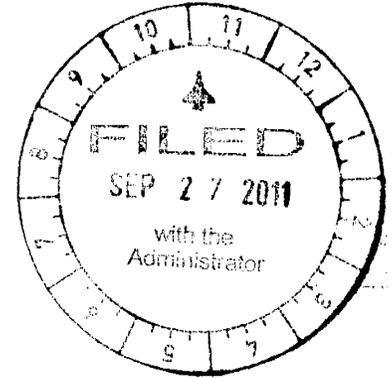


STATE OF OKLAHOMA  
DEPARTMENT OF SECURITIES  
THE FIRST NATIONAL CENTER  
120 NORTH ROBINSON, SUITE 860  
OKLAHOMA CITY, OKLAHOMA 73102



**In the Matter of:**

**Geary Securities, Inc. fka Capital West Securities, Inc.;**  
**Keith D. Geary; Norman Frager; and CEMP, LLC,**

**Respondents.**

**ODS File No. 09-141**

**MOTION FOR TEMPORARY ADMISSION AND  
ENTRY OF APPEARANCE OF OUT OF STATE COUNSEL**

John J. Schirger and Matthew W. Lytle of the law firm Miller Schirger, LLC, pursuant to 5 O.S. Ch. 1, App. 1, Art. II, hereby move the Hearing Officer for his Order granting them temporary admission in these proceedings, registering their entry of appearance as out-of-state attorneys for The Bank of Union ("Bank"), its directors, officers and employees, including without limitation John Shelley ("Shelley") and Mike Braun ("Braun"), and Tim Headington ("Headington") (collectively, the "Third Parties"), and waiving the requirement that local counsel sign all pleadings, briefs and other documents, and be present at all hearings or other events in which personal presence of counsel is required. In support of this Motion, the movants state as follows:

1. On April 26, 2011, Matthew W. Lytle submitted to the Oklahoma Bar Association his Application for Out of State Attorney Registration, which the Oklahoma Bar Association granted on May 3, 2011.

2. On April 26, 2011, John J. Schirger submitted to the Oklahoma Bar Association his Application for Out of State Attorney Registration, which the Oklahoma Bar Association granted on May 3, 2011.

3. On June 14, 2011, Gary Bryant, local counsel for the Third Parties, filed Motions to Associate Counsel for Matthew W. Lytle and John J. Schirger in the action captioned Oklahoma Department of Securities, *ex rel.* Irving L. Faught, Administrator v. The Bank of Union, John Shelley, Mike Braun, and Timothy Headington, Case No. CJ-2011-2277, in the District Court of Oklahoma County, State of Oklahoma, which sought enforcement of subpoenas issued to certain of the Third Parties by the Hearing Officer. True and correct copies of the Motions to Associate Counsel, which include the Applications for Out of State Attorney Registration submitted to the Oklahoma Bar Association, and the Oklahoma Bar Association's Certificates of Compliance, are attached hereto as Exhibits A and B and incorporated by reference.

4. On June 30, 2011, the District Court of Oklahoma County granted the Motions to Associate Counsel. True and correct copies of the Court's Orders Admitting to Practice are attached hereto as Exhibits C and D and incorporated by reference.

5. Following the Court's Orders admitting Messrs. Lytle and Schirger to practice, the Hearing Officer issued subpoenas for the depositions of the Bank's directors, which are set to occur on September 29 and 30, 2011.

6. Messrs. Lytle and Schirger intend to appear and defend those depositions as out-of-state attorneys for the Bank's directors. Messrs. Lytle and Schirger have associated with Gary Bryant as local counsel for the Third Parties, however, there is insufficient time for local counsel to formally move to associate counsel as required by 5 O.S. Ch. 1, App. 1, Art. II, B.5.

7. Due to the schedules of the Hearing Officer and counsel, the nearness of the dates set for the depositions, and the fact that the Court has already entered its Orders admitting Messrs. Lytle and Schirger to practice, good cause exists for the Hearing Officer to grant temporary admission pursuant to 5 O.S. Ch. 1. App. 1, Art. II, B.2., despite the fact that local counsel has not formally moved to associate out of state counsel in these proceedings.

