

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

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

**APPLICATION OF THE NEW MEXICO
OIL CONSERVATION DIVISION, THROUGH
THE ENFORCEMENT AND COMPLIANCE
MANAGER, FOR A COMPLIANCE ORDER
AGAINST MARKS AND GARNER PRODUCTION
LTD. COMPANY; (1) FINDING THAT OPERATOR
VIOLATED 19.15.4 201 NMAC AS THE TWENTY-
THREE WELLS OR ALTERNATIVELY IS IN
VIOLATION OF 19.15.13.1115 NMAC; (2) REQUIRING
OPERATOR TO BRING SAID WELLS INTO
COMPLIANCE WITH 19.15.14.201 NMAC AND/OR
19.15.13.1115 NMAC BY A DATE CERTAIN; AND
(3) REQUIREING THAT THE OPERATOR PAY
PENALTIES, AND IN THE EVENT OF NON-COMPLIANCE,
DECLARING THE WELLS ABANDONED AND
AUTHORIZING THE DIVISION TO PLUG SAID WELLS AND
FORFEIT THE APPLICABLE FINANCIAL ASSURANCE;
LEA COUNTY, NEW MEXICO.**

**CASE NO. 14041 (De Novo)
ORDER NO. R-12963-A**

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MOTION FOR CONTINUANCE

Marks and Garner Production LTD., Co., (Marks and Garner) by and through its undersigned counsel of record, hereby requests a for a continuance of the hearing in the above-captioned matter and as grounds therefore states:

1. Quinton Welborn, principal in Marks and Gardner Production LTD. Company, and listed witness for the hearing in this matter has been referred by his Hobbs, New Mexico physician for further medical treatment for a bleeding ulcer in Lubbock, Texas, and will probably be hospitalized there. Attached is a copy of an email from Mr. Welborn to undersigned counsel informing him of his medical condition.

2. As a result of Mr. Welborn's medical condition, he will be unable to attend the hearing in this matter set for October 7, 2009.

3. Counsel for the Oil Conservation Division, Mikal Altomare, is not opposed to a continuance, but such stance is conditioned on undersigned counsel providing to the OCD some form of verification from Mr. Welborn's medical providers of his medical condition.

WHEREFORE, for the foregoing reasons Marks and Gardner Production LTD., Co. requests a continuance to the Commission's next regularly scheduled hearing docket.

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, Esq., Assistant General Counsel, New Mexico Oil Conservation Division, 1220 S. St. Francis Drive, Santa Fe, New Mexico 87505, this 6th day of October, 2009.


ERNEST L. PADILLA

Ernest Padilla

From: qwelborn@windstream.net
Sent: Tuesday, October 06, 2009 9:47 AM
To: Ernest Padilla
Subject: Re: FW: Marks & Garner - Case No. 14041 De Novo

Mr. Padilla, I have a bleeding ulcer that has erupted, I was at the hospital in hobbs most of yesterday and they are going to send me to Lubbock today, I do not know how long it will take to get released.

thanks
qw

----- Ernest Padilla <epadillapl@qwestoffice.net> wrote:
> Here is Altomare's response to my inquiry this morning.

>
>
>
> Ernest L. Padilla
> PADILLA LAW FIRM, P.A.
> P.O. Box 2523
> Santa Fe, New Mexico 87504-2523
> T: 505-988-7577
> F: 505-988-7592
> E: epadillapl@qwestoffice.net
>
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>
> _____
>
> From: Altomare, Mikal, EMNRD [mailto:Mikal.Altomare@state.nm.us]
> Sent: Thursday, October 01, 2009 10:49 AM
> To: Ernest Padilla
> Cc: Sanchez, Daniel J., EMNRD; Macquesten, Gail, EMNRD
> Subject: RE: Marks & Garner - Case No. 14041 De Novo

>
>
>
> Mr. Padilla,

>
>
> In response to your inquiry regarding what your client, Marks &
> Garner, would need to do to come into compliance in this matter -

>
> As was set out in the Motion to be heard next Wednesday before the
> Commission :

>
>
> 1. On September 11, 2008 the Commission issued Order No. R-12963-A, and
> the order has become final.