

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.)

PATRICIA PRESLEY, COURT CLERK
by _____
DEPUTY

Case No. CJ-2009-2773

**RESPONSE TO DEFENDANT’S MOTION FOR
DELIVERY OF MAIL AND
PLAINTIFF’S REQUEST FOR SANCTIONS**

Plaintiff, the Oklahoma Department of Securities, requests that this Court deny the *Defendants* [sic] *Motion to Compel Delivery of Mail* filed by Defendant Brian McKye (Defendant) and grant sanctions against the Defendant.

Background

1. On March 24, 2009, Plaintiff filed a Petition for *Permanent Injunction and Other Equitable Relief* (Petition) and an *Application for a Temporary Restraining Order, Order Freezing Assets, and Order for Accounting*, pursuant to Section 1-603 of the Oklahoma Uniform Securities Act of 2004 (Act), Okla. Stat. tit. 71, §§ 1-102 through 1-701 (Supp. 2003).

2. On May 18, 2009, the Defendant filed an *Entry of Appearance – Pro Se*. Defendant listed his address as P.O. Box 957, Jay, Oklahoma, 74346 (Defendant’s Address of Record). *See Exhibit A.*

3. On January 7, 2010, this Court entered a *Permanent Injunction and Order of Restitution against Brian McKye* (Permanent Injunction).

4. On February 2, 2010, Plaintiff filed its *Objection to Motion for Release of Funds Filed by Jeff Burke*. A file stamped copy of this motion was mailed to Defendant's Address of Record. *See* Exhibit B. The item was returned on March 17, 2010, and marked "Return to Sender, Box Closed, Unable to Forward, Return to Sender." *See* Exhibit C

5. On March 18, 2010, Plaintiff issued civil subpoenas to: 1st Discount Brokerage, LCT Corp., Sapphire Ministries, and Norman West. A copy of all of these subpoenas was mailed to the Defendant's Address of Record. *See* Exhibit D.

6. The copies of the subpoenas mailed to Defendant's Address of Record were returned and marked "Return to Sender, Box Closed, Unable to Forward, Return to Sender." *See* Exhibit E.

7. On April 30, 2010, Plaintiff issued a civil subpoena to take the testimony of Norman West. A copy of this subpoena was mailed to Defendant's Address of Record. *See* Exhibit F.

8. The copy of the subpoena to Norman West that was mailed to Defendant's Address of Record was returned and marked "Return to Sender, Box Closed, Unable to Forward, Return to Sender." *See* Exhibit G.

9. On June 23, 2010, Plaintiff filed a *Motion to Establish Restitution Amount*. A file stamped copy of this motion was mailed to Defendant's Address of Record. *See* Exhibit H. The item was returned on June 25, 2010, and marked "Return to Sender, Box Closed, Unable to Forward, Return to Sender." *See* Exhibit I.

10. On August 5, 2010, this Court, after a hearing with all parties present, including Defendant, sustained Plaintiff's *Motion to Establish Restitution Amount*.

11. On August 17, 2010, Plaintiff received a non-file stamped copy of *Defendants* [sic] *Motion to Compel Delivery of Mail* that includes claims that Plaintiff had not provided notice of its filings to Defendant since January 4, 2010. Defendant did not indicate that his motion was set for hearing. Plaintiff verified through www.oscn.net that the pleading had been filed on August 13, 2010, and that the matter is set for hearing on August 26, 2010.

Argument

The Defendant's motion is inappropriate and fails to provide this Court with an accurate account of the facts. Plaintiff, pursuant to Okla. Stat. tit. 12, §2005, has served every pleading on the Defendant at his address of record. Plaintiff served these pleadings to the last-known address of the Defendant as required. Defendant has failed to provide this Court with a change of address as required by Okla. Stat. tit. 12, §2006.

Request for Sanctions

Defendant's filing of this motion after the Permanent Injunction and hearing on *Plaintiff's Motion to Establish Restitution Amount* were issued against him only serves to harass Plaintiff and to increase the cost of this litigation. Plaintiff requests that this Court impose sanctions against Defendant as authorized by Okla. Stat. tit. 12, §2011. The purpose of this statute is to discourage the filing of pleadings with the court that are legally or factually frivolous. *Cooter & Gell v. Hartmarx Corp.* 496 US 384, 398 (1990).

Despite the fact that Defendant is *pro se* he is charged with the responsibility to conform his actions to the court rules. *Funnell v. Jones*, 1985 OK 73, 737 P.2d 105. This

Court, when considering the imposition of sanctions authorized by §2011 against the Defendant, “must view the matter through the eyes of a competent attorney who is advocating the claim of his/her client(s).” *State ex rel. Tal v. City of Oklahoma City*, 2002 OK 97, 61 P.3d 234, 244. Specifically, an attorney who fails to update the court can be publically reprimanded and taxed with costs of the proceedings. *State ex rel. Oklahoma Bar Ass'n v. O'Brien*, 1980 OK 81, 611 P.2d 650, 651.