8. Messrs. Lytle and Schirger will, as soon as is practicable, cause local counsel to formally move the Hearing Officer to associate them as out of state counsel.

9. A proposed Order granting this Motion is attached hereto as Exhibit E for the Hearing Officer's convenience.

WHEREFORE, John J. Schirger and Matthew W. Lytle of the law firm Miller Schirger, LLC, respectfully request that the Hearing Officer enter his Order granting them temporary admission in these proceedings pursuant 5 O.S. Ch. 1. App. 1, Art. II, B.2., registering their appearance as out-of-state attorneys for the Third Parties, and waiving the requirement that local counsel sign all pleadings, briefs and other documents, and be present at all hearings or other events in which personal presence of counsel is required.

Dated: September 27, 2011.

Respectfully submitted,

---

John J. Schirger, MO No. 60583  
Matthew W. Lytle, MO No. 59145  
**MILLER SCHIRGER, LLC**  
4520 Main Street, Suite 1570  
Kansas City, MO 64111  
P: 816-561-6500  
F: 816-561-6501  
E: jschirger@millerschirger.com  
E: mlytle@millerschirger.com

**CERTIFICATE OF SERVICE**

I hereby certify that on the <sup>27th</sup> ~~3<sup>rd</sup>~~ day of <sup>September</sup> ~~March~~, 2011, a copy of the foregoing document with exhibits was served on the following by facsimile and email:

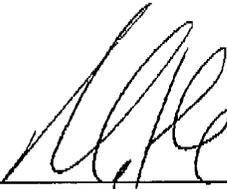
Irving Faught  
Administrator  
Oklahoma Department of Securities  
Suite 860, First National Center  
120 N. Robinson  
Oklahoma City, OK 73102  
F: 405-280-7742  
E: [ifaught@securities.ok.gov](mailto:ifaught@securities.ok.gov)

Joe M. Hampton  
Ainslie Stanford  
**CORBYN HAMPTON, PLLC**  
One Leadership Square  
211 North Robinson, Suite 1910  
Oklahoma City, OK 63102  
P: 405-239-7055  
F: 405-702-4348  
E: [jhampton@corbynhampton.com](mailto:jhampton@corbynhampton.com)  
E: [astanford@corbynhampton.com](mailto:astanford@corbynhampton.com)

Melanie Hall  
Director of Enforcement  
Oklahoma Department of Securities  
120 North Robinson, Suite 860  
Oklahoma City, OK 73102  
P: 405-280-7707  
F: 405-702-4348  
E: [mhall@securities.ok.gov](mailto:mhall@securities.ok.gov)

Donald A. Pape, Esq.  
Donald A. Pape, P.C.  
401 West Main Street, Suite 440  
Norman, OK 73069  
P: 405-364-3346  
F: 405-364-4666  
E: [don@dapape.com](mailto:don@dapape.com)

Gary A. Bryant  
Fourteenth Floor, Two Leadership Square  
211 North Robinson  
Oklahoma City, Oklahoma 73102  
P: 405-235-1110  
F: 405-235-0333  
E: [gbrvant@mswerb.com](mailto:gbrvant@mswerb.com)

  
\_\_\_\_\_  
Matthew W. Lytle

IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA

FILED IN THE DISTRICT COURT  
OKLAHOMA COUNTY, OKLA.

