

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

FILED IN THE DISTRICT COURT
OKLAHOMA COUNTY, OKLA.

AUG 14 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

**MOTION TO DISMISS CONTEMPT
ACTION AGAINST BRIAN MCKYE**

Plaintiff, Oklahoma Department of Securities (“Department”) *ex rel.* Irving L. Faught, Administrator, moves this Court to dismiss the Application for Citation of Contempt against Brian McKye (Application) and the First Amendment to Application for Citation of Contempt against Brian McKye (First Amendment) for the following reasons:

1. On June 5, 2009, the Department filed the Application alleging that Defendant Brian McKye (Defendant) knowingly, willfully and contemptuously disobeyed and violated this Court’s *Temporary Restraining Order, Order Freezing Assets and Order for Accounting (Temporary Order), Agreed Order Appointing Special Master (Agreed Order), and Order Modifying, in Part, Temporary Restraining Order, Order Freezing Assets and Order for Accounting (Modified Order)*.

2. On August 6, 2009, the Department filed the First Amendment alleging that Defendant violated this Court’s *Order Granting Motion to Compel Response to Plaintiff’s Subpoena*.

3. Discovery relating to the Application is in the early stages and no significant time has yet been expended by the Department or the Special Master to respond to such discovery. However, such discovery requests to the Special Master are significant and will be very time consuming and costly to investors.

4. Defendant is currently subject to an order of this Court directing him to return the sum of Twenty Thousand Nine Hundred Ten Dollars (\$20,910) received by Defendant after the Temporary Order was issued.

5. It is not in the best interest of investors to pursue the prosecution of the Application because such action will deplete the limited resources available to investors who are already facing serious loss of investment funds.

6. On August 10, 2009, Defendant was arraigned and a Pre-Trial Conference was set for November 10, 2009. Defendant is not in custody and there was no bond set for him.

WHEREFORE, premises considered, Plaintiff prays for the Court to dismiss the Application and the First Amendment.

Respectfully submitted,



Patricia A. Labarthe, OBA #10391
Jennifer Shaw, OBA #20839
Oklahoma Department of Securities
120 North Robinson, Suite 860
Oklahoma City, Oklahoma 73102
(405) 280-7700

CERTIFICATE OF MAILING

The undersigned certifies that on the 14th day of August, 2009, a true and correct copy of the foregoing was mailed by first class mail, with postage prepaid thereon, addressed to:

Collin Robert Walke
Assistant Public Defender
611 County Office Building
320 Robert S. Kerr
Oklahoma City, OK 73102

Brian McKye
PO Box 957
Jay, OK 74346

Global West Funding, Ltd.
Global West Financial, LLC
Sure Lock Financial, LLC
Sure Lock Loans, LLC
The Wave Gold-Made, Ltd.
PO Box 60725
Oklahoma City, OK 73146

R. Scott Adams
Adams & Associates, PC
204 N. Robinson, 25th Fl.
Oklahoma City, OK 73102

James Farnham
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Stephen J. Moriarty
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Oklahoma City, OK 73102



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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

**ORDER DISMISSING CONTEMPT
ACTION AGAINST BRIAN MCKYE**

This matter came on for hearing before this Court, on the motion of Plaintiff to dismiss the Application for Citation of Contempt against Brian McKye (Application) and the First Amendment to Application for Citation of Contempt against Brian McKye (First Amendment). The Court, having reviewed all pleadings and evidence, finds good cause for the dismissal of the Application and First Amendment and, therefore:

IT IS HEREBY ORDERED that the Application and First Amendment be dismissed.

IT IS SO ORDERED.

Dated this _____ day of August, 2009.

DISTRICT COURT JUDGE

Approved:

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