

AUG 18 2009

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

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

**RESPONSE TO DEFENDANT'S MOTION TO
SETTLE JOURNAL ENTRY**

Plaintiff, the Oklahoma Department of Securities, requests that this Court deny Defendant Brian McKye's (Defendant) *Motion to Settle Journal Entry*. The *Motion to Settle Journal Entry* relates to the July 13, 2009 ruling of this Court on *Defendant's Motion to Retrieve Personal Effects and Request Court to Direct Special Master to Return Personal Mail* (Motion) attached hereto as Exhibit A.

Plaintiff was presented with Defendant's proposed order on Wednesday, August 5, 2009. Plaintiff would not sign the proposed order but did provide Defendant with a copy of the transcript from the July 13th hearing for his review.

Plaintiff does not object to signing an order that accurately reflects the Court's ruling. However, Defendant's proposed order addresses several items that were not addressed by the Motion or in this Court's ruling. See the excerpt from the hearing transcript attached hereto as Exhibit B. Plaintiff has prepared a proposed order that it believes would be in compliance with the Court's ruling. See Exhibit C.

Wherefore, Plaintiff requests this Court to find that Defendant's proposed order is not in compliance with the Court's ruling on July 13th and to enter the order attached hereto as Exhibit C.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jennifer Shaw". The signature is written in a cursive style with a horizontal line underneath it.

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 18th day of August, 2009, a true and correct copy of the foregoing was mailed by first class mail, with postage prepaid thereon, addressed to:

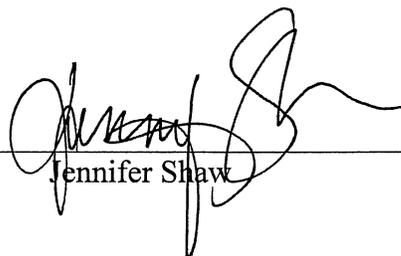
Brian McKye
PO Box 957
Jay, OK 74346

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
6308 N. Harvard Avenue
Oklahoma City, OK 73122

Stephen J. Moriarty
Fellers, Snider, Blankenship, Bailey and Tippens, PC
100 N. Broadway, Ste. 1700
Oklahoma City, OK 73102



Jennifer Shaw

RECEIVED
JUN 03 2009
F.S.B.B.&T.

FILED IN THE DISTRICT COURT
OKLAHOMA COUNTY, OKLA.

JUN - 2 2009

Motion for Property
IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

PATRICIA PRESLEY, COURT CLERK
by _____
DEPUTY

Oklahoma Department of Securities
ex rel. Irving L. Faught
Administrator,

Plaintiff,

v.

Brian McKye, an individual

Defendant,

CJ
Case No.-2009-2773

**DEFENDANTS MOTION TO RETRIEVE PERSONAL EFFECTS AND REQUEST
COURT TO DIRECT SPECIAL MASTER TO RETURN PERSONAL MAIL**

COMES NOW the Defendant, Brian McKye; pro se, and moves the court to order the Special Master, Stephen J. Moriarty, to allow Defendant and/or Defendants' representative to retrieve personal property, papers, and effects of Defendant.

MATERIAL FACTS IN THIS CASE

1. Special Master, Stephen J. Moriarty, has fired or terminated the owner of these companies, Defendant, Brian McKye. Special Master has banned Defendant from all company premises.
2. Defendant resided or had personal living quarters and personal effects at most of the companies' seven locations.
3. Defendant had personal effects, property, papers, software, clothing, bedding, linens, etc. which are now in the property of the Special Master.
4. Special Master was given the key to Defendants personal and company P.O. Box. Special Master has in his possession company mailings as well as Defendants' personal mail. Said personal mail has not been returned to Defendant.

Therefore, Defendant respectfully moves the Court to require Special Master to allow Defendant and/or Defendants' representative(s) to enter all company buildings where Defendant's personal effects may presently be and retrieve them at the Courts' direction and to return all Defendant's personal mail immediately and to be directed to continue throughout the progress of this case to surrender to Defendant all future mailed correspondence to Defendant.

Respectfully

Brian McKye

Brian McKye - Defendant

EXHIBIT
tabbles
 A

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 - Defendant

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

1 everything in the packet, along with information related
2 to the location of Mr. Cox. Okay.

3 All right. And then, Mr. McKye, we have a Motion to
4 Retrieve Personal Effects and Request Court to Direct
5 Special Master to Direct Personal Mail. And I think at
6 the prior hearing we discussed this to some extent. And
7 were advised our Special Master that all mail was being
8 forwarded. Is that still the case?

9 MR. MORIARTY: The mail has been forwarded. I
10 do have some mail on my desk that needs to be forwarded.
11 Also at that time I requested Mr. McKye provide me with a
12 list of his personal effects, and I have received
13 nothing.

14 THE COURT: Okay. Mr. McKye.

15 MR. MCKYE: Your Honor, I haven't received mail
16 but once. Over the last 90 days, I received one packet,
17 I think had two letters in it. So you must have an awful
18 lot of mail over 90 days.