Plaintiff is not required to show that the Defendant acted with malice, or even that he was intentionally acting with an improper or frivolous purpose in filing the pending motion. *Allen v. City of Chickasha*, 2009 OK CIV APP 52, 211 P.3d 241. The Oklahoma Supreme Court has held that “[t]he propriety of sanctions under §2011 in regard to legal or factual frivolity of a claim or defense does not depend on the attorney's [or party's] subjective good faith and having a pure heart, but empty head provides no defense to a sanction order under the statute.” *State ex rel. Tal*, 61 P.3d at 244.

Conclusion

Wherefore, Plaintiff requests this Court deny Defendant’s motion and impose sanctions against Defendant for his frivolous filing.

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

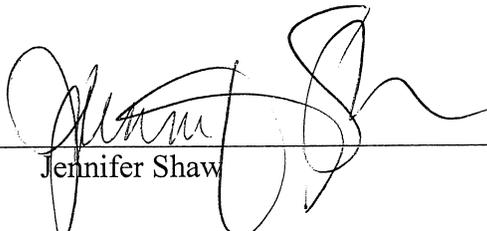
The undersigned certifies that on the 24th day of August, 2010, a true and correct copy of the foregoing was mailed by first class mail, with postage prepaid thereon, addressed to:

Brian McKye
PO Box 957
Jay, OK 74346
Pro Se

Michael McBride
204 North Robinson, Suite 2600
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



* 1 0 0 9 5 8 9 0 2 4 *

Entry of appearance

In the District Court of Oklahoma County OK

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

vs.)

Global West Funding Ltd. Co, an Oklahoma limited)
liability Company)
Sure Lock Loans Ltd. Co, an Oklahoma limited)
liability Company;)
Brian McKye, an individual)

Case no. CJ-2009-2773

FILED IN THE DISTRICT COURT
OKLAHOMA COUNTY, OKLA.

MAY 18 2009

PATRICIA PRESKEY, COURT CLERK
by _____
DEPUTY

Entry of Appearance - Pro Se

I hereby notify the clerk that I am appearing pro se as the Defendant in this case.

All notices regarding the case should be sent to me at the address below. If my mailing address changes, I will promptly notify the clerk in writing of my new address.

Brian McKye

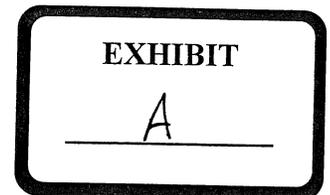
Name: Brian McKye
Address: P.O. Box 957
City: Jay
State: Ok
Zip: 74346
Phone: 918-801-3154

CERTIFICATE OF MAILING TO PARTIES

I certify that a true and correct copy of the Entry of Appearance was mailed this day of May 17th 2009, to Oklahoma Department of Securities, Feller Snider for attorney Stephen Moriarty special master by depositing it in the U.S Mail postage prepaid.

Effective May 18 2009

Brian McKye



IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

FEB - 2 2010

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

**OBJECTION TO MOTION FOR RELEASE
OF FUNDS FILED BY JEFF BURKE**

Plaintiff, the Oklahoma Department of Securities, requests that this Court deny the *Motion For Court Authorized Release of Funds* filed by non-party Jeff Burke.

Background

1. On March 24, 2009, a *Petition for Permanent Injunction and Other Equitable Relief* (Petition) was filed against Defendants Joe Don Johnson (Johnson) and James Farnham (Farnham) and against Heritage Estate Service LLC (Heritage) as a Relief Defendant.

2. On March 24, 2009, a *Temporary Restraining Order, Order Freezing Assets and Order for Accounting* (Order) was issued by this Court against the Defendants Johnson and Farnham.

3. On April 10, 2009, Plaintiff filed the *First Amendment to Petition for Permanent Injunction and Other Equitable Relief* and named Heritage as a Defendant

EXHIBIT
B

after determining that Heritage offered and/or sold securities through, *inter alia*, Johnson and Farnham.

4. On April 23, 2009, an *Order Modifying, In Part, the Temporary Restraining Order, Order Freezing Assets and Order for Accounting and Appointing Special Master* (Modification Order) was issued by the Court appointing a Special Master over the assets of Heritage. The Modification Order gave the Special Master the authority “to receive and collect any and all sums of money due or owing to Heritage whether the same are due or shall hereinafter become due and payable[.]”

5. On November 3, 2009, a *Permanent Injunction Against Defendants Heritage Estate Service LLC and Joe Don Johnson* (collectively, “Heritage Defendants”) was entered.

6. The Permanent Injunction provides in relevant part:

IT IS FURTHER ORDERED that the Heritage Defendants pay restitution to all investors who purchased securities in the nature of notes (Investment Notes) from the Heritage Defendants or who transferred money to the Heritage Defendants for the purpose of purchasing the Investment Notes or otherwise making investments on their behalf, and that the amount and allocation of restitution to such investors shall be determined by this Court at the conclusion of this case as to all Defendants.