JUN 14 2011

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

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

Plaintiff, )

v. )

Case No. CJ-2011-2277

The Bank of Union, John Shelley, Mike Braun, )  
And Timothy Headington, )

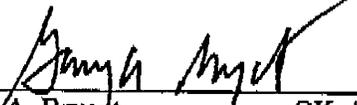
Defendants. )

MOTION TO ASSOCIATE COUNSEL

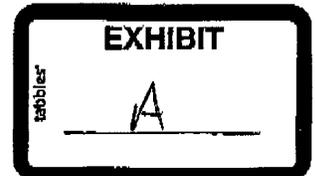
Defendants hereby move the Court for an Order permitting John Joseph Schirger to practice in the above styled and numbered cause pursuant to the Rules Creating and Controlling the Oklahoma Bar Association, 5 O.S. Ch. 1, App.1, Art. II. This motion is supported by the attached "Signed Application" (Exhibit A), "Certificate(s) of Good Standing" (Exhibit B), and the "Certificate of Compliance" from the Oklahoma Bar Association (Exhibit C).

Submitted by:

Mock, Schwabe, Waldo, Elder, Reeves & Bryant

  
\_\_\_\_\_  
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](mailto:gbryant@mswerb.com)

ATTORNEYS FOR DEFENDANTS



**CERTIFICATE OF SERVICE**

I hereby certify that on the 14<sup>th</sup> day of June, 2011, a copy of the foregoing document with exhibits was served on the following by U. S. Mail:

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

ATTORNEY FOR PLAINTIFF

  
\_\_\_\_\_  
ATTORNEYS FOR DEFENDANTS



4. Applicant is not currently suspended or disbarred in any court except as hereinafter provided (Give particulars; e.g. court, jurisdiction, date): n/a

5. Applicant is not currently subject to any pending disciplinary proceedings by any organization with authority to discipline attorneys at law except as hereinafter provided (Give particulars; e.g. court, discipline authority, date, status): n/a

6. Applicant has never received public discipline including, but not limited to, suspension or disbarment, by any organization with authority to discipline attorneys at law except as hereinafter provided (Give particulars; e.g. court, discipline authority, type of discipline, date, status): n/a

7. Applicant has never had any certificate or privilege to appear and practice before any regulatory or administrative body suspended or revoked except as hereinafter provided (Give particulars; e.g. administrative body, date, status of suspension or reinstatement):

n/a

8. Applicant seeks admission to practice in the State of Oklahoma in the following matter (give particulars; e.g. caption of case, court or agency, type of matter, party to be represented): **Note - A separate application is to be submitted for each matter in which the applicant seeks admission!**

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. C.J-2011-2277  
in the District Court of Oklahoma County, State of Oklahoma

Application for Order Enforcing Subpoenas.

Applicant will be representing all Defendants.

Exhibit " A "

Page 2 of 4



I, John J. Schirger, do hereby swear/affirm under penalty of perjury that the assertions of this application are true:

I am the Applicant in the above referenced matter, I have read the foregoing and know the contents thereof; the same is true of my own knowledge except as to those matters therein stated on information and belief, and as to those matters I believe them to be true.

I further certify that I am subject to the jurisdiction of the Courts and disciplinary boards of this state with respect to the law of this state governing the conduct of attorneys to the same extent as a member of the Oklahoma Bar Association; I understand and shall comply with the standards of professional conduct required by members of the Oklahoma Bar Association; and that I am subject to the disciplinary jurisdiction of the Oklahoma Bar Association with respect to any of my actions occurring in the course of such appearance.

DATED this 26th day of April, 2011

  
\_\_\_\_\_  
John J. Schirger

Mail with check or money order (payable to the OBA) to:

Out-of-State Attorney Registration  
Oklahoma Bar Association  
P.O. Box 53036  
Oklahoma City, OK 73152-3036

Form 100B

Exhibit " A "

Page 4 of 4

*The Supreme Court of Missouri*



*Certificate of Admission as an  
Attorney at Law*

I, Thomas F. Simon, Clerk of the Supreme Court of Missouri, do hereby certify that the records of this office show that on 8/4/2008,

*John Joseph Schirger*

was duly admitted and licensed to practice as an Attorney and Counselor at Law in the Supreme Court of Missouri and all courts of record in this state, and is, on the date indicated below, a member in good standing of this Bar.

IN TESTIMONY WHEREOF, I hereunto set  
my hand and affix the seal of the Supreme Court of  
Missouri at my office in Jefferson City, Missouri,  
this 15<sup>th</sup> day of March, 2011.

