

FILED IN THE DISTRICT COURT  
OKLAHOMA COUNTY, OKLA.

IN THE DISTRICT COURT OF OKLAHOMA COUNTY JAN 31 2012  
STATE OF OKLAHOMA

PATRICIA PRESLEY, COURT CLERK  
by \_\_\_\_\_ DEPUTY

Oklahoma Department of Securities ex rel. Irving L. )  
Faught, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
The Bank of Union, John Shelley, Mike Braun, and )  
Timothy Headington, )  
 )  
Defendants. )

Case No. CJ-2011-2277

**DEFENDANTS' MOTION TO CLOSE CASE**

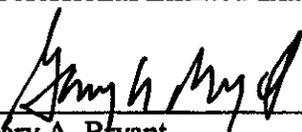
COME NOW Defendants, The Bank of Union, John Shelley, Mike Braun, and Timothy Headington (hereinafter "Defendants"), by and through counsel, and move the Court for entry of its Order closing and terminating the above caption action. In support of their Motion to Close Case, Defendants state as follows:

1. This matter was originally filed by Plaintiff Oklahoma Department of Securities ex rel. Irving L. Faught ("Plaintiff") to address several subpoenas stemming from an administrative action against Keith Geary, et al.
2. A hearing was held on the subpoena issues, and the court entered its order on July 25, 2011. A true and accurate copy of the Court's Order is attached hereto as Exhibit A.
3. The Court's Order has been fully complied with and there are no outstanding issues before the court that need to be addressed.
4. As a result, this case should be formally closed for the benefit of the parties and the court administrators.
5. Defendants submit the attached proposed Order for the Court's convenience.

WHEREFORE, Defendants respectfully request that the Court enter its Order granting Defendants' motion and closing the above captioned action, and for such other and further relief the court deems just and proper under these circumstances.

Respectfully submitted by:

**Mock, Schwabe, Waldo, Elder, Reeves & Bryant, A  
Professional Limited Liability Company**



---

Gary A. Bryant OK # 1263  
Fourteenth Floor, Two Leadership Square  
211 North Robinson  
Oklahoma City, Oklahoma 73102  
P: 405-235-1110  
F: 405-235-0333  
E: gbryant@mswerb.com

-And-

**Miller Schirger, LLC**

John J. Schirger, admitted *Pro Hac Vice*  
Matthew W. Lytle, admitted *Pro Hac Vice*  
4520 Main Street, Suite 1570  
Kansas City, MO 64111  
Phone: 816-561-6500  
Fax: 816-561-6501  
[jschirger@millerschirger.com](mailto:jschirger@millerschirger.com)  
[mlytle@millerschirger.com](mailto:mlytle@millerschirger.com)

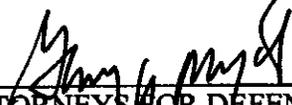
**ATTORNEYS FOR DEFENDANTS**

**CERTIFICATE OF SERVICE**

I hereby certify that on the 31<sup>st</sup> day of January, 2012, a copy of the foregoing document was mailed to:

Shaun Mullins  
Oklahoma Department of Securities  
120 North Robinson, Suite 860  
Oklahoma City, OK 73102  
P: 405-280-7700  
E: [smullins@securities.ok.gov](mailto:smullins@securities.ok.gov)

ATTORNEY FOR OKLAHOMA DEPARTMENT OF SECURITIES

  
\_\_\_\_\_  
ATTORNEYS FOR DEFENDANT  
TIMOTHY HEADINGTON

IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA

FILED IN THE DISTRICT COURT  
OKLAHOMA COUNTY, OKLA.