IT IS FURTHER ORDERED that Defendant Heritage Estate shall remain subject to all provisions of the Court’s March 24, 2009 *Temporary Restraining Order, Order Freezing Assets and Order for Accounting*, and April 23, 2009, *Order Modifying, in Part, Temporary Restraining Order, Order Freezing Assets and Order for Accounting and Appointing Special Master*[.]

7. At all times relevant hereto, Jeff Burke (Burke) was the registered agent with the Oklahoma Secretary of State for Heritage. See Exhibit A. Further, Defendant

Brian McKye was a signor on the Articles of Organization of an Oklahoma Limited Liability Company for Heritage. *See Exhibit B.*

8. On January 6, 2009, Burke entered into a Contract and Agreement with the Oklahoma Department of Corrections. *See Exhibit C.*

9. On January 10, 2009, Burke presented the Department of Corrections with a signed affidavit, notarized by Johnson, stating that he was an agent of Heritage. *See Exhibit D.*

10. On January 10, 2009, Burke signed a Vendor/Payee Form that was then submitted to the State of Oklahoma Office of State Finance (OSF). The form named Heritage as the Vendor/Payee. Burke signed the form, under penalty of perjury, as President of Heritage. *See Exhibit E.*

11. A Purchase Order was issued on February 24, 2009, between the Oklahoma Department of Corrections and Heritage. *See Exhibit F.*

12. On July 28, 2009, Burke received a State of Oklahoma check dated July 24, 2009 and payable to Heritage in the amount of \$34,065.00. *See Exhibit G.* This check was endorsed by "Rod Burke." *See Exhibit H.*

13. The Special Master notified Plaintiff that the Department of Central Services Construction and Properties Division sent paperwork to the Heritage address dated November 19, 2009. The Plaintiff notified OSF of the Order and Modification Order. OSF confirmed that one additional payment was to be made to Heritage.

14. On January 13, 2010, OSF mailed the additional payment of \$7,150.00, payable to Heritage, to the Special Master.

15. On January 20, 2010, Burke filed his *Motion For Court Authorized Release of Funds* (Motion), seeking to receive the \$7,150.00 in Heritage funds.

Argument

Through the appointment of the Special Master, the Court took possession of all Heritage assets. *Farrimond v. State ex rel. Fisher*, 2000 OK 52, ¶14, 8 P.3d 872, 875. The Special Master, as a representative of the Court, has the right to receivership property and funds – a right derived from the company being placed into receivership. *Id* at ¶15.

The payments by the State of Oklahoma of \$34,065.00 and \$7,150.00 were payable to Heritage as the vendor/payee in connection with the Department of Corrections contract. Heritage had the right and title to such funds. Based on *Farrimond*, the special Master now has the right and title to such funds.

Contrary to his arguments, Burke has no right to the funds in question. Burke represented himself to state purchasing officials as the President of Heritage and an agent of Heritage for purposes of the Department of Corrections contract. The funds in question are assets of Heritage and are therefore subject to the Court's Order and Modification Order.

Further, Burke is not a party to this action and has no standing to assert the Motion.

Conclusion

Plaintiff requests this Court deny Burke's *Motion for Court Authorized Release of Funds*. Plaintiff also requests that Burke refund the \$34,065.00 of Heritage funds that are subject to the Court-ordered receivership.

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 2nd day of February, 2010, a true and correct copy of the foregoing was mailed by first class mail, with postage prepaid thereon, addressed to:

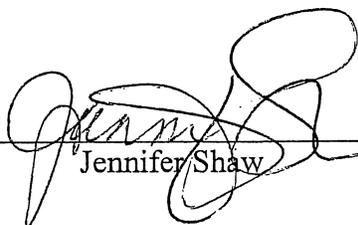
Stephen J. Moriarty
Fellers, Snider, Blankenship, Bailey and Tippens, PC
100 N. Broadway, Ste. 1700
Oklahoma City, OK 73102

Jeff Burke
2512 Covell Ln.
Edmond, OK 73034
Pro Se

Brian McKye
PO Box 957
Jay, OK 74346
Pro Se

Michael McBride
204 North Robinson, Suite 2600
Oklahoma City, OK 73102

James Farnham
6308 N. Harvard Avenue
Oklahoma City, OK 73122


Jennifer Shaw

First National Center, Suite 860
120 North Robinson
Oklahoma City, OK 73102

OKLAHOMA DEPARTMENT OF SECURITIES
First National Center, Suite 860
120 North Robinson
Oklahoma City, Oklahoma 73102

Brian McKye
PO Box 957
Jay, OK 74

MCKY957 743462027 1210 02 03/15/10
MCKYE, BRIAN RETURN TO SENDER
BOX CLOSED
UNABLE TO FORWARD
RETURN TO SENDER



UNITED STATES POSTAL SERVICE
02 JM
0004214819 FEB02 2010
MAILED FROM ZIP CODE 73102
\$01.390

EXHIBIT
C

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

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

STATE OF OKLAHOMA)
OKLAHOMA COUNTY) SS.