A handwritten signature in black ink, appearing to read "Thomas F. Simon".

Clerk of the Supreme Court of Missouri

Exhibit " B "

Page 1 of 2



**STATE OF NEBRASKA**  
**COUNTY OF LANCASTER**

I, Jane L. Schoenike, Executive Director of the Nebraska State Bar Association, do hereby certify that

**JOHN J. SCHIRGER**

was admitted to practice as an attorney and counselor of law in the courts of the State of Nebraska by the Supreme Court of Nebraska, on 1992-09-14 and that he is an Active member in good standing at the Bar of said Court, that his private and professional character appears to be good, and that no formal charges have ever been filed against him in said Court.

In testimony whereof, I have hereunto set my hand on this day, April 29, 2011..

*Jane L. Schoenike*  
 Executive Director mj

The Nebraska State Bar Association has no seal

Exhibit " B "

Page  2  of  2



## Certificate of Compliance

Oklahoma Bar Association  
1901 North Lincoln Boulevard  
Post Office Box 53036  
Oklahoma City, Oklahoma 73152-3036

The Oklahoma Bar Association, in response to the application of out-of-state attorney, submits the following certificate pursuant to 5 O.S. Ch.1 App.1, Art. II

1. Applicant has submitted a signed application of out-of-state attorneys, certificate(s) of good standing, and the non-refundable application fee pursuant to the Rules Creating and Controlling the Oklahoma Bar Association, 5 O.S. Ch. 1, App. 1, Art. II.
2. Date of Application: April 28, 2011
3. Application Number: 2011-238
4. Applying Attorney: John Joseph Schirger  
Miller Schirger, L.L.C.  
4520 Main Street, Suite 1570  
Kansas City, Missouri 64111
5. The Application was: GRANTED

Dated this 3<sup>rd</sup> day of May, 2011.



  
Gina L. Hendryx, General Counsel  
Oklahoma Bar Association

IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA

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

Plaintiff,

v.

The Bank of Union, John Shelley, Mike Braun,  
And Timothy Headington,

Defendants.

FILED IN THE DISTRICT COURT  
OKLAHOMA COUNTY, OKLA.

JUN 14 2011

PATRICIA PRESLEY, COURT CLERK

by \_\_\_\_\_  
DEPUTY

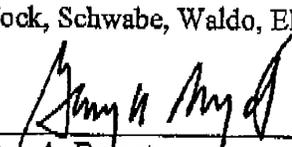
Case No. CJ-2011-2277

MOTION TO ASSOCIATE COUNSEL

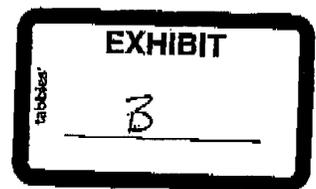
Defendants hereby move the Court for an Order permitting Matthew W. Lytle to practice in the above styled and numbered cause pursuant to the Rules Creating and Controlling the Oklahoma Bar Association, 5 O.S. Ch. 1, App.1, Art. II. This motion is supported by the attached "Signed Application" (Exhibit A), "Certificate(s) of Good Standing" (Exhibit B), and the "Certificate of Compliance" from the Oklahoma Bar Association (Exhibit C).

Submitted by:

Mock, Schwabe, Waldo, Elder, Reeves & Bryant

  
\_\_\_\_\_  
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](mailto:gbryant@mswerb.com)

ATTORNEYS FOR DEFENDANTS

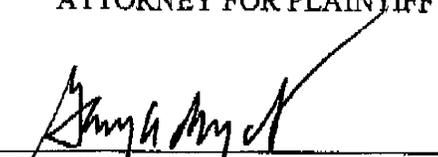


**CERTIFICATE OF SERVICE**

I hereby certify that on the 14<sup>th</sup> day of June, 2011, a copy of the foregoing document with exhibits was served on the following by U. S. Mail:

