

FILED IN THE DISTRICT COURT
OKLAHOMA COUNTY, OKLA.

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

APR - 6 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

Set for Hearing MAY 7, 2009
at 1:30 p.m. before Judge GURIGN

**MOTION OF DUNN, SWAN & CUNNINGHAM, P.C. FOR
ATTORNEY'S FEES**

COMES NOW the law firm of Dunn, Swan & Cunningham, P.C. (the "Law Firm"), counsel of record 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, and moves the Court for an order awarding Law Firm its reasonable attorney's fees incurred in preserving the assets of the Defendants and defending the above-styled action.

The Law Firm seeks an award of \$13,047.50 in attorney's fees, and \$0.00 in costs, to be paid out of the assets of the Defendants.

BRIEF IN SUPPORT

The Law Firm entered into a contract with Defendants, Brian McKye and Global West Funding, L.L.C. dated July 12, 2006 under the terms of which the Law Firm agreed to defend Defendants in connection with the investigation of the Oklahoma Department of Securities and subsequent matters arising out of such investigation. A copy of that agreement is attached hereto as Exhibit A.

The Law Firm does not seek the recovery of any attorney fees for work performed prior to March 24, 2009, the date the Oklahoma Department of Securities filed its *Petition for Permanent Injunction and Other Equitable Relief*. In addition, Defendants paid to the Law Firm on March 26, 2009, the sum of \$2,000.00. Such date is after the date the Court entered its *Temporary Restraining Order, Order Freezing Assets and Order of Accounting*. The Law Firm has disclosed such payment to the Special Master, and is currently holding said payment in the Trust Account of the Law Firm, pending further Order of the Court.

On March 24, 2009, Plaintiff, Oklahoma Department of Securities ("Plaintiff") filed its *Petition for Permanent Injunction and Other Equitable Relief*. On the same date the Court entered, ex parte, a *Temporary Restraining Order, Order Freezing Assets and Order of Accounting*. The Law Firm seeks to recover the legal expenses it has incurred only since the date of the filing of such pleadings, as the efforts of the Law Firm since that date were undertaken in furtherance of the protection of the assets of the Defendants and, ultimately, the benefit of the creditors of such Defendants.

In this regard, the Law Firm filed, on March 25, 2009, a *Combined Motion for Dissolution or Modification of Temporary Restraining Order, Order Freezing Assets and Order for Accounting and Brief in Support*. The Law Firm further took all steps necessary to reset the hearing set for April 10, 2009 to April 1, 2009 and, in the interim, negotiated with the Plaintiff for the modification of the *Temporary Restraining Order, Order Freezing Assets and Order for Accounting* to enable the assets of the Defendants to be un-frozen and a Special Master to be appointed to preserve and protect the assets of Defendants. As a result of the efforts of the Law Firm, an agreed *Order Modifying, in Part, Temporary Restraining Order, Order Freezing Assets and Order for Accounting, and Agreed Order Appointing Special Master*, was entered on April 1, 2009.

The Affidavit of Clell I. Cunningham III, the attorney at Dunn, Swan & Cunningham, P.C. responsible for this matter, is attached hereto as Exhibit B.

WHEREFORE, the Law Firm of Dunn, Swan & Cunningham, P.C., prays that the Court enter an Order authorizing the Special Master to pay to the Law Firm legal fees of \$13,407.50.

DUNN SWAN & CUNNINGHAM, P.C.

By:



Clell I. Cunningham III, OBA #2093
2800 Oklahoma Tower
210 Park Avenue
Oklahoma City, Oklahoma 73102
Telephone: (405) 235-8318
Telecopier: (405) 235-9605

Attorney 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 6 day of April, 2009, a true and correct copy of the above and foregoing Motion for Attorney Fees was mailed, postage prepaid, to:

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

Rick Rose, Esq.
Mahaffey & Gore, P.C.
300 NE 1st Street
Oklahoma City, OK 73104

R. Scott Adams
204 N. Robinson, 25th Floor
Oklahoma City, OK 73102

Steven Moriarty Esq.
Fellers Snider Law Firm
100 N. Broadway, Suite 1700
Oklahoma City, OK 73102-8220

