

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  
C & D MAGANEMENT COMPANY D/B/A FREEDOM  
VENTURES COMPANY, FINDING THE OPERATOR  
KNOWINGLY AND WILLFULLY VIOLATED  
19.15.13.113 NMAC AND 19.15.4.201 NMAC;  
ASSEESING PENALTIES; REQUIRING OPERATOR  
TO BRING SAID WELLS INTO COMPLIANCE WITH  
19.15.13.115 NMAC AND 19.15.4.201 NMAC BY A DATE CERTAIN;  
AND IN THE EVENT OF NON-COMPLIANCE, DECLARING THE  
WELL ABANDONED AND AUTHORIZING THE DIVISON TO  
PLUG THE WELLS AND FORFEIT THE APPLICABLE FINANCIAL ASSURANCE,  
EDDY COUNTY, NEW MEXICO

RECEIVED OCD  
2009 OCT -6 P 4: 17

CASE NO. 14055  
DE NOVO  
RE-OPENED

REPLY TO THE OIL CONSERVATION DIVISION'S RESPONSE IN OPPOSITION TO  
C&D MANAGEMENT COMPANY D/B/A FREEDOM VENTURES COMPANY'S  
MOTION FOR CONTINUANCE AND, IN THE ALTERNATIVE, FOR AN EXTENSION  
OF THE TIME WITHIN WHICH TO FILE REQUESTED FINDING OF FACT AND  
CONCLUSION OF LAW  
and  
SUPPLEMENT TO MOTION FOR CONTINUANCE

C & D Management Company d/b/a Freedom Ventures Company for its reply to  
the OCD's response to motion for continuance and, in the alternative, for an extension of the time  
within which to file requested finding of fact and conclusions of law states:

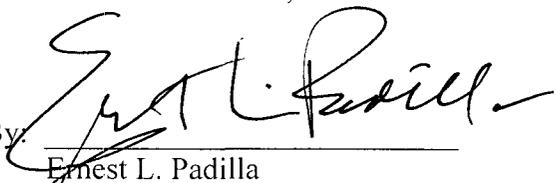
1. In its response the OCD challenges C & D Managements request for additional discovery. C & D Management requests are premised on the Commission's directive to the OCD to submit evidence of well costs incurred by the OCD for plugging C & D Management's wells.

2. The OCD's response is an apparent attempt to clarify its request for a "Rule 5.9 [19.15.5.5.9 NMAC] Order". In its initial application, nor at any material time, except during closing arguments on August 13, 2009 has the OCD remotely asked for a "Rule 5.9 [19.15.5.5.9 NMAC] Order". C & D Management in this hearing process has not had notice of the OCD's intentions with enforcement of the original Commissions' order. The OCD request for the pleading is not the fault of C & D Management.

3. As a supplement to C & D Management's request for a continuance, attached are copies of e-mails received by undersigned counsel on October 5, 2009 stating that Tommy Kizer, C & D Management's, principal of C & D Management and witness, became ill enroute from Las Vegas, Nevada to Santa Fe, New Mexico to attend the October 7, 2009 hearing.

WHEREFORE, for the foregoing reasons C & D Management Company D/B/A Freedom Ventures Company requests renews its request for a continuance to the Commission's next regularly scheduled hearing.

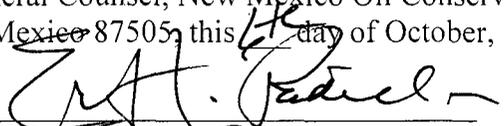
PADILLA LAW FIRM, P.A.

By: 

Ernest L. Padilla  
P.O. Box 2523  
Santa Fe, New Mexico 87504  
Ph (505) 988-7577  
Fax (505) 988-7592

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Motion for Continuance was hand-delivered to Sonny Swazo, Esq., Assistant General Counsel, New Mexico Oil Conservation Division, 1220 S. St. Francis Drive, Santa Fe, New Mexico 87505, this 6<sup>th</sup> day of October, 2009.

  
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ERNEST L. PADILLA

**Ernest Padilla**

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**From:** oilfreedom@aol.com  
**Sent:** Tuesday, October 06, 2009 1:21 PM  
**To:** epadillapl@qwestoffice.net  
**Subject:** Re: Unable to makr hearing

I'm not insured.

You may not recall but I was involved in a shooting that where one-half my lung was lost. When I have flu symptoms my lungs become congested. At high altitudes my breathing becomes restricted. You may notice at the last hearing I was coughing the entire day. That was a result of the altitude. But when combined with the congestion, I have problems focusing with a fixations due to lack of oxygen. I am aware of the symptoms, but I can but when combined with the flu, I can only work for 2-3 period, I made it to Williams Arizona yesterday, which is at the base of Flagstaff. If I was to be their I would probably have to dismiss my self due to coughing. I noticed last hearing Commissioner Baily was staring at me when I was coughing. I'm sure the Motion you submitted will carry the day.

P.S. I will be sending you a packet on Mondya.

-----Original Message-----

**From:** Ernest Padilla <epadillapl@qwestoffice.net>  
**To:** oilfreedom@aol.com  
**Sent:** Tue, Oct 6, 2009 8:40 am  
**Subject:** RE: Unable to makr hearing

Can you get me something from your doctor. Swazo has apparently filed a response to my motion for continuance. It will be heard tomorrow. In another case that I have tomorrow an email that my client has been hospitalized with a bleeding ulcer apparently is not enough.

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](mailto:epadillapl@qwestoffice.net)

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**From:** [oilfreedom@aol.com](mailto:oilfreedom@aol.com) [<mailto:oilfreedom@aol.com>]  
**Sent:** Monday, October 05, 2009 4:18 PM  
**To:** [epadillapl@qwestoffice.net](mailto:epadillapl@qwestoffice.net); [padillalaw@qwestoffice.net](mailto:padillalaw@qwestoffice.net)  
**Subject:** Unable to makr hearing

Ernie,

I don't know if you were able to get the continuance today.  
 I'm in Williams Arizona. I don't feel well and turning back to Nevada  
 I will not be able to make it to he hearing in Santa Fe

10/6/2009