

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

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APPLICATION OF THE NEW MEXICO OIL CONSERVATION DIVISION ("OCD") COMPLIANCE AND ENFORCEMENT MANAGER FOR A COMPLIANCE ORDER AGAINST CANYON E & P COMPANY, DIRECTORS, AND OFFICERS, JOINTLY AND SEVERALLY, FINDING THAT THE OPERATOR IS IN VIOLATION OF THE OIL AND GAS ACT, NMSA 1978, SECTIONS 70-2-1 *et seq.* AND OCD RULES, NMAC 19-15-2 *et seq.*, REQUIRING OPERATOR TO RETURN TO COMPLIANCE WITH DIVISION RULES BY A DATE CERTAIN, AND IN THE EVENT OF NON-COMPLIANCE, REQUEST FOR ADDITIONAL SANCTIONS.

CASE NO. 15271

**MOTION TO DISMISS**

COMES NOW, the alleged Officers and Directors of Canyon E & P Company and their Motion to Dismiss state:

1. The claims against the alleged Officers and Directors fail to state a claim nor do they provide any factual, statutory or common law basis for liability against the Officers or Directors of Canyon E & P Company.
2. No individual service of process or summons to the Officers and Directors have been created or served. Therefore, the requirements for due process for subject matter and jurisdiction fail in regard to the Officers and Directors.
3. Failure to properly name, allege, and provide legal or statutory basis and provide service all violate the due process requirements as well as the applicable statutory, regulatory and common law framework for asserting individual liability against the Directors and Officers.

WHEREFORE, the claims against the alleged Officers and Directors of Canyon E & P Company should be dismissed.

Respectfully submitted,

*Electronically filed,*

/s/Pete V. Domenici, Jr.

Pete V. Domenici, Jr., Esq.

Domenici Law Firm, PC

Attorney for Plaintiffs

320 Gold Ave. SW, Suite 1000

Albuquerque, New Mexico 87102

I certify that a copy of the foregoing  
Was mailed to all parties of record on this  
18<sup>th</sup> day of March 2015.

/s/Pete V. Domenici, Jr

Pete V. Domenici, Jr., Esq.