

FILED IN THE DISTRICT COURT
OKLAHOMA COUNTY, OKLA.

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

MAR 25 2009

PATRICIA PRESLEY, COURT CLERK
by _____
DEPUTY

OKLAHOMA DEPARTMENT OF)
SECURITIES, *ex. rel.* Irving L. Faught,)
Administrator,)
)
Plaintiff,)
)
vs.)
)
GLOBAL WEST FUNDING, LTD., CO.,)
an Oklahoma limited liability company, et al.,)
)
Defendants.)

Case No. CJ-2009-2773

**COMBINED MOTION FOR DISSOLUTION OR MODIFICATION OF TEMPORARY
RESTRAINING ORDER, ORDER FREEZING ASSETS AND ORDER FOR
ACCOUNTING, AND BRIEF IN SUPPORT**

COME NOW the Defendants, Global West Funding, Ltd, Global West Financial LLC, Sure Lock Financial, LLC, Sure Lock Loans, LLC, The Wave-Goldmade, Ltd., and Brian McKye, and, pursuant to 12 O.S. §1384.1, move the Court to dissolve the Temporary Restraining Order, Order Freezing Assets and Order for Accounting entered herein on March 24, 2009. In support hereof, Defendants advise the Court as follows:

1. Plaintiff filed its Petition for Permanent Injunction and Other Equitable Relief on March 24, 2009. At the same time, Plaintiff filed an Application for Temporary Restraining Order, Order Freezing Assets and Order for Accounting. The Court, without a hearing, entered a Temporary Restraining Order, Order Freezing Assets and Order for Accounting ("TRO").

2. The Oklahoma Code of Civil Procedure allows the party the subject of the TRO to appear before the Court on two or less days' notice and seek the dissolution or modification of the TRO:

D. *** On two (2) days' notice to the party who obtained the temporary restraining order without notice or on such shorter notice to that party as the court may prescribe, the adverse party may appear and move its dissolution, modification, or require the posting of an undertaking, and in that event the court shall proceed to hear and determine the motion as expeditiously as the ends of justice require. 12 O.S. 1384.1(D). (Emphasis added.)

3. The TRO restrains the Defendants from “offering or selling any security in and/or from this state including, but not limited to, investment notes”. However, the TRO goes on to provides that “the assets of Defendants and the Relief Defendant be, and hereby are, frozen.” The TRO also goes on to, among other things, order that all accounts of all of the defendants be frozen, and provides for notice to all affected banks of the freezing of such accounts.

4. The *ex parte* TRO effectively shuts down, entirely, the operations of the Defendants. If the TRO is not vacated pending a trial on the merits, Defendants will be forced out of business.

5. “Injunction is an extraordinary remedy and relief by this means should not be lightly granted.” *First American Bank & Trust Company, Purcell, Oklahoma v. Sawyer*, 865 P.2d 347 (Okl. 1993).

6. The Court “may reverse, vacate or modify injunctions when it appears to us, from the nature of the case and all the facts properly before the court, that a party was not entitled to the injunction. *First American Bank, supra*, citing 12 O.S. 1991 §952(b)(2). Alternative means of business operations, under the supervision of the Court, exist to insure that the interests of all parties are protected.

WHEREFORE, Defendants respectfully request that the Court set this Motion for Dissolution or Modification down for hearing “as expeditiously as the ends of justice

require", and upon hearing, order that the Temporary Restraining Order, Order Freezing Assets and Order for Accounting be dissolved or modified, as appropriate.

Respectfully Submitted,

DUNN SWAN & CUNNINGHAM

By: 
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Attorneys for Defendants, Global West Funding, Ltd,
Global West Financial LLC, Sure Lock Financial, LLC,
Sure Lock Loans, LLC, The Wave-Goldmade, Ltd.,
and Brian McKye

CERTIFICATE OF SERVICE

The undersigned certifies that on the 25 day of March, 2009, a true and correct copy of the above and foregoing Motion for Dissolution or Modification was hand delivered to:

Patricia Labarth, Esq.
Oklahoma Department of Securities
120 North Robinson, Suite 860
Oklahoma City, OK 73102

A handwritten signature in black ink, appearing to read "Patricia Labarth", is written over a solid horizontal line.