

July 16, 2009 1:30pm

FILED IN THE DISTRICT COURT
OKLAHOMA COUNTY, OKLA.

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

JUN - 5 2009

OKLAHOMA DEPARTMENT OF)
SECURITIES, *ex. rel.* Irving L. Faught,)
Administrator,)

PATRICIA PRESLEY, COURT CLERK
by _____
DEPUTY

Plaintiff,)

Case No. CJ-2009-2773

vs.)

GLOBAL WEST FUNDING, LTD., CO.,)
an Oklahoma limited liability company, et al.,)

Defendants.)

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

Plaintiff moves this Court for an order compelling Defendant Brian McKye (Defendant McKye) to produce the documents requested in a civil subpoena dated May 19, 2009. This subpoena required the production of documents on May 28, 2009. Plaintiff requested the following:

All documents, records, and materials relating to the meeting at the Hometown Buffet on May 15, 2009, including, but not limited to, the video taped record of the meeting.

Defendant McKye filed *Defendants Answer and Objection to Plaintiffs' Subpoena to Produce Documents and Motion for Court Approved Access to Documents* on May 28, 2009. In his objection to the subpoena, Defendant McKye failed to state a justifiable reason to not produce the requested documents as required by §12 O.S. 2004.1. Defendant McKye states only that he requests access to his office and staff before complying.

This Court entered an *Agreed Order Appointing Special Master* for Defendants Brian McKye; Global West Funding Ltd., Co.; Global West Financial LLC; Sure Lock Financial, LLC; Sure Lock Loans LLC; and The Wave-Goldmade, Ltd (collectively "Relevant Defendants) on

April 1, 2009. The Special Master is authorized by this Court's order to dismiss employees; and take custody, possession and control of all assets, monies, securities and properties, real and personal, tangible and intangible, belonging to the Relevant Defendants. The Special Master dismissed Defendant McKye from his employment with the Relevant Defendants. Defendant McKye should not be provided access to the offices or staff and personnel of the Relevant Defendants. Further, Defendant McKye has no authority to impose conditions for his compliance with the civil subpoena.

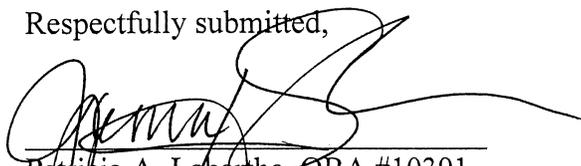
Defendant McKye also requests access to an "Anonymous Letter" in the Plaintiff's possession. The Department maintains that all records in its investigatory file remain confidential, unless required to be turned over in discovery, according to §24A.12 of the Open Records Act, and §1-607 of the Oklahoma Uniform Securities Act of 2004, Okla. Stat. tit. 71, §§1-101 through 1-701 (Supp. 2004). The Petition filed by the Plaintiff alleges that Relevant Defendants violated this state's securities laws by operating a "ponzi" scheme whereby new investor funds were used to pay guaranteed interest payments to earlier investors on the "Premium 60 Account Agreement." The allegations in the Petition are based on records the Department received from Defendant McKye and bank records relating to the Relevant Defendants; therefore, any letter requested by Defendant McKye would not be relevant and his request should be denied.

WHEREFORE, premises considered, Plaintiff prays for the Court to:

- (1) enter an order requiring Defendant McKye to produce all records requested by the May 19, 2009 subpoena;
- (2) enter an order denying the request for access to the Plaintiff's investigatory files; and

(3) enter an order denying Defendant McKye access to the offices and personnel of the Relevant Defendants.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Patricia A. Labarthe', written over a horizontal line.

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 5th day of June, 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
Pro Se

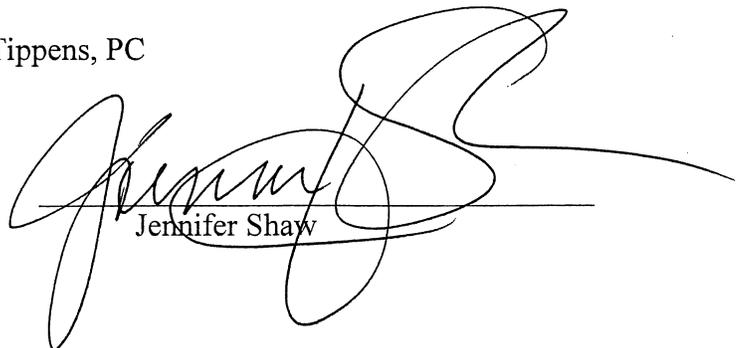
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Sure Lock Financial, LLC;
Sure Lock Loans, LLC;
The Wave Gold-Made, Ltd.;
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