

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

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

**APPLICATION OF MATADOR PRODUCTION  
COMPANY FOR A NON-STANDARD SPACING  
AND PRORATION UNIT AND COMPULSORY  
POOLING, LEA COUNTY, NEW MEXICO.**

**Case No. 15,363 (*de novo*)**

**MATADOR PRODUCTION COMPANY'S  
OBJECTION TO, AND MOTION TO EXCLUDE, EXHIBITS**

Matador Production Company ("Matador") submits this objection to six additional exhibits filed by Jalapeno Corporation ("Jalapeno") with the Commission on October 13, 2016, and moves to exclude the exhibits from the hearing and record in this case.

1. An evidentiary hearing in this matter was held by the Commission on September 6 and 7, 2016. Both parties filed their exhibits five business days before the hearing, as required by Commission procedural rules.

2. Because the evidentiary hearing could not be completed in September, the hearing was continued to October 17, 2016.

3. Assuming additional exhibits are permitted, the deadline to file them and provide them to Matador was October 10, 2016, at the latest. Jalapeno had 33 days (and 23 business days) from September 7, 2016 to do so. Instead, Matador's counsel received them at 3:29 p.m. on October 13, 2016 -- effectively one business day before the continued hearing.

4. The exhibits were not timely filed with the Commission and provided to Matador as required by Commission procedural rules, and thus are not legally proper nor admissible.

5. In addition, Matador does not have sufficient time to review and respond to the additional exhibits, and thus is prejudiced by them. Moreover, because Matador has already presented its witnesses, Matador would be precluded from having its witnesses address these exhibits in their direct testimony. Allowing these late-filed exhibits into evidence is improper and unfair.

WHEREFORE, Matador requests that Jalapeno's proposed additional exhibits (Nos. 5A, 5B, 6A, 6B, 7, and 22) be excluded from the hearing, not be considered by the Commission, and not be made part of the record.

Respectfully submitted,



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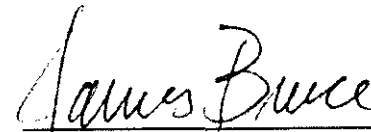
Attorney for Matador Production Company

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading was served on the following counsel of record this 14th day of October, 2016 via e-mail.

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