

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

APPLICATION OF THE NEW MEXICO OIL CONSERVATION DIVISION ("OCD") COMPLIANCE AND ENFORCEMENT MANAGER FOR A COMPLIANCE ORDER AGAINST BLUE SKY NM, INC. , DIRECTORS, AND OFFICERS, JOINTLY AND SEVERALLY, FINDING THAT THE OPERATOR IS IN VIOLATION OF THE OIL AND GAS ACT, NMSA 1978, SECTIONS 70-2-1 *et seq.* AND OCD RULES, NMAC 19-15-2 *et seq.*, REQUIRING OPERATOR TO RETURN TO COMPLIANCE WITH DIVISION RULES BY A DATE CERTAIN, AND IN THE EVENT OF NON-COMPLIANCE, REQUEST FOR ADDITIONAL SANCTIONS.

CASE NO. 15277

MOTION TO DISMISS

COMES NOW, the alleged Officers and Directors of Blue Sky NM, Inc. and their

Motion to Dismiss state:

1. The claims against the alleged Officers and Directors fail to state a claim nor do they provide any factual, statutory or common law basis for liability against the Officers or Directors of Blue Sky NM, Inc. .

2. No individual service of process or summons to the Officers and Directors have been created or served. Therefore, the requirements for due process for subject matter and jurisdiction fail in regard to the Officers and Directors.

3. Failure to properly name, allege, and provide legal or statutory basis and provide service all violate the due process requirements as well as the applicable statutory, regulatory and common law framework for asserting individual liable against the Directors and Officers.

WHEREFORE, the claims against the alleged Officers and Directors of Blue Sky NM, Inc. should be dismissed.

Respectfully submitted,

Electronically filed,

/s/Pete V. Domenici, Jr.

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I certify that a copy of the foregoing
Was mailed to all parties of record on this
23rd day of March 2015.

/s/Pete V. Domenici, Jr.

Pete V. Domenici, Jr., Esq.