

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

**IN THE MATTER OF THE APPLICATION
OF THE NEW MEXICO OIL CONSERVATION DIVISION
THROUGH THE ENFORCEMENT AND COMPLIANCE
MANAGER, FOR A COMPLIANCE ORDER AGAINST
MARKS AND GARNER PRODUCTION LTD. CO.**

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CASE NO. 14041

MOTION FOR CONTINUANCE

Marks and Garner Production, LTD., CO., by its undersigned attorney moves the Division for a continuance of the hearing in the above-captioned matter and as grounds therefore states:

1. Undersigned counsel was retained as counsel to represent Marks and Garner Production, LTD., Co. on December 5, 2007.
2. Qwentin Welborn, the principal officer of Marks and Garner Production, LTD., Co. had surgery the week of November 26, 2007, and was unable to retain undersigned counsel or to otherwise prepare for hearing of this matter until earlier this week, and has not fully provided information to undersigned counsel for hearing of this matter.
3. Due to undersigned counsel's own medical testing requiring his attentions to such matter on December 5 and all of December 6, 2007, he has been unable meaningfully inform himself of the issues involved in this case to prepare a prehearing statement. Furthermore, in addition to his usual caseload, undersigned counsel has to

meet a summary judgment motion deadline on a major commercial litigation case which will require a considerable amount of his time between the present time and December 13, 2007.

4. Counsel for Oil Conservation Division, Energy Minerals and Natural Resources Department, Mikal Altomare, objects to continuance of the case.

WHEREFORE, for the foregoing reasons Marks and Garner Production, LTD., CO., requests a continuance of the Division's hearing date of December 13, 2007, to the January 10, 2008 hearing docket of the Division.

PADILLA LAW FIRM, P.A.

By: 
Ernest L. Padilla
P.O. Box 2523
Santa Fe, New Mexico 87504
(505) 988-7577 ✓

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion for Continuance was hand-delivered to Mikal Altomare, Oil Conservation Division, Energy Minerals and Natural Resources Department, 1220 S. St. Francis Drive, Santa Fe, New Mexico 87505, on this 7th day of December, 2007.


ERNEST L. PADILLA