

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

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

**APPLICATION OF MEWBOURNE OIL COMPANY
FOR COMPULSORY POOLING,
LEA COUNTY, NEW MEXICO**

CASE 13359

MOTION TO CONTINUE

W. Thomas Kellahin, on behalf of James Finley and Finley Resources, Inc. (collectively "Finley") and for the limited purpose of this motion, hereby move that the New Mexico Oil Conservation Division ("Division") continue the hearing of the referenced case from the October 21, 2004 docket to provide James Finley and Finley Resources, Inc. time to obtain an attorney to represent them in this matter and as ground therefore STATES:

- (1) W. Thomas Kellahin already represents Chesapeake Operating Company in this case when he was contacted by Finley for representation on October 13, 2004**
- (2) On Friday, October 15, 2004, W. Thomas Kellahin was informed by Chesapeake Operating Company that it is unwilling to waive the potential conflict of interests.**
- (3) On Friday, October 15, 2004, W. Thomas Kellahin contracted the office of William F. Carr for the purpose of representing Finley in this case and was advised that Mr. Carr was out of town.**
- (4) As of 9:00 am October 19, 2004, Mr. Carr had not returned to his office.**
- (5) With the hearing only two days away, it is now difficult, if not impossible, for Finley to retain Mr. Carr and be prepared for the hearing on October 21, 2004.**

- (6) Yesterday, counsel for Mewbourne advised that Mewbourne was intending to proceed to hearing on Thursday, October 21, 2004 and was unavailable at 9:10am on October 19, 2004 to discuss if Mewbourne was opposed to this motion.

Accordingly, Finley requests that this motion for a continuance be granted.

KELLAHIN & KELLAHIN



W. Thomas Kellahin
P. O. Box 2265
Santa Fe, New Mexico 87504
Phone 505-982-4285
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E-mail: kellahin@earthlink.net

CERTIFICATE OF SERVICE

I certify that on October 19, 2004, I served a copy of the foregoing documents by:

- ☐ US Mail, postage prepaid
☐ Hand Delivery
☒ Facsimile

to the following:

James Bruce, Esq.
Fax 982-2151
William F. Carr, Esq.
Fax 983-6043.


W. Thomas Kellahin

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

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

APPLICATION OF MEWBOURNE OIL
COMPANY FOR COMPULSORY POOLING,
EDDY COUNTY, NEW MEXICO.

Case No. 13,359

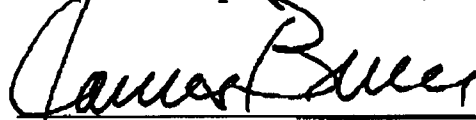
RESPONSE IN OPPOSITION TO MOTION TO CONTINUE

Mewbourne Oil Company opposes the Motion to Continue filed on behalf of James Finley ("Finley"), and in support thereof, states:

1. As the evidence to be presented at hearing will show, applicant has been in contact with Finley regarding the proposed well for three months, including correspondence and numerous telephone calls.
2. Applicant has proposed a number of options to Finley regarding the well, but Finley has not or will not make a decision.
3. Finley has had sufficient time to review the well proposal, and a two week continuance will serve no purpose other than to slow down the drilling of the well.

WHEREFORE, applicant requests that the Motion to Continue be denied.

Respectfully submitted,



James Bruce
Post Office Box 1056
Santa Fe, New Mexico 87504
(505) 982-2043

Attorney for Mewbourne Oil
Company

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing pleading was served upon the following counsel of record via facsimile transmission this 19th day of October, 2004:

W. Thomas Kellahin
Kellahin & Kellahin
Post Office Box 2265
Santa Fe, New Mexico 87504
Fax No. (505) 982-2047



James Bruce

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

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

**APPLICATION OF MEWBOURNE OIL COMPANY
FOR COMPULSORY POOLING,
LEA COUNTY, NEW MEXICO**

CASE 13359

**FINLEY'S REPLY
TO
MEWBOURNE'S OPPOSITION
TO
FINLEY'S MOTION TO CONTINUE**

W. Thomas Kellahin, on behalf of James Finley and Finley Resources, Inc. (collectively "Finley") and for the limited purpose of this motion, hereby replies to Mewbourne response in opposition to Finley's motion to continue, states:

- (1) Finley requested a continuance in order to retained an attorney;**
- (2) In opposition, Mewbourne claims that Finley has had enough time to reach a voluntary agreement, but in doing so, missed the purpose of this motion and thereby failed to demonstrate why Finley should not be afford the right to an attorney;**
- (3) Mewbourne also failed to demonstrate that it would be irreparably harm by a two-week continuance;**
- (4) Mr. Carr has been contracted and Finley was advised at 2:13pm today that Mr. Carr also had a conflict.**
- (5) Mr. Scott Hall has been contract to represent Finley and is awaiting a reply.**

Accordingly, Finley requests that this motion for a continuance be granted.

KELLAHIN & KELLAHIN

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