

BEFORE THE OIL AND GAS CONSERVATION COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE PROMULGATION) CAUSE NO. 407
AND ESTABLISHMENT OF FIELD RULES TO)
GOVERN OPERATIONS FOR THE) DOCKET NO. 191100729
NIOBRARA AND CODELL FORMATIONS,)
WATTENBERG FIELD, WELD COUNTY,) TYPE: POOLING
COLORADO)

CASE MANAGEMENT ORDER

The verified Application of Extraction Oil & Gas, Inc. (“Extraction” or “Applicant”) is currently set for hearing before the Hearing Officer **December 1, 2020**. Mr. Ryan Guinn (“Guinn” or “Protestant”) filed a Protest to Extraction’s Verified Application. Extraction and Guinn are referred to hereunder individually as a “Party” and collectively as the “Parties.”

Stipulation to Facts and Authenticity of Documents

The Parties have not stipulated to facts at this time. The Parties may stipulate to facts at the time of filing their respective Prehearing Statements and/or prior to the final prehearing conference in this matter.

Disputed Issues

Applicant’s Position Statement:

- Extraction is an Owner and Operator with the right to drill in established for portions of Townships 6 and 7 North, Range 67 West, 6th P.M. (“Application Lands”).
- Extraction’s Application to pool all interests within two (2) approximate 555.954-acre horizontal wellbore spacing units (“WSUs”) established for the Application Lands for the development and operation of the Niobrara and Codell Formations complies with all relevant provisions of C.R.S. § 34-60-116 and Commission Rule 530. Accordingly, the Commission should enter an order consistent with the relief requested in the Application filed in the above-referenced docket.

Protestant’s Position Statement:

- Extraction has not made an offer to the Protestant that is in line with offers made to other mineral rights owners.
- The Protestant had expressed willingness to participate as paying owner, but was told that offer no longer existed.

- Extraction has filed for Chapter 11 bankruptcy protection. The Protestant has concerns that this filing will impact Extraction's ability to complete contractual obligations with regard to royalty payments. Therefore a formal request is made by the Protestant that Extraction's Application be denied until Chapter 11 proceedings conclude.

Filing and Service Requirements

“**File**” means received electronically by the Hearing Officer by the date specified in this Order. All pleadings and exhibits must be sent electronically to the other Party, the Hearing Officer, and to dnr_hearingapplications@state.co.us. Exhibits must be appropriately labeled as described below at the time of filing.

“**Serve**” means exchanges only between the Parties. Service will be complete upon electronic service pursuant to Rule 503.j, unless previously objected to by a Party. Any documents that are only required to be served on the other Party (and not filed) will not be maintained in the Commission's hearing files or included in the Commissioners' portfolio.

Page limitations. All filings are limited to 10 pages single-spaced, excluding the certificate of service and any attached exhibits, unless otherwise agreed to by the Parties and authorized by the Hearing Officer prior to filing.

Discovery

The parties have agreed to use informal exchanges of documents, emails, and other relevant documents in lieu of pursuing formal discovery. Formal discovery is not permitted absent leave granted by the Hearing Officer. It is within the sole discretion of the Hearing Officer in deciding for the allowance of discovery.

Motion Practice

The parties shall comply with the Hearing Officer's Order Regarding Motions issued September 23, 2020.

Prehearing Statements

Prehearing Statements shall contain the following information:

1. A statement of the Party's positions;
2. A witness list with a brief description of testimony, including the expected time necessary for the testimony of each witness and resumes of any expert witness;
3. An exhibit list and attached (electronic) exhibits;
 - Applicant and any joint exhibits will be labeled numerically. The Protestant will label its exhibits alphabetically. The Parties will endeavor to minimize the

number of duplicative exhibits and resolve any objections to each Party's exhibits and witnesses prior to filing. Each proposed exhibit will be labeled separately and filed electronically as a separate PDF file.

4. A statement of the open legal issues;
5. A statement of the relief requested; and
6. The estimated time required for case presentation at hearing. The Hearing Officer will determine the final time allocations for each Party to present its case after consideration of the prehearing statements.

Responses to prehearing statements are permitted. However, replies are not authorized.

Settlement

In the event of settlement, all upcoming dates and deadlines denoted in this Case Management Order will be vacated.

Any questions concerning this Order or any other aspect of the case must be addressed to the Hearing Officer by email at elias.thomas@state.co.us, with a copy to the other Party. The Hearing Officer sets the following schedule:

Task	Date
Initial Prehearing Conference	October 14, 2020 at 2:00 pm
Deadline to file Rule 12 motions and Rule 56 motions	October 23, 2020
Deadline to file responses and/or replies to Rule 12 or Rule 56 motions	See Order Regarding Motions
Deadline to file prehearing statements, witness lists, and proposed electronic exhibits	October 30, 2020
Deadline to file responses to prehearing statements, and list of rebuttal witnesses and exhibits (electronic only)	November 6, 2020
Deadline to file any evidentiary motions and objections to witnesses or exhibits	November 13, 2020
Deadline to file draft joint proposed final prehearing order	November 17, 2020
Deadline to file stipulated facts executed by both Parties	48 hours before final prehearing conference
Final prehearing conference, including oral argument on any motions	November 19, 2020
Deadline to file proposed orders, PowerPoint presentations, and an electronic copy of final admitted exhibits	November 20, 2020
HEARING DATE	December 1, 2020

IT IS SO ORDERED.

Dated: October 8, 2020

OIL AND GAS CONSERVATION COMMISSION
OF THE STATE OF COLORADO

/s/ Elias J. Thomas

Elias J. Thomas, Hearing Officer

CERTIFICATE OF SERVICE

On October 8, 2020, a true and correct copy of the foregoing Case Management Order was sent by electronic mail to the following:

Jillian Fulcher
Jobediah Rittenhouse
Beatty & Wozniak, P.C.
Attorneys for Extraction Oil & Gas, Inc.
jfulcher@bwenergylaw.com
jrittenhouse@bwenergylaw.com

Ryan Guinn
Protestant
fronrangeohd@gmail.com

/s/ Elias J. Thomas

Elias J. Thomas, Hearing Officer