

John
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STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT

SAN JUAN COAL COMPANY,

Appellant,

v.

No. D-0101-CV-2003-00340

NEW MEXICO OIL CONSERVATION
COMMISSION and RICHARDSON
OPERATING COMPANY,

Appellees.

MOTION FOR STAY

Appellant moves the Court for an order staying this appeal, and in support thereof, states:

1. This case involves an appeal from Order No. R-11175-B (the "Order"), issued by the Oil Conservation Commission (the "Commission"). As noted in the Provisional Notice of Appeal filed herein, the case was filed to preserve Appellant's rights in the event the Court determines that the Order was final and appealable.

2. The Order is under review by the Secretary of the New Mexico Energy, Minerals and Natural Resources Department pursuant to the Oil and Gas Act, NMSA 1978 Sec. 70-2-26 (1995 Repl.), and a decision has not yet been issued by the Secretary. Section 70-2-26 provides for a separate right of appeal from the Secretary's decision.

3. Once the Secretary issues a decision, there is a substantial likelihood that the decision of the Secretary will also be appealed to this Court. If this occurs, the parties may file further procedural motions as appropriate with the Court to avoid waste of judicial resources and duplication of effort by the parties.

4. On April 7, 2003 the Court issued an order extending the time for the Commission to filed the Record on Appeal in this matter, which is being used by the Secretary in her review of the Order. If this matter is stayed awaiting the decision of the Secretary, the Commission should be relieved of its obligation to file the Record on Appeal until thirty (30) days after issuance of the Secretary's decision.

5. This motion is not opposed by the Commission. Lead counsel for Richardson Operating Company is on vacation from mid-April to mid-May, and is unavailable to consent to or object to this motion.

WHEREFORE, appellant request that all proceedings in this matter be stayed until an appeal of the Secretary's decision is filed.

Respectfully submitted,



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Attorneys for Appellant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing pleading was served by U.S. Mail this 2nd day of May, 2003 upon the following counsel of record:

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FIRST JUDICIAL DISTRICT COURT
STATE OF NEW MEXICO
COUNTY OF SANTA FE

SAN JUAN COAL COMPANY

Appellant,

v.

No. D-0101-CV-2003-00340

NEW MEXICO OIL CONSERVATION
COMMISSION and RICHARDSON
OPERATING COMPANY

Appellees.

REQUEST FOR HEARING

1. Jury: _____ Non-Jury: _____
2. Judge to whom assigned: The Honorable Carol J. Vigil.
3. Disqualified Judges: None.
4. Matter to be heard: Appellant's Motion for Stay and adoption of attached order.
5. Estimated time to hear all parties: Fifteen minutes.
6. Date pre-trial order was filed: Not yet filed.
7. Hearings presently set: None.
8. Names and addresses of all counsel:

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