DISTRICT COURT CIVIL SUBPOENA TO PRODUCE DOCUMENTS

**TO: 1st Discount Brokerage
515 North Flagler, Suite 703
West Palm Beach, FL 33401**

GREETINGS -- You are Hereby Commanded to produce copies of documents in your possession, custody, and control, to the offices of the Oklahoma Department of Securities, Suite 860, 120 North Robinson, Oklahoma City, Oklahoma, no later than 12:00 p.m. on **April 2, 2010**.

Your personal appearance is not required at that time. The documents that shall be produced are:

Copies of all documents, records, and materials relating to Heritage Estate Service LLC and/or Joe Don Johnson including, but not limited to, your bank statements, the front and reverse sides of checks, deposit slips with supporting deposit items, debit memorandums, credit memorandums, electronic transfer records and receipts, and incoming and outgoing wire transfer records; contracts or agreements with Heritage Estate Service LLC and/or Joe Don Johnson; and all documents, records, and materials describing services you provided to and/or received from Heritage Estate Service LLC and/or Joe Don Johnson.

Hereof fail not under penalty of law.

EXHIBIT

D

Issued this 18th day of March, 2010.

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, OK 73102

(405) 280-7700

Attorneys for Oklahoma Department of Securities

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 18th day of March, 2010, a true and correct copy of the foregoing was mailed by certified mail, return receipt requested, with postage prepaid thereon, addressed to:

1st Discount Brokerage
515 North Flagler, Suite 703
West Palm Beach, FL 33401

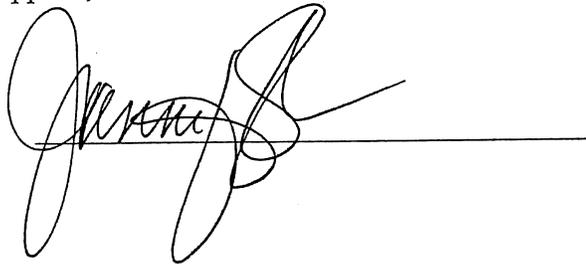
The undersigned hereby certifies that on the 18th day of March, 2010, a true and correct copy of the foregoing was mailed by first class mail, with postage prepaid thereon, addressed to:

Brian McKye
PO Box 957
Jay, OK 74346

Michael McBride
204 N. Robinson, Ste. 2600
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



IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

OKLAHOMA DEPARTMENT OF)
SECURITIES, *ex. rel.* Irving L. Faught,)
Administrator,)
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Plaintiff,)
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vs.)
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GLOBAL WEST FUNDING, LTD., CO.,)
an Oklahoma limited liability company, et al.,)
)
Defendants.)

Case No. CJ-2009-2773

STATE OF OKLAHOMA)
) SS.
OKLAHOMA COUNTY)

DISTRICT COURT CIVIL SUBPOENA TO PRODUCE DOCUMENTS

TO: LCT Corporation
Allison John, Registered Agent
2704 South Purdue
Oklahoma City, OK 73128

GREETINGS -- You are Hereby Comanded to produce copies of documents in your possession, custody, and control, to the offices of the Oklahoma Department of Securities, Suite 860, 120 North Robinson, Oklahoma City, Oklahoma, no later than 12:00 p.m. on **April 2, 2010**.

Your personal appearance is not required at that time. The documents that shall be produced are:

Copies of all documents, records, and materials relating to Heritage Estate Service LLC and/or Joe Don Johnson including, but not limited to, your bank statements, the front and reverse sides of checks, deposit slips with supporting deposit items, debit memorandums, credit memorandums, electronic transfer records and receipts, and incoming and outgoing wire transfer records; contracts or agreements with Heritage Estate Service LLC and/or Joe Don Johnson; and all documents, records, and materials describing services you provided to and/or received from Heritage Estate Service LLC and/or Joe Don Johnson.

Hereof fail not under penalty of law.

Issued this 18th day of March, 2010.

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, OK 73102
(405) 280-7700
Attorneys for Oklahoma Department of Securities

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 18th day of March, 2010, a true and correct copy of the foregoing was mailed by certified mail, return receipt requested, with postage prepaid thereon, addressed to:

LCT Corporation
Allison John, Registered Agent
2704 South Purdue
Oklahoma City, OK 73128

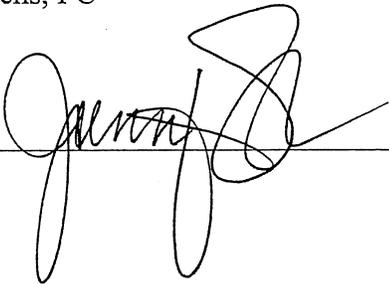
The undersigned hereby certifies that on the 18th day of March, 2010, a true and correct copy of the foregoing was mailed by first class mail, with postage prepaid thereon, addressed to:

Brian McKye
PO Box 957
Jay, OK 74346

Michael McBride
204 North Robinson, Suite 2600
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



A handwritten signature in black ink, appearing to read 'Stephen J. Moriarty', is written over a horizontal line. The signature is stylized and cursive.

