

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

CROSS BORDER RESOURCES, INC.,

Plaintiff,

Civ. Nos. 17-1013 KG/SMV  
17-1016 MV/CG

v.

BLACK SHALE MINERALS, LLC,

Defendant.

ORDER OF LIMITED CONSOLIDATION

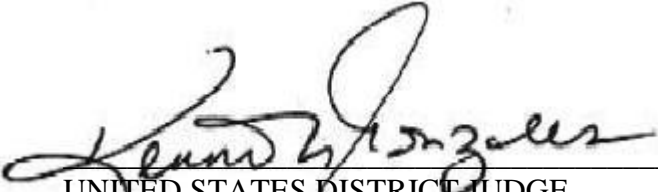
This matter comes before the Court on the Defendant's Unopposed Motion to Consolidate (Motion), filed December 5, 2017. (Doc. 15). The parties seek to consolidate two contract actions that were removed from New Mexico's Fifth Judicial District Court: *Cross Border Resources, Inc., v. Black Shale Minerals, LLC*, Civ. No. 17-1013 KG/SMV and *Cross Border Resources, Inc., v. Black Shale Minerals, LLC*, Civ. No. 17-1016 MV/CG. The parties agree the "actions .... involve common question[s] of law or fact," as required by Fed. R. Civ. P. 42(a). Counsel for Plaintiff has also advised that following consolidation, the parties intend to submit a stipulated order transferring venue to the United States Bankruptcy Court for the Northern District of Texas (Texas Bankruptcy Court). The Texas Bankruptcy Court—which is currently presiding over Plaintiff's Chapter 11 bankruptcy case—would then preside over all remaining issues.

The Court agrees it is appropriate to consolidate the cases for the purpose of determining the proper forum and, if appropriate, transferring the cases to the Texas Bankruptcy Court. To

the extent such actions implicate the automatic bankruptcy reference under 28 U.S.C. § 157, the Court withdraws the reference to rule on issues relating to consolidation and proper forum. *See* Administrative Order No. 84-0324 (referring the exercise of jurisdiction over all bankruptcy-related filings to the Bankruptcy Court); 28 U.S.C. § 157(d) (“The district court may withdraw, in whole or in part, any case or proceeding referred under this section, on its own motion or on timely motion of any party, for cause shown.”). If and when the cases are transferred, any automatic bankruptcy reference will remain intact, and the Texas Bankruptcy Court may determine whether continued consolidation is appropriate.

IT IS ORDERED:

1. The Motion to Consolidate (Doc. 15) is granted, in part.
2. *Cross Border Resources, Inc., v. Black Shale Minerals, LLC* , Civ. No. 17-1013 KG/SMV and *Cross Border Resources, Inc., v. Black Shale Minerals, LLC* , Civ. No. 17-1016 MV/CG are consolidated to determine issues relating to the proper forum.
3. Unless and until the cases are transferred, all future filings shall be filed under Civ. No. 17-1013 KG/SMV.

  
UNITED STATES DISTRICT JUDGE

Consolidation of the cases was approved by the following parties, although the Court made edits to the proposed stipulated order:

HINKLE SHANOR LLP

By: /s/ Richard E. Olson  
Richard E. Olson  
P.O. Box 10  
Roswell, NM 88202-0010

(575) 622-6510  
(575) 623-9332 fax  
[rolson@hinklelawfirm.com](mailto:rolson@hinklelawfirm.com)

*Attorneys for Plaintiff Cross Border Resources, Inc.*

GALLAGHER & KENNEDY, P.A.

By: /s/ Gene F. Creely, II  
Gene F. Creely, II  
Germaine R. Chappelle  
1233 Paseo De Peralta  
Santa Fe, NM 87501  
(505) 982-9523  
(505) 983-8160 fax  
[gene.creely@gknet.com](mailto:gene.creely@gknet.com)  
[germaine.chappelle@gknet.com](mailto:germaine.chappelle@gknet.com)

*Attorneys for Defendant Black Shale Minerals, LLC*