

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

**IN THE MATTER OF THE APPLICATION OF
DKD, LLC FOR AN ORDER DIRECTING
GANDY CORPORATION TO SHOW CAUSE,
LEA COUNTY, NEW MEXICO**

CASE NO. 13686

**MOTION FOR CONTINUANCE OF MARCH 30, 2006 HEARING
AND
MOTION TO CONDUCT A PRE-HEARING CONFERENCE**

wvd 3/15/06

COMES NOW the Intervenor Gandy-Marley Inc, by and through undersigned counsel of record, and for its Motion For Continuance of March 30, 2006 Hearing and Motion to Conduct a Pre-Hearing Conference states as follows:

1. The Hearing on Petitioner's Motion for Entry of Order to Show Cause is scheduled on the Docket before the OCD for March 30, 2006.
2. Counsel for the Intervenor Gandy-Marley, Inc. has a previously set engagement on March 29 and 30, 2006, and as such is not available to attend the March 30, 2006 hearing.
3. Counsel for Intervenor is available April 13, 2006, but not April 27, 2006, which are the dates of the next two scheduled hearings for the Division.
4. To address the factual and technical issues related to this matter, Intervenor requests that the Hearing Examiner issue a subpoena to DKD, under NMAC 19.15.14.1214(A), for production of all documents and records supporting their allegations contained in their Application and that these records be provided to Intervenor for review in advance of the hearing. Intervenor also requests that the

Hearing Examiner issue subpoenas to DKD, under NMAC 19.15.14.1214(A), for DKD's owner, and any experts identified by DKD, to be examined under oath by Intervenor prior to the hearing on the merits of this case before the OCD.

- 5. In order to consider Intervenor's requests set forth in Number 4 above, Intervenor requests that the OCD, under NMAC 19.15.14.1214(B), conduct a Pre-Hearing Conference prior to the hearing on the merits in order to resolve the scope of the subpoena requests set forth above and to address procedural issues arising out of this request.

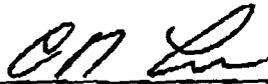
WHEREFORE, the Intervenor requests that the Hearing set for March 30, 2006 be continued to a later date, and that the Oil Conservation Division set a Pre-Hearing Conference on or before April 13, 2006. The Intervenor requests that this Motion be decided at the OCD's March 16, 2006 hearing, or if that is not possible, prior to March 30, 2006.

Respectfully Submitted,
DOMENICI LAW FIRM, P.C.



Charles N. Lakins, Esq.
Attorneys for Gandy-Marley, Inc.
320 Gold Avenue SW, Suite 1000
Albuquerque, NM 87102
(505) 883-6250

I hereby certify that a true and correct copy of the foregoing was served via facsimile to all parties of record on the 14th day of March 2006.



Charles N. Lakins, Esq.