Lime Rock entities, which are the applicants in the cases.

Mr. Brooks suggested that a pre-hearing conference sometime next week would probably be appropriate. My inclination, subject to my clients' approval, is to continue the cases for two weeks to give us time to properly address the motion to dismiss. Timing is complicated by the fact that I will be out of the office until Monday of next week.

By separate email we will forward copies of Pre-Hearing Statement which simply address this procedural issue. Additionally, I should have some indication of continuance of this afternoon. Please let me know if you have any questions.

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