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

OKLAHOMA DEPARTMENT OF)
SECURITIES, *ex. rel.* Irving L. Faught,)
Administrator,)
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Plaintiff,)
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vs.)
)
GLOBAL WEST FUNDING, LTD., CO.,)
an Oklahoma limited liability company, et al.,)
)
Defendants.)

Case No. CJ-2009-2773

STATE OF OKLAHOMA)
) SS.
OKLAHOMA COUNTY)

DISTRICT COURT CIVIL SUBPOENA TO PRODUCE DOCUMENTS

TO: Sapphire Ministries
Stephen F. Hayes, Registered Agent
3523 NW 41st Street
Oklahoma City, OK 73112

GREETINGS -- You are Hereby Commanded to produce copies of documents in your possession, custody, and control, to the offices of the Oklahoma Department of Securities, Suite 860, 120 North Robinson, Oklahoma City, Oklahoma, no later than 12:00 p.m. on **April 2, 2010**.

Your personal appearance is not required at that time. The documents that shall be produced are:

Copies of all documents, records, and materials relating to Heritage Estate Service LLC and/or Joe Don Johnson including, but not limited to, your bank statements, the front and reverse sides of checks, deposit slips with supporting deposit items, debit memorandums, credit memorandums, electronic transfer records and receipts, and incoming and outgoing wire transfer records; contracts or agreements with Heritage Estate Service LLC and/or Joe Don Johnson; and all documents, records, and materials describing services you provided to and/or received from Heritage Estate Service LLC and/or Joe Don Johnson.

Hereof fail not under penalty of law.

Issued this 18th day of March, 2010.

Respectfully submitted,



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

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 18th day of March, 2010, a true and correct copy of the foregoing was mailed by certified mail, return receipt requested, with postage prepaid thereon, addressed to:

Sapphire Ministries
Stephen F. Hayes, Registered Agent
3523 NW 41st Street
Oklahoma City, OK 73112

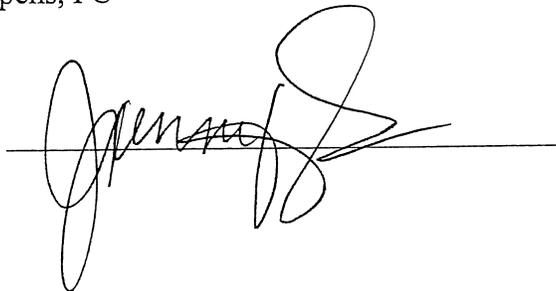
The undersigned hereby certifies that on the 18th day of March, 2010, a true and correct copy of the foregoing was mailed by first class mail, with postage prepaid thereon, addressed to:

Brian McKye
PO Box 957
Jay, OK 74346

Michael McBride
204 North Robinson, Suite 2600
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

A handwritten signature in black ink, appearing to read "Stephen J. Moriarty", is written over a horizontal line. The signature is stylized and cursive.

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

OKLAHOMA DEPARTMENT OF)
SECURITIES, *ex. rel.* Irving L. Faught,)
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GLOBAL WEST FUNDING, LTD., CO.,)
an Oklahoma limited liability company, et al.,)
)
Defendants.)

Case No. CJ-2009-2773

STATE OF OKLAHOMA)
) SS.
OKLAHOMA COUNTY)

DISTRICT COURT CIVIL SUBPOENA TO PRODUCE DOCUMENTS

TO: Norman West
1446 North Rockwell Ave.
Oklahoma City, OK 73127

GREETINGS -- You are Hereby Commanded to produce copies of documents in your possession, custody, and control, to the offices of the Oklahoma Department of Securities, Suite 860, 120 North Robinson, Oklahoma City, Oklahoma, no later than 12:00 p.m. on **April 2, 2010**.

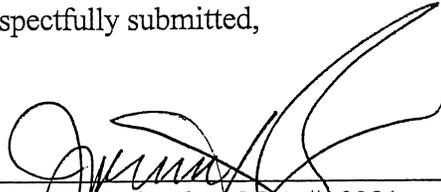
Your personal appearance is not required at that time. The documents that shall be produced are:

Copies of all documents, records, and materials relating to Heritage Estate Service LLC and/or Joe Don Johnson including, but not limited to, your bank statements, the front and reverse sides of checks, deposit slips with supporting deposit items, debit memorandums, credit memorandums, electronic transfer records and receipts, and incoming and outgoing wire transfer records; contracts or agreements with Heritage Estate Service LLC and/or Joe Don Johnson; and all documents, records, and materials describing services you provided to and/or received from Heritage Estate Service LLC and/or Joe Don Johnson.

Hereof fail not under penalty of law.

Issued this 18th day of March, 2010.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Patricia A. Labarthe', is written over a horizontal line. The signature is stylized and cursive.