19 MR. MORIARTY: Mr. McKye is welcome to walk
20 back to my office and I would be more than happy --

21 MR. MCKYE: This was a personal PO box, too.

22 THE COURT: Have you changed your PO box?

23 MR. MCKYE: When I entered the entry of
24 appearance, I did change it.

25 THE COURT: And that was about a month ago?

EXHIBIT

tabbles

B

1 MR. MCKYE: Yes.

2 THE COURT: Okay. So currently you're getting
3 your own personal mail at your new PO box?

4 MR. MCKYE: I got one packet that had two
5 combined -- I mean, I've got bills, I've got credit
6 cards, I've got things that are going to be coming in for
7 me personally that I'm not receiving after 90 days.

8 THE COURT: Have you given a change of address
9 to these companies so they know about your new PO box?

10 MR. MCKYE: That is where I received it.

11 THE COURT: Okay. So you're not receiving any
12 of his personal mail --

13 MR. MORIARTY: Like I said, I've got about
14 four items on my desk right now with Mr. McKye's name on
15 it. I would be more than happy to turn it over to him
16 today.

17 THE COURT: Okay. Then I'm going to direct
18 that you turn over anything that you have regarding
19 Mr. McKye's personal mail today.

20 And Mr. McKye, regarding personal effects, have you
21 come up with any sort of list to tell the Special Master
22 what it is that you want?

23 MR. MCKYE: Well, I said, beds and linens and
24 clothing, and like a dresser, several dressers. All of
25 my personal belongings are at the corporate office. And

1 I did maintain a like a cot at each of the stores, or a
2 futon, I should say. So I have like a microwave, items
3 at corporate far out number each of the stores. So all
4 I'm asking for access to is my bedding in the stores and
5 like my microwave and you know, towels and things like
6 that. And then at corporate, it's too numerous to
7 mention.

8 THE COURT: Is there a possibility of setting
9 up an appointment for Mr. McKye to come to corporate?

10 MR. MORIARTY: That would be fine, Your Honor.

11 THE COURT: All right. Why don't I just leave
12 it to the two of you then to work out a mutually
13 convenient time for you to appear and point out all the
14 items you wish to retrieve, and perhaps bring some kind
15 of vehicle with you to take away things at that point if
16 you can. And then if there's anything left, you all can
17 make arrangements to pick up. Would that work?

18 MR. MCKYE: If Your Honor sustains my motion,
19 do you want me to put together an approved order for your
20 signature?

21 THE COURT: That would be fine. And I'll show
22 your motion sustained. And I'll let you draft something
23 and perhaps provide it to the Special Master and you all
24 can work something out. I'm also suggesting that you go
25 ahead at the quickest possible time to go arrange to meet

1 with him at the offices so you can retrieve whatever it
2 is you want to retrieve. All right.

3 And then we have also your Motion, Mr. McKye, for
4 Court Authorized Release of Funds. Do you wish to
5 proceed with that?

6 MR. MCKYE: Yes. But, Your Honor, the last
7 time I was here in this courtroom, I got so tongue-tied I
8 wrote my defense down, with Your Honor's permission.

9 THE COURT: All right. Go ahead.

10 MR. MCKYE: Your Honor, I am representing
11 myself pro se. I have a high school education. The two
12 previous hearings I have been here in this court, I was
13 overwhelmed by the actual speed of the proceedings, but I
14 can adjust. I am not an attorney and I'm against the
15 most powerful state agency in Oklahoma. The officials in
16 this agency have all of my records for the last three
17 years. My previous attorney Skip Cunningham believed,
18 and rightfully so, that you shouldn't hold anything back
19 if it's the truth.

20 Patty and Mr. Faught have all of our client's files.
21 I have not deceived any of the 82 families. I have not
22 defrauded them. In the midst of the most horrendous
23 recession of recent memory, I have started with one store
24 and opened six more in three years.

25 The Special Master Steve Moriarty does not

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STATE OF OKLAHOMA

OKLAHOMA DEPARTMENT OF)
SECURITIES, *ex rel.* Irving L. Faught,)
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GLOBAL WEST FUNDING, LTD., CO.,)
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Defendants.)

Case No. CJ-2009-2773

**ORDER GRANTING MOTION TO COMPEL
RESPONSE TO PLAINTIFF'S SUBPOENA**

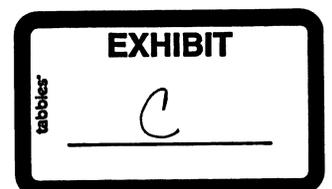
This matter came on for hearing before this Court on July 13, 2009, on Defendant's *Motion to Retrieve Personal Effects and Request Court to Direct Special Master to Return Personal Mail* (Motion). After consideration of the evidence, the Court finds that good cause exists for partially granting said Motion.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Special Master shall continue to forward all personal mail of Defendant to Defendant.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant contact the Special Master to arrange a mutually convenient time to meet with the Special Master to identify all items personally belonging to Defendant.

Dated this ____ day of August, 2009.

DISTRICT JUDGE



APPROVED:

Patricia A. Labarthe, OBA #10391
Jennifer Shaw, OBA # 20839
Oklahoma Department of Securities
120 North Robinson, Suite 860
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Special Master
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Pro Se
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