

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF OIL AND GAS MANAGEMENT**

In re: The Matter of the Application of)
Hilcorp Energy Company for Well)
Spacing Units)

Docket No. 2013 -- 01

MOTION FOR ENLARGEMENT OF TIME

Martin and Suzanne Matteo, husband and wife, Robert and Carole Valentine, husband and wife, and Steve Emery (hereinafter collectively the "Property Owners"), by and through their attorney, Omar K. Abuhejleh, Esquire, hereby move for an enlargement of time in which to agree with opposing counsel on a hearing date.

1. On May 5, 2014, Property Owners filed a Motion for Stay of Proceedings in this matter on the basis that there was, and still is, a Petition for Review in the Nature of a Complaint for Declaratory Judgment and Injunctive Relief, pending at No. 266 MD 2014, in the Commonwealth Court of Pennsylvania under that court's original jurisdiction.
2. On the same day that Property Owners filed their Motion for Stay of Proceedings, the Commonwealth of Pennsylvania Department of Environmental Protection filed its Answer to the Property Owners' Motion for Stay of Proceedings joining in *and independently requesting* that the Hearing Officer, pursuant to 1 Pa. Code § 35.180(a), issue an order staying the proceedings pending a final ruling by the Commonwealth Court.
3. The Hearing Officer scheduled a hearing for September 16 and 17, 2014.

4. One week later, on July 18, 2014, E. Christopher Abruzzo, Secretary, Department of Environmental Protection, issued an Order dated the same date, granting the Petition to Intervene of Gerard Noguee and Claudia Noguee and directing the Hearing Officer to “address all petitions or **motions for** continuance, **stay**, or rescheduling of hearings, **pending** or subsequently filed, without first referring them to me for consideration.”
5. On August 4, 2014, Dwight D. Ferguson, Esquire, entered his appearance for two of the Property Owners.
6. On August 5, 2014, undersigned counsel and Attorney Ferguson filed a Motion for Stay of Proceedings, renewing the then yet to be decided Motion for Stay.
7. On August 8, 2014, counsel for DEP filed an Answer to Renewed Motion to Stay in which the DEP also requested that the Hearing Officer continue the hearing pending the outcome of the Commonwealth Court case.
8. On August 11, 2014, the Hearing Officer issued an order denying both of the Property Owners’ motions for stay. The cover letter to said order apprised counsel of the Hearing Officer’s intention to enter an order on August 12, 2014, scheduling the hearing for September 30th and October 1, 2014.
9. Undersigned counsel is unavailable on those dates, as he will be in the middle of a two-week trip to California, returning on October 6, 2014.
10. Due to the brief amount of time allowed Property Owners to prepare this submission, and the fact that Attorney Ferguson left the firm of Lynch Weiss to

form another firm as of Friday, August 8, 2014, undersigned counsel has not had the opportunity to determine Attorney Ferguson's availability.

11. Nor has Counsel had the opportunity to discuss the matter with opposing counsel at Hilcorp or the DEP.

12. Accordingly, the undersigned respectfully requests an enlargement of time of three days in which to reach a consensus with opposing counsel as to a mutually agreeable date.

Respectfully Submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Motion for Enlargement of Time was sent August 11, 2014, by electronic mail to the following parties:

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