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

ATTORNEY FOR PLAINTIFF

  
\_\_\_\_\_  
ATTORNEYS FOR DEFENDANTS



4. Applicant is not currently suspended or disbarred in any court except as hereinafter provided (Give particulars; e.g. court, jurisdiction, date): n/a

---

5. Applicant is not currently subject to any pending disciplinary proceedings by any organization with authority to discipline attorneys at law except as hereinafter provided (Give particulars; e.g. court, discipline authority, date, status): n/a

---

6. Applicant has never received public discipline including, but not limited to, suspension or disbarment, by any organization with authority to discipline attorneys at law except as hereinafter provided (Give particulars; e.g. court, discipline authority, type of discipline, date, status): n/a

---

7. Applicant has never had any certificate or privilege to appear and practice before any regulatory or administrative body suspended or revoked except as hereinafter provided (Give particulars; e.g. administrative body, date, status of suspension or reinstatement):

n/a

---

8. Applicant seeks admission to practice in the State of Oklahoma in the following matter (give particulars; e.g. caption of case, court or agency, type of matter, party to be represented): **Note - A separate application is to be submitted for each matter in which the applicant seeks admission!**

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  
In the District Court of Oklahoma County, State of Oklahoma

Application for Order Enforcing Subpoenas.

Applicant will be representing all Defendants.

Exhibit " A "

Page 2 of 4

9. The Oklahoma Bar Association member who is counsel of record for Applicant in this matter is:

Gary A. Bryant 1263  
 First Name Middle Name Last Name O.B.A. Number

14<sup>th</sup> Floor, Two Leadership Sq., 211 N. Robinson, Oklahoma City, OK 73112  
 Mailing Address City State Zip Code

(405) 235-1111 (405) 235-0333 gbryant@mswerb.com  
 Telephone Number Fax Number E-mail Address

10. The following accurately represents the names of each party in this matter and the names and addresses of each counsel of record who appear for that party:

<u>Party Name</u>	<u>Counsel Name</u>	<u>Address of Counsel</u>
<u>Ok Dept of Securities</u>	<u>Shawn Mullins,</u>	<u>120 N. Robinson, Suite 860, Ok. City, OK 73102</u>

11. Applicant certifies that he/she shall be subject to the jurisdiction of the courts and disciplinary boards of this state with respect to the laws of this state governing the conduct of attorneys to the same extent as a member of the Oklahoma Bar Association.

12. Applicant understands and shall comply with the standards of professional conduct required of members of the Oklahoma Bar Association.

13. Applicant has disclosed in writing to the client that the Applicant is not admitted to practice in this jurisdiction and the client has consented to such representation.

Exhibit " A "

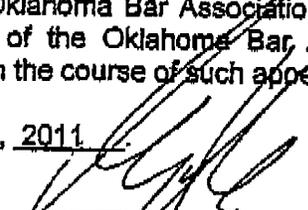
Page 3 of 4

I, Matthew W. Lytle, do hereby swear/affirm under penalty of perjury that the assertions of this application are true:

I am the Applicant in the above referenced matter; I have read the foregoing and know the contents thereof; the same is true of my own knowledge except as to those matters therein stated on Information and belief, and as to those matters I believe them to be true.

I further certify that I am subject to the jurisdiction of the Courts and disciplinary boards of this state with respect to the law of this state governing the conduct of attorneys to the same extent as a member of the Oklahoma Bar Association; I understand and shall comply with the standards of professional conduct required by members of the Oklahoma Bar Association; and that I am subject to the disciplinary jurisdiction of the Oklahoma Bar Association with respect to any of my actions occurring in the course of such appearance.

DATED this 26th day of April, 2011.

  
\_\_\_\_\_  
Matthew W. Lytle

Mail with check or money order (payable to the OBA) to:

Out-of-State Attorney Registration  
Oklahoma Bar Association  
P.O. Box 53036  
Oklahoma City, OK 73152-3036

Form 100B

Exhibit " A " ▫

Page 4 of 4

*The Supreme Court of Missouri*