JUL 25 2011

PATRICIA PRESLEY, COURT CLERK  
by \_\_\_\_\_  
DEPUTY

Oklahoma Department of Securities, )  
ex rel. Irving L. Faught, )  
Administrator, )  
 )  
Plaintiff, )  
 )  
 )  
v. )  
 )  
The Bank of Union, John Shelley, Mike Braun, )  
and Timothy Headington, )  
 )  
Defendants. )

Case No. CJ-2011-2277

ORDER

On May 5, 2011, at 2:00 p.m., this matter came before the Court for hearing on Plaintiff Oklahoma Department of Securities *ex rel.* Irving L. Faught's ("Plaintiff") Application for Order Enforcing Subpoenas (the "Application"), and Defendants The Bank of Union, John Shelley, Mike Braun, and Timothy Headington's ("Defendants") Motion to Quash or For Protective Order (the "Motion"). Plaintiff appeared through counsel Shaun Mullins, and Defendants appeared through counsel Gary Bryant, John Schirger, and Matthew Lytle.

By its Application, Plaintiff seeks the Court's Order enforcing, in their entirety, the subpoenas *duces tecum* requesting certain documents from The Bank of Union and Timothy Headington, and the deposition subpoenas issued to John Shelley, Mike Braun, and Timothy Headington, all of which were issued by the Oklahoma Department of Securities in an administrative proceeding Plaintiff initiated against Geary Securities, Inc. *fka* Capital West Securities, Inc., Keith D. Geary, Norman Frager, and CEMP LLC. Defendants' Motion seeks



the Court's Order quashing the subpoenas or, alternatively, a protective order limiting their scope.

Having considered the Application, the Motion and the arguments of counsel, and for good cause shown, the Court finds as follows:

1. Plaintiff's Application for enforcement of the subpoenas *duces tecum* issued to the Bank of Union and Timothy Headington should be and hereby is GRANTED, subject to the terms of the protective order set forth below;
2. Plaintiff's Application for enforcement of the deposition subpoenas issued to John Shelley and Mike Braun should be and hereby is GRANTED, subject to the terms of the protective order set forth below.
3. Defendants' motion to quash the subpoenas in their entirety should be and hereby is DENIED.
4. Defendants' alternative motion for protective order should be and hereby is GRANTED as follows:
  - a. The scope of the subpoenas *duces tecum* is limited to only those documents relating to the 2009 transactions involving The Bank of Union and Timothy Headington's purchases of the Mortgage Resecuritization Notes, Series 2009-1, Class A-1 and/or A-2, issued by CEMP Resecuritization Trust 2009-1, and the 2008 transactions involving The Bank of Union's purchases of certain private label mortgage backed securities.

- b. The scope of examination under the deposition subpoenas issued to John Shelley, Mike Braun, and any subsequent deposition subpoenas issued to any other officer, director, employee, or representative of The Bank of Union, shall be limited to only those facts and documents relating to the 2009 transactions involving The Bank of Union and Timothy Headington's purchases of the Mortgage Resecuritization Notes, Series 2009-1, Class A-1 and/or A-2, issued by CEMP Resecuritization Trust 2009-1, and the 2008 transactions involving The Bank of Union's purchases of certain private label mortgage backed securities.

It is, therefore, ORDERED, ADJUDGED and DECREED as follows:

1. With respect to the deposition subpoena issued to Timothy Headington, Plaintiff's Applications is DENIED.

2. Plaintiff's Application is GRANTED with respect to the subpoenas *duces tecum* issued to The Bank of Union and Timothy Headington, as modified by the terms of the protective order set forth herein. Defendants shall, within fourteen (14) days of the date of entry of this Order, produce only those documents relating to the 2009 transactions involving The Bank of Union and Timothy Headington's purchases of the Mortgage Resecuritization Notes, Series 2009-1, Class A-1 and/or A-2, issued by CEMP Resecuritization Trust 2009-1, and the 2008 transactions involving The Bank of Union's purchases of certain private label mortgage backed securities.

3. Plaintiff's Application is GRANTED with respect to the deposition subpoenas issued to John Shelley and Mike Braun, as modified by the terms of the protective order set forth herein, which terms shall apply to any subsequent deposition subpoenas issued to any other of

The Bank of Union's officers, directors, employees, or representatives. Messrs. Shelley and Braun shall make themselves available for deposition within forty-five (45) days after the production of documents set forth above is completed. The scope of examination for those depositions, and any subsequent depositions of any other of The Bank of Union's officers, directors, employees, or representatives, shall be limited to only those facts and documents relating to the 2009 transactions involving The Bank of Union and Timothy Headington's purchases of the Mortgage Resecuritization Notes, Series 2009-1, Class A-1 and/or A-2, issued by CEMP Resecuritization Trust 2009-1, and the 2008 transactions involving The Bank of Union's purchases of certain private label mortgage backed securities.

