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H. C. DREW ESTATE

SUIT NO. 2019-4925, "F"

VERSUS

14TH JUDICIAL DISTRICT COURT

NEUMIN PRODUCTION COMPANY,
ET AL

PARISH OF CALCASTEIN

STATE OF LOUISIANA

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2-7-22
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MOTION AND ORDER FILED ON BEHALF OF LDNR
FOR EXTENSION OF TIME TO CONDUCT A PUBLIC HEARING
PURSUANT TO LA. R.S. 30:29(C)(2)(a)

PAST DUE

On The Motion of The Louisiana Department of Natural Resources, The Office of Conservation ("LDNR") appearing herein through Thomas E. Balhoff, the LDNR-appointed Hearing Officer for the public hearing, pursuant to this Court's Order of October 25, 2021:

1.

La. R.S. 30:29(C)(2)(a) requires LDNR to conduct a public hearing within sixty (60) days from the last day on which any party may provide LDNR with a plan, comment or response to a plan, which in this case would be by December 10, 2021, because any party could have provided a plan, comment, or response to the Neumin Limited Admission Plan submitted on November 10, 2021 by December 10, 2021. (See Paragraph 5 of this Court's Order dated October 25, 2021).

2.

After timely filing of the Limited Admission Plan by Neumin, LDNR was informed that the landowner's consultant collected additional samples on the property for analytical analyses. Due to the collection of additional samples and new analytical results, Neumin informed that the Limited Admission Plan submitted on November 10, 2021 would require revision to include the additional analytical results. LAC 43:XIX.Subpart 1.619 Revisions to Plans, Comments or Responses Thereto. Neumin's Limited Admission Plan revision was received by LDNR and all parties on January 14, 2022. As such, the deadline for holding a feasible plan hearing, as set by the October 25, 2021 Court Order of Referral, following thirty (30) days from November 10, 2021 for other parties to comment or submit a plan, then sixty (60) days thereafter to hold a public hearing does not allow enough time for LDNR to complete the revised plan review, hold a Commissioner's Conference, afford time for the public notice in advance of the hearing, and complete the required actions necessary to comply with La. R.S. 30:29 and LAC 43:XIX.Subpart

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Filing Date: 02/07/2022 11:51 AM Page Count: 3
Case Number: 2019-004925
Document Name: MOTION AND ORDER

1. Chapter 6 procedures. La. R.S. 30:29 provides for court approved extensions of up to sixty (60) days to conduct a public hearing. For the reasons expressed above, LDNR hereby requests for good cause shown, that a sixty (60) day extension to the deadline for holding a public hearing be granted to allow LDNR sufficient time to complete its review and processing of the Neumin Limited Admission Plan and revision.

3.

Counsel for H. C. Drew Estate stated that his unwillingness to participate in a public hearing for the reasons stated in his attached letter dated 1/26/2022 (Exhibit A attached hereto). The Court should be aware that the \$100,000.00 was deposited by Neumin on December 7, 2021, and the objection for late submission of that amount has been withdrawn by email dated 1/27/2022 from counsel for H.C. Drew Estate. (Exhibit B attached hereto). The other objections raised in counsel for H.C. Drew Estate's 1/26/2022 letter are typically handled as part of the public hearing process. LDNR suggests to this Court that this matter can proceed if the 60-day extension is granted and anticipate that the public hearing will be held no later than Wednesday, April 6 through Friday, April 8, 2022.

4.

Pursuant to La. R.S. 30:29(2)(a), on motion of LDNR, for good cause shown, the Court may grant LDNR additional time to conduct the hearing.

5.

Undersigned has spoken today, 1/28/2022, with counsel for the landowner, H. C. Drew Estate, Mr. Turner Brumby, and for Neumin Production Company, Mr. John Funderburk. Mr. Funderburk has no objection to the 60-day extension being requested herein. Mr. Brumby conveyed that the landowner is not taking a position on the requested 60-day extension, and it reserves all rights it has concerning the limited admission hearing before LDNR and the "most feasible plan" that results from this hearing. This includes, but is not limited to, a reservation of all rights to seek the exclusion of any mention or evidence of these matters at the trial of this case.

6.

Undersigned Hearing Officer respectfully represents that good cause does exist to extend the time to conduct the hearing in this matter up to, and through, Friday, April 8, 2022, as set forth

in Paragraph 2 of this motion. Undersigned also represents that it is his good faith belief that the parties will have ample time to put on their evidence and conclude their cases, and the hearing should not be continued past April 8, 2022.

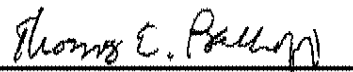
CONSIDERING THE ABOVE AND FOREGOING MOTION, AND FINDING GOOD CAUSE SHOWN, NOW THEREFORE, IT IS ORDERED that the public hearing in this matter may be extended by sixty (60) days, and that the public hearing in this matter be scheduled and held on or before Wednesday, April 6 through Friday, April 8, 2022.

THUS DONE AND SIGNED on this 8th day of February, 2022, in Lake Charles, Louisiana.


JUDGE DERRICK KEE

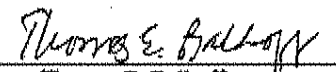
Respectfully submitted,

ROEDEL PARSONS BLACHE FONTANA
PIONTEK & PISANO

BY: 
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Hearing Officer for the Office of
Conservation of the Louisiana Department
of Natural Resources

CERTIFICATE

I hereby certify that a copy of the foregoing has been mailed, emailed and/or faxed to all counsel of record. Baton Rouge, Louisiana, this 28th day of January, 2022.


Thomas E. Balhoff