

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

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

DEFENDANTS MOTION TO COMPEL DELIVERY OF MAIL

COMES NOW the Defendant, Brian McKye; pro se, and moves the court to order the Special Master, Stephen J. Moriarty, and the Plaintiff Oklahoma Department of Securities to deliver to Defendant any and all mail both personal and household; and regarding any and all relevant filings and notices thereof.

MATERIAL FACTS IN THIS CASE

- 1. On April 3 2009 Defendant delivered to Stephen Moriarty, by order of this Court, all keys to a personal, household and business post office box used by the Defendant since 1996,**
- 2. Defendant used this P.O. Box exclusively for all business, personal, family and household correspondence since 1996.**
- 3. After repeated efforts by Defendant to receive any and all of his personal, family, and household mail were ignored by Moriarty, Defendant filed a Motion to Receive Mail on June 6th 2009. The hearing was held for July 13 2009. The Motion was sustained and Mr. Moriarty was directed by this Court to immediately furnish all mail of Defendant's personal, family, and household and to continue to do so throughout these proceedings.**
- 4. Defendant recieved within a few days following the July 13th hearing, an 8 1/2 x 11 inch envelope containing six letters one of which was partially opened, or appeared to be resealed.**
- 5. Defendant asserts that a Special Master appointed by this Court or any other Oklahoma Court does not possess the right to open or dispose of a Defendants' personal and/or household mail at his own discretion. That Order was the last delivery of any mail to Defendant as of the date of this filing. The Special Master Stephen J Moriarty, has been collecting Defendants mail for seventeen months. Any reasonable person would assume Defendants' mail must have been larger in volume than six pieces of mail in seventeen months. No letters from family or friends or bills or invoices or "junk mail" or anything else is viewed as impossible according to the Defendant. Prior to Moriarty's appointment, Defendant regularly received literally 'hand fulls' of mail each week. The Classen area Postmaster knows and remembers Mr.**

McKye informally after being there since 1996, and could possibly attest to the large volume received by Mr. McKye regularly.

6. All notices to Defendant have ceased as of the 4th of January of this year 2010. Numerous filings have been filed by Heritage a co-defendant, Moriarty, the Oklahoma Department of Securities, on numerous occasions; all with no notices being sent to Relevant Defendant Brian McKye. Since no notices of these recent actions since January of this year have been delivered to Defendant Mr. McKye, this is in violation of Oklahoma State law.

**Official Court Rules of the State of Oklahoma Updated April 2010 of the 7th and 26th Judicial Administrative Districts of Oklahoma Counties states that;
'Rule Number 10 D, "All parties or attorneys filing motions, pleadings, orders, or journal entries after the petition has been filed shall serve copies by hand delivery, mail, or by facsimile FAX to opposing counsel of record on the same day."**

Therefore, Defendant respectfully moves the Court to Compel Special Master Stephen J Moriarty from the Sustained Motion of July 13 2009, to cease disposing of personal and household mail of this Defendant, deliver any mail currently held in Mr. Moriarty's possession to the Defendant, and to continue to deliver so until directed by this Court to cease the delivery of Mail to Defendant. Furthermore Defendant respectfully moves as well that this Court direct Plaintiff, Oklahoma Department of Securities, to render all future notices to Defendant on the same day they are filed by this Plaintiff.

Respectfully



Brian McKye - Defendant Pro se

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 13th of August, 2010, 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**