

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

**APPLICATION OF TOM M. RAGSDALE TO REVOKE  
ORDER NOS. R-20924 & R-20924-A OR, IN THE ALTERNATIVE,  
TO DECLARE UNREASONABLE CERTAIN COSTS  
IMPOSED BY MEWBOURNE OIL COMPANY**

**Case No. 21324**

**PRE-HEARING ORDER**

This Pre-Hearing Order follows a status conference held on July 9, 2020, and the submission of a proposed stipulated pre-hearing order via email to the Examiner by the parties.

**APPEARANCES**

**APPLICANT**

**TOM M. RAGSDALE**

**APPLICANT'S ATTORNEY:**

**Sharon T. Shaheen, Esq.  
John F. McIntyre, Esq.  
Montgomery & Andrews, P.A.  
P.O. Box 2307  
Santa Fe, New Mexico 87504-2307**

**OPPOSING PARTY**

**MEWBOURNE OIL  
COMPANY**

**OPPOSING PARTY'S ATTORNEY:**

**James Bruce, Esq.  
PO Box 1056  
Santa Fe, NM 87504-1056**

**PROCEDURES**

1. The hearing on the merits will commence at 8:30 a.m. on September 11, 2020, and continue as necessary through completion.

2. Mewbourne filed a motion to dismiss Ragsdale's application on July 8, 2020. Ragsdale shall file a response to the motion by 5 p.m. July 17<sup>th</sup>, and Mewbourne may file a reply by 5 p.m. on July 24<sup>th</sup>. The hearing to accept arguments on the motion will be on August 6, 2020.

3. The hearings on the merits and for motion arguments will be recorded and transcribed by a court reporter.

4. The hearings will be conducted using the Webex meeting platform; sign-in information will be sent to the parties closer to the date of the hearing. The Hearing Officer may modify the format of the hearing consistent with available resources and public distancing directives in place at the time of the hearing.

5. The parties shall file with the pre-hearing statement required by NMAC 19.15.4.13.B the following additional information, all of which is due by 5 p.m. on September 4<sup>th</sup>:

- a. a list of material facts not in dispute;
- b. identification of the witnesses and their qualifications; and
- c. a full narrative of the direct testimony and exhibits for each witness.

6. Any evidentiary objections to the filed direct testimony or any exhibit shall be filed by 5 p.m. on September 8<sup>th</sup>, responses shall be filed by 5 p.m. on September 9<sup>th</sup>, and all objections will be addressed at the commencement of the hearing.

7. All witnesses filing direct testimony shall attend the hearing and will be subject to cross examination by counsel for the parties and the Division Examiners.

8. A courtesy copy of all documents filed with the Division Hearings staff shall also be sent to the Hearing Officer via e-mail.

9. Notwithstanding anything herein to the contrary, each party retains its respective right following entry of an order of the Division in these matters to a de novo hearing before the Oil Conservation Commission pursuant to 19.15.4.23 NMAC.

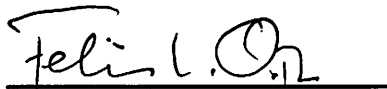
10. Notwithstanding the deadline to file evidentiary motions regarding exhibits and witnesses, no party is prohibited from objecting at hearing to discrete aspects of a witness's written or oral testimony.

11. The Division's Guidelines for Presentation of Cases by Witnesses, paragraphs 1 through 6, are applicable.

12. Presentation at hearing will proceed pursuant to 19.15.4 NMAC, except as modified below. Notwithstanding the presentation outline below, each party will have an opportunity to cross-examine an individual witness directly following oral testimony of that witness, with redirect to follow cross-examination, before a party moves to the direct testimony of a new witness.

- a. Opening statements by all parties;
- b. Case-in-Chief by Applicant (including possible additional oral testimony of Applicant's witnesses);
- c. Cross-examination by Mewbourne;
- d. Redirect by Applicant;
- e. Case-in-Chief by Mewbourne (including possible additional oral testimony of Mewbourne's witnesses);
- f. Cross-examination by Applicant;
- g. Redirect by Mewbourne;
- h. Rebuttal by Applicant and Mewbourne;
- i. Closing Statement of Applicant;
- j. Closing Statement of Mewbourne.

**STATE OF NEW MEXICO  
OIL CONSERVATION DIVISION**



**FELICIA L. ORTH  
HEARING EXAMINER**

Date: July 10, 2020