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

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 18th day of March, 2010, a true and correct copy of the foregoing was mailed by certified mail, return receipt requested, with postage prepaid thereon, addressed to:

Norman West
1446 North Rockwell Ave.
Oklahoma City, OK 73127

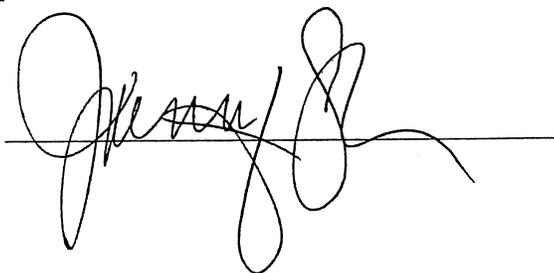
The undersigned hereby certifies that on the 18th day of March, 2010, a true and correct copy of the foregoing was mailed by first class mail, with postage prepaid thereon, addressed to:

Brian McKye
PO Box 957
Jay, OK 74346

Michael McBride
204 North Robinson, Suite 2600
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

A handwritten signature in black ink, appearing to read "Stephen J. Moriarty", is written over a horizontal line. The signature is stylized and cursive.

OKLAHOMA DEPARTMENT OF SECURITIES
First National Center, Suite 860
120 North Robinson
Oklahoma City, Oklahoma 73102

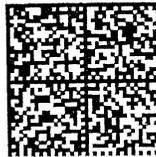
OKLAHOMA DEPT.
OF SECURITIES

2010 MAR 22 A 10: 00

Brian McKye
PO Box 957
Jay, OK 74326

CivilSubp_1stDB_LCT_Sapphire
06-117

7432609570002494



UNITED STATES POSTAGE
02 1M
0004214819
MAR 18 2010
MAILED FROM ZIP CODE 73102
\$ 00.610
PITNEY BOWES

731 MFE 1 2101 00 03/18/10
RETURN TO SENDER
MCKYE, BRIAN
BOX CLOSED
UNABLE TO FORWARD
RETURN TO SENDER
#0257-1358-18-07
BC: 73102749499

|||||

EXHIBIT
E

OKLAHOMA DEPARTMENT OF SECURITIES
First National Center, Suite 860
120 North Robinson
Oklahoma City, Oklahoma 73102

OKLAHOMA DEPT.
OF SECURITIES

2010 MAR 22 A 10:00

CivilSubp_1sDB_LCT_Sapphire
06-117

Brian McKye
PO Box 957
Jay, OK 74346

743469574954



UNITED STATES POSTAGE
02 1M
0004214819
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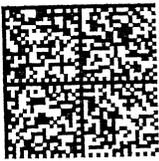
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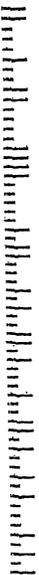
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**IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA**

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.)

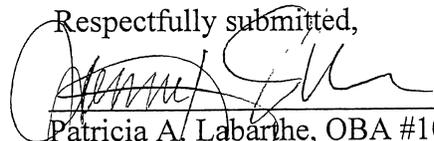
Case No. CJ-2009-2773

NOTICE TO TAKE DEPOSITION

TO: Norman West
c/o James R. Matthews, Esquire
Attorney for Norman West
23045 E. Wilshire
Harrah, OK 73045

Please notice that, pursuant to 12 O.S. § 3230, the Plaintiff, Oklahoma Department of Securities *ex rel.* Irving L. Faught, Administrator, will take the deposition upon oral examination of Norman West on Tuesday, May 11, 2010, at 10:00 a.m. in the offices of Word for Word Reporting, LLC, 100 North Broadway Avenue, Suite 3250, Oklahoma City, Oklahoma, before an officer authorized to administer oaths by the laws of the State of Oklahoma. The deposition shall be recorded by stenographic means.

Respectfully submitted,



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

EXHIBIT
 F

CERTIFICATE OF MAILING

The undersigned hereby certifies that on the 30th day of April, 2010, a true and correct copy of the above and foregoing was mailed by certified mail, return receipt requested, with postage prepaid thereon, addressed to:

James R. Matthews, Esquire
Attorney for Norman West
23045 E. Wilshire
Harrah, OK 73045

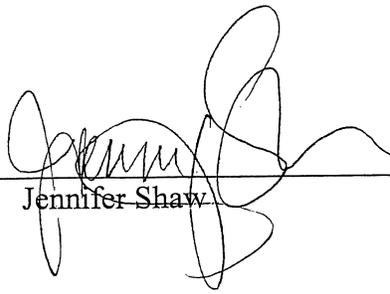
The undersigned certifies that on the 30th day of April, 2010, a true and correct copy of the foregoing was mailed by first class mail, with postage prepaid thereon, addressed to:

Brian McKye
PO Box 957
Jay, OK 74346
Pro Se Defendant

Michael McBride
204 N. Robinson, Ste. 2600
Oklahoma City, OK 73102
Attorney for Defendants Heritage Estate Service LLC and Joe Don Johnson

James Farnham
6308 N. Harvard Ave.
Oklahoma City, OK 73122
Defendant

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



Jennifer Shaw

OKLAHOMA DEPARTMENT OF SECURITIES
First National Center, Suite 860
120 North Robinson
Oklahoma City, Oklahoma 73102

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FILED IN THE DISTRICT COURT
OKLAHOMA COUNTY, OKLA.

