

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

DEC - 8 2009

PATRICIA PRESLEY, COURT CLERK
by _____
DEPUTY

Oklahoma Department of Securities)	
ex rel. Irving L. Faught)	
Administrator,)	
)	Plaintiff,
v.)	Case No.CJ-2009-2773
)	
Brian McKye, an individual)	
)	Defendant,

MOTION TO VACATE ORDER TO QUASH DEPOSITION

COMES NOW the Defendant, Brian McKye; pro se, and motions the Court to vacate Order to quash the Defendant's Notice to Deposition Patricia Labarthe ODS. Defendant contends that an inalienable right exists for the Defense to confront its' accuser(s), and ask its' accuser(s) the very same set of questions both the Department and the Special Master asked of Defendant in previous depositions.

FACTUAL BACKGROUND

1. Defendant filed the Notice to Deposition on December 3 2009, for a deposition to be held December 9 2009; following the Plaintiffs' and the Special Masters' deposing of the Defendant Brian McKye.
2. This Court possess' the right and authority to vacate this order.
3. Defendant was not given notice of the pendency of this hearing. Friday the 4th was the filing of the Request to Quash; Monday morning 10:am was the apparent hearing, unbeknowst to Defendant.

Oklahoma Statutes

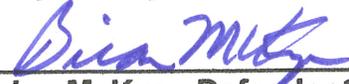
Title 12 Civil Procedure Chapter 16 Section 1031 clearly states:

"The district court shall have the power to vacate or modify its own judgements or orders within the times described hereafter:

2. As authorized in subsection C of the Section 2004 of this title where the defendant had no actual notice of the pendency of the action at the time of the filing of the judgement or order."

Defendant respectfully requests this Court to Vacate the Order for these reasons and schedule a hearing on Defendants' Notice to Take Deposition as soon as possible.

Respectfully



 Brian McKye - Defendant pro se

**Certification
CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 8th of December, 2009, a true and correct copy of the foregoing was mailed by certified mail, return receipt requested, with postage paid there on or hand delivered addressed to:

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

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



Brian McKye - Defendant

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

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Brian McKye, an individual)	
)	Defendant,

MOTION TO VACATE ORDER TO QUASH DEPOSITION

COMES NOW the Defendant, Brian McKye; pro se, and motions the Court to vacate Order to quash the Defendant's Notice to Deposition Stephen Moriarty Special Master. Defendant contends that an inalienable right exists for the Defense to confront its' accuser(s), and ask its' accuser(s) the very same set of questions both the Department and the Special Master asked of Defendant in previous depositions.

FACTUAL BACKGROUND

1. Defendant filed the Notice to Deposition on December 3 2009, for a deposition to be held December 9 2009; following the Plaintiffs' and the Special Masters' deposing of the Defendant Brian McKye.
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Brian McKye - Defendant

**Brian McKye
P.O. Box 957
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