

FILED IN THE DISTRICT COURT
OKLAHOMA COUNTY, OKLA.

Untitled
IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

MAY 29 2009

PATRICIA PRESLEY, COURT CLERK
by _____
DEPUTY

CS

Case No.-2009-2773

Oklahoma Department of Securities)
ex rel. Irving L. Faught)
Administrator,)
Plaintiff,)
v.)
Brian McKye, an individual)
Defendant,)

DEFENDANTS MOTION FOR COURT AUTHORIZED RELEASE OF FUNDS

COMES NOW the Defendant, Brian McKye; pro se, and moves the court to order the Special Master, Stephen J. Moriarty, to disburse funds to "operate" the companies within his court appointed duties.

MATERIAL FACTS IN THIS CASE

1. Special Master, Stephen J. Moriarty, has fired or terminated the owner of these companies, Brian McKye.
2. Special Master has not "operated" these companies since his appointment. "Operate" means to continue operations as an ongoing enterprise. "Instanter" which the functioning court order described means the Special Master must immediately OPERATE said enterprise with all available funds at his disposal.
3. Special Master has refused to allow two key methods for "operation" of said companies;
 - A. Electronic payments i.e. Visa, Mastercard, Discover, American Express
 - B. All new loans either electronic or cash.
4. Without new loans said companies are not "operating", period. Without allowing electronic incoming payments, the Special Master is not only DISALLOWING new clients, he is also preventing existing clients to pay their debts to the companies the most used and most frequent method in the U.S. today... DIRECT DRAFT. i.e. we see the marked drop in said companies receivables since this action occurred. (down by two thirds)
5. Special Master has damaged the Defendants' credit and contractual obligations.
 - A. All stores under Special Master have gone unpaid or have begun eviction procedures.
 - B. Company Stores' very ability to pull and access new clients' credit has been eliminated by Special Masters' failure to pay the credit bureau and other bills on a timely basis.
6. Special Master has refused to allow any existing staff to view, compile, list, organize, ascertain, execute or receive payments on any of the seven stores directly from bank accounts over which Special Master was appointed. The combined income of all companies is less than ONE THIRD what it was prior to Special Master's appointment. Special Master is doing nothing to help morale. Defendant asserts that Special Master is hampering the continued existance of these companies by "micro managing" each and every activity and thereby stopping all HOPE for these companies to bring the highest and best value upon their court appointed sale as previously ordered.

Therefore, Defendant respectfully moves the court to require Special Master to "instanter" pay all bills to "operate" said companies as funds are available forthwit.

Respectfully



Brian McKye

Certification
CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 29th day of May, 2009, a true and correct copy of the foregoing was mailed by certified mail, return receipt requested, with postage paid there on addressed to:

Stephen J. Moriarty
Fellers, Snider
100 N. Broadway, ste 1700
Oklahoma City Ok 73102

Patricia A Labarthe
Oklahoma Department of Securities
120 N. Robinson su 860
Oklahoma City, Ok 73102



Brian McKye

Brian McKye
P.O. Box 957
Jay, Oklahoma 74346