2. Defendants' motion to quash the subpoenas is DENIED.

3. Defendants' alternative motion for protective order is GRANTED as set forth above.

SO ORDERED.

Dated this 21<sup>st</sup> day of July, 2011.

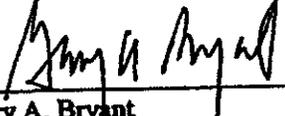


---

Hon. W. Mike Warren  
Associate District Judge

Prepared and submitted by:

**Mock, Schwabe, Waldo, Elder, Reeves &  
Bryant, A Professional Limited Liability  
Company**

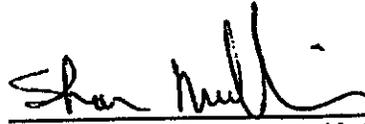
  
\_\_\_\_\_  
Gary A. Bryant                      OK. # 1263  
Fourteenth Floor, Two Leadership Square  
211 North Robinson  
Oklahoma City, Oklahoma 73102  
P: 405-235-1110  
F: 405-235-0333  
E: gbryant@mswerb.com

-And-

**Miller Schirger, LLC**

John J. Schirger, *Pro Hac Vice*  
Matthew W. Lytle, *Pro Hac Vice*  
4520 Main Street, Suite 1570  
Kansas City, MO 64111  
Phone:            816-561-6500  
Fax:                816-561-6501  
[jschirger@millerschirger.com](mailto:jschirger@millerschirger.com)  
[mlytle@millerschirger.com](mailto:mlytle@millerschirger.com)

ATTORNEYS FOR THE BANK OF UNION,  
JOHN SHELLEY, MICHAEL BRAUN, AND  
TIM HEADINGTON

  
\_\_\_\_\_  
Shaun M. Mullins oBA # 16869  
Oklahoma Department of Securities  
120 North Robinson, Suite 860  
Oklahoma City, OK 73102  
P: 405-280-7700  
E: smullins@securities.ok.gov

ATTORNEY FOR OKLAHOMA  
DEPARTMENT OF SECURITIES *ex rel.*  
IRVING L. FAUGHT

**IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA**

Oklahoma Department of Securities ex rel. Irving L. Faught,	)	
	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CJ-2011-2277
	)	
The Bank of Union, John Shelley, Mike Braun, and Timothy Headington,	)	
	)	
	)	
Defendants.	)	

**ORDER**

The Court, having considered Defendants' Motion to Close Case, hereby GRANTS Defendants' motion and formally closes the above captioned action.

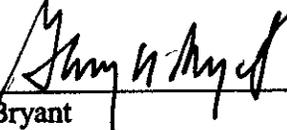
IT IS SO ORDERED.

Dated this \_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Hon. Roger H. Stuart  
District Court Judge

Respectfully prepared and submitted by:

**Mock, Schwabe, Waldo, Elder, Reeves & Bryant,  
A Professional Limited Liability Company**



---

Gary A. Bryant OK # 1263

Fourteenth Floor, Two Leadership Square  
211 North Robinson  
Oklahoma City, Oklahoma 73102  
P: 405-235-1110  
F: 405-235-0333  
E: gbryant@mswerb.com

-And-

**Miller Schirger, LLC**

John J. Schirger, admitted *Pro Hac Vice*  
Matthew W. Lytle, admitted *Pro Hac Vice*  
4520 Main Street, Suite 1570  
Kansas City, MO 64111  
Phone: 816-561-6500  
Fax: 816-561-6501  
[jschirger@millerschirger.com](mailto:jschirger@millerschirger.com)  
[mlytle@millerschirger.com](mailto:mlytle@millerschirger.com)

**ATTORNEYS FOR DEFENDANTS**