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

JUN 23 2010

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.)

PATRICIA PRESLEY, COURT CLERK
by _____
DEPUTY

Case No. CJ-2009-2773

HEARING SET FOR
AUGUST 5, 2010 @ 1:30 P.M.

MOTION TO ESTABLISH
RESTITUTION AMOUNT

Plaintiff, Oklahoma Department of Securities, *ex rel.* Irving L. Faught, Administrator, requests that this Court establish the amount of restitution payable to investors in this matter. Plaintiff seeks an order finding that Defendants Global West Funding, Ltd., Co., Global West Financial LLC, Sure Lock Financial, LLC, Sure Lock Loans LLC, The Wave-Goldmade Ltd., Brian McKye, Joe Don Johnson, James Farnham and Heritage Estate Service LLC (collectively, "Defendants") are jointly and severally liable for the total amount received, directly or indirectly, by Defendants from their victims as a result of their violations of the Oklahoma Uniform Securities Act of 2004 (Act), Okla. Stat. tit. 71, §§ 1-101 through 1-701 (Supp. 2003). Based on the undisputed facts, prior rulings by this Court in this matter, and the legal authority set forth herein, Plaintiff requests that full restitution to investors be paid by all Defendants.

1. On March 24, 2009, a *Petition for Permanent Injunction and Other Equitable Relief* (Petition) was filed against the Defendants Global West Funding, Ltd., Co., Global West Financial LLC, Sure Lock Financial, LLC, Sure Lock Loans LLC, The Wave-Goldmade Ltd.,

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Brian McKye, Joe Don Johnson, and James Farnham. Heritage Estate Service LLC (Heritage) was named as a Relief Defendant.

2. On April 1, 2009, an Agreed Order Appointing Special Master was entered by this Court. Stephen J. Moriarty was appointed Special Master over Defendants Global West Funding, Ltd, Co., Global West Financial LLC, Sure Lock Financial, LLC, Sure Lock Loans, LLC, The Wave-Goldmade, Ltd., and Brian McKye.

3. On April 10, 2009, Plaintiff amended the Petition to include Heritage as a Defendant.

4. On April 23, 2009, Stephen J. Moriarty was appointed Special Master over Heritage.

5. On July 13, 2009, a default judgment was entered against Defendant James Farnham (Farnham). This judgment states in part:

IT IS FURTHER ORDERED that Farnham pay restitution to all investors who purchased securities in the nature of notes (Investment Notes) from Farnham or who transferred money to the Heritage Defendants for the purpose of purchasing the Investment Notes or otherwise making investments on their behalf, and that the amount and allocation of restitution to investors shall be determined by this Court at the conclusion of this case as to the Heritage Defendants.

6. On August 14, 2009, a default judgment was entered against Defendants Global West Funding, Ltd, Co., Global West Financial LLC, Sure Lock Financial, LLC, Sure Lock Loans, LLC, and The Wave-Goldmade, Ltd. (collectively, "Global West Defendants"). The judgment states in part:

IT IS FURTHER ORDERED that the Global West Defendants pay restitution to Investors who purchased Investment Notes, as defined in the Petition, or who transferred money to the Global West Defendants for the purpose of purchasing the Investment Notes, as defined in the Petition, or otherwise making investments on their behalf, on a pro rata basis, and that the amount and allocation of restitution to Investors, shall be determined by this Court at the conclusion of this case.

7. On November 3, 2009, this Court entered a permanent injunction against Heritage and Joe Don Johnson (Johnson) (collectively, "Heritage Defendants") that provided in part:

IT IS FURTHER ORDERED that the Heritage Defendants pay restitution to all investors who purchased securities in the nature of notes (Investment Notes) from the Heritage Defendants or who transferred money to the Heritage Defendants for the purpose of purchasing the Investment Notes or otherwise making investments on their behalf, and that the amount and allocation of restitution to such investors shall be determined by this Court at the conclusion of this case as to all Defendants.

8. On January 7, 2010, this Court entered the *Permanent Injunction and Order of Restitution against Brian McKye* that provided in part:

IT IS FURTHER ORDERED that Defendant Brian McKye pay restitution to all investors who purchased Investment Notes from any of the Defendants in this case and to all investors for whom Defendant Brian McKye otherwise made investments on their behalf and that the amount and allocation of restitution to such investors shall be determined by this Court in a future evidentiary hearing.

9. Defendants accepted approximately Six Million Dollars (\$6,000,000) from investors from May 2005 to March 2009.

10. Defendants used fraudulent methods to persuade the investors to purchase the Investment Notes and then used the monies received primarily for personal expenses.

ARGUMENT

I. Plaintiff has authority to seek joint and several liability for restitution.

Section 1-509 of the Act provides in part:

G. The following persons are liable jointly and severally with and to the same extent as persons liable under subsections B through F of this section:

* * *

3. An individual who is an employee of or associated with a person liable under subsection B through F of this section and who materially aids the conduct giving rise to the liability[.]

The Iowa Supreme Court discussed a statute similar to Section 1-509 of the Act in *State ex rel. Goettsch v. Diacide Distributors, Inc.*, 561 N.W.2d 369 (Iowa 1997). That court addressed whether the Iowa Superintendent of Securities (Iowa Regulator) could use an aiding and abetting theory to establish secondary liability for securities fraud, and whether the Iowa Regulator could seek restitution, rescission or disgorgement against aiders and abettors under Iowa's securities laws (Iowa Code).¹ The Iowa Supreme Court answered these questions in the affirmative. The Iowa Court stated: "the State is suing on behalf and for the benefit of defrauded purchasers. The State must therefore have the benefit of any theory of liability available to an individual purchaser." *Id.* at 375. Status as a purchaser is not required. *Id.* (citing, *SEC v. Wong*, 252 F.Supp. 608, 611 (D.P.R.1966)). The imposition of joint and several liability may be sought by Plaintiff even though the Oklahoma Department of Securities was not a purchaser of the Investment Notes.

II. Defendants are subject to joint and several liability for payment of restitution.

The Defendants should be held jointly and severally liable for their actions in connection with their offers and sales of the Investment Notes. All Defendants have been found to have violated the Act. This Court has previously ordered each Defendant to pay restitution to the investors. The amount of restitution to be paid by each Defendant is the only issue remaining before the Court.

Under joint and several liability, "when two or more persons' torts together cause an injury, each tortfeasor is liable to the victim for the total damages." *In re Masters Mates & Pilots Pension Plan and IRAP Litig.*, 957 F.2d 1020, 1027 (2d Cir. 1992). The policy behind

¹ Like the Oklahoma statutes, the Iowa securities laws are modeled after the state uniform securities acts. Section 1-608 of the Act sets forth general policies to be considered by the Administrator in carrying out his duties under the act, to include: maximizing effectiveness of regulation for the protection of investors, and maximizing uniformity in federal and state regulatory standards.

joint and several liability allows a plaintiff to recover from all defendants before having to incur a shortfall due to one defendant's inability to contribute thereby restricting the plaintiff's ability to recover. *In re Worldcom, Inc. Securities Litigation*, 2005 WL 613107, 6 (S.D.N.Y). Specifically, the *Worldcom* court stated:

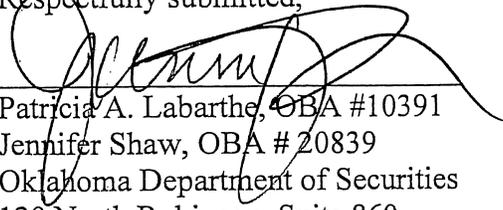
The Supreme Court has recognized that joint and several liability might "result in one defendant's paying more than its apportioned share of liability when the plaintiff's recovery from other defendants is limited by factors beyond the plaintiff's control, such as a defendant's insolvency." [citation omitted] The policy behind this allocation of liability is clear: "When the limitations on the plaintiff's recovery arise from outside forces, joint and several liability makes the other defendants, rather than an innocent plaintiff, responsible for the shortfall."

Accordingly, the offer and/or sale of the Investment Notes by the Defendants, to include Farnham and the Heritage Defendants, requires that all Defendants be jointly and severally liable for the Six Million Dollars (\$6,000,000) of lost investor funds.

CONCLUSION

In the present case, the payment of restitution is included in the relief that has already been ordered by the Court. All Defendants should be held jointly and severally liable for payment of restitution to investors in the amount of Six Million Dollars (\$6,000,000). The Department respectfully requests that the Court order such payment.

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 23 day of June, 2010, a true and correct copy of the foregoing was mailed by first class mail, with postage prepaid thereon, addressed to:

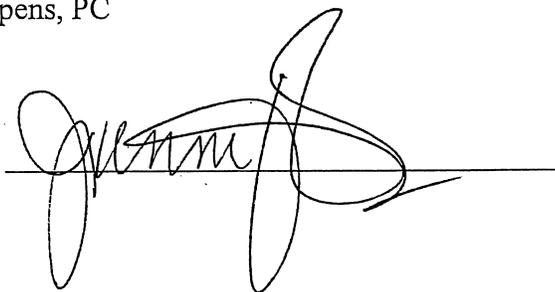
Brian McKye
PO Box 957
Jay, OK 74346
Pro Se

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

Michael McBride
204 North Robinson, Suite 2600
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

A handwritten signature in black ink, appearing to read "James Farnham", is written over a horizontal line. The signature is stylized with large loops and a long horizontal stroke extending to the right.

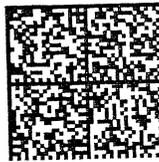
OKLAHOMA DEPARTMENT OF SECURITIES
First National Center, Suite 860
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