

**From:** [Felicia Orth](#)  
**To:** [James Bruce](#)  
**Cc:** [Adam Rankin](#); [Hearings, OCD, EMNRD](#); [Deanna M. Bennett](#); [Lance D. Hough](#); [Earl E. DeBrine](#); [Michael Feldewert](#); [Kaitlyn A. Luck](#); [Salvidrez, Marlene, EMNRD](#); [Carla S. Garcia](#)  
**Subject:** [EXT] Re: Case No. 21418 - Mewbourne North Wilson Deep Unit - Motion for Continuance (opposed)  
**Date:** Wednesday, November 25, 2020 4:30:16 PM

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Thank you, Mr. Bruce, and thank you to those who filed replies. I was relying on what I had understood to be a stipulated hearing date and pre-hearing order to deny the motion.

I will ask Marlene to disregard the earlier order on the motion, and to include the matter on the December 3 docket as a status conference. At that time, I'd like to discuss a hearing date in January. February is three months from now, and I would hope we don't have to move it that far out. Please come prepared to commit to a date that won't prompt motions for continuance.

Felicia Orth



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On Wed, Nov 25, 2020 at 3:38 PM James Bruce <[jamesbruc@aol.com](mailto:jamesbruc@aol.com)> wrote:

I would simply point out that the objectors are not prejudiced by having the matter heard 12/3. It is a voluntary unit.

Sent from my iPhone

On Nov 25, 2020, at 3:12 PM, Adam Rankin <[AGRRankin@hollandhart.com](mailto:AGRRankin@hollandhart.com)> wrote:

Madam Examiner,

With respect, we were not apprised that it was being submitted until after the fact. We received a corrected proposed prehearing order on 11/10 from Mr. Bruce, attached, but were discussing with counsel for the other parties on the dates and parties' positions. I was not aware the order had been submitted or entered until I received the attached email on 11/13 from Mr. Feldewert, because I was not included in the service of the proposed order's submission. I also was not included in the original service of the order on 11/13. Subsequently, I discussed with counsel for Mewbourne at which time he explained why he submitted the order. None of that changes that fact that we did not stipulate to the December 3 hearing date and had previously apprised Mewbourne that if the application remained contested that the December 3 hearing date was opposed and would not work for the contesting parties.

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**From:** James Bruce <[jamesbruc@aol.com](mailto:jamesbruc@aol.com)>  
**Sent:** Wednesday, November 25, 2020 3:04 PM  
**To:** Adam Rankin <[AGRankin@hollandhart.com](mailto:AGRankin@hollandhart.com)>  
**Cc:** Felicia Orth <[felicia.l.orth@gmail.com](mailto:felicia.l.orth@gmail.com)>; [OCD.Hearings@state.nm.us](mailto:OCD.Hearings@state.nm.us);  
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[Marlene.Salvidrez@state.nm.us](mailto:Marlene.Salvidrez@state.nm.us)  
**Subject:** Re: Case No. 21418 - Mewbourne North Wilson Deep Unit - Motion  
for Continuance (opposed)

External Email

At the October 22 hearing the case was set for 12/3. I circulated a proposed PHO and did not hear back for three days, so I told counsel I was filing it.

Sent from my iPhone

On Nov 25, 2020, at 2:31 PM, Adam Rankin  
<[AGRankin@hollandhart.com](mailto:AGRankin@hollandhart.com)> wrote:

Madam Examiner,

With respect, the parties requesting a continuance did not stipulate to the December 3 hearing date. Immediately following the October 22 status conference, I contacted Mr. Bruce to let him know that if the parties could not resolve their objections the December 3 hearing date would not work for a contested hearing. After I apprised him of our objections to the hearing date if the case remained contested, he circulated a draft proposed prehearing order. Before any of the parties opposing could respond it was submitted to the Division without indicating our position. We did not stipulate to the December 3 hearing.

At the time you sent this email, Apache was in the midst of filing a separate reply. Marathon is filing a separate reply, and I will be

submitting a reply on behalf of COG, Chisholm and Devon in very short order.

We ask that you consider your order denying the continuance on the grounds that the parties did not stipulate to the December 3 hearing. Moreover, Mewbourne has not stated that it will be prejudiced by a continuance. But proceeding to hearing will unfairly prejudice the objecting parties.

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**From:** Felicia Orth <[felicia.l.orth@gmail.com](mailto:felicia.l.orth@gmail.com)>  
**Sent:** Wednesday, November 25, 2020 2:05 PM  
**To:** Adam Rankin <[AGRankin@hollandhart.com](mailto:AGRankin@hollandhart.com)>  
**Cc:** [ocd.hearings@state.nm.us](mailto:ocd.hearings@state.nm.us); [jamesbruc@aol.com](mailto:jamesbruc@aol.com); Deanna M. Bennett <[dmb@modrall.com](mailto:dmb@modrall.com)>; Lance D. Hough <[ldh@modrall.com](mailto:ldh@modrall.com)>; [edebrine@modrall.com](mailto:edebrine@modrall.com); Michael Feldewert <[MFeldewert@hollandhart.com](mailto:MFeldewert@hollandhart.com)>; Kaitlyn A. Luck <[KALuck@hollandhart.com](mailto:KALuck@hollandhart.com)>; Carla S. Garcia <[CSGarcia@hollandhart.com](mailto:CSGarcia@hollandhart.com)>; [marlene.salvidrez@state.nm.us](mailto:marlene.salvidrez@state.nm.us)  
**Subject:** Re: Case No. 21418 - Mewbourne North Wilson Deep Unit - Motion for Continuance (opposed)

External Email

Mr. Rankin--

The motion is denied, essentially for the reasons set out in Mewbourne's response.

In order to get this to you quickly I have not created a separate form of order, but see attached.

The documents in this case file make it clear that you understood it was a contested case and that you stipulated to the pre-hearing order for a December 3 hearing. The rest of the December 3 docket, even with a few dozen matters on it, will go quickly, as you know. And if the several hours on December 3 are not time enough

to present all of the testimony, we can carry over onto December 4, which has no other settings at all.

Marlene is out right now; she will scan documents into the case file as necessary when she returns.

Felicia Orth



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On Mon, Nov 23, 2020 at 4:59 PM Adam Rankin  
<[AGRankin@hollandhart.com](mailto:AGRankin@hollandhart.com)> wrote:

Examiner Orth and counsel,

Attached for filing please find a join motion for a continuance in Case No. 21418. The motion is filed jointly by COG, Devon, Chisholm, Marathon, and Apache and seeks to continue the hearing in this matter from the 12/3 docket to the February 18, 2021 docket or to a special hearing date in February for contested cases. The motion is opposed by Mewbourne. Chevron and COP do not oppose the motion.

Please let us know if you have any questions.

We appreciate your attention to this motion.

<image001.png>

**Adam G. Rankin**

Partner, Holland & Hart LLP

110 N. Guadalupe, Suite 1, Santa Fe, NM 87501

Direct 505.954.7294 Cell 505.570-0377 Main 505.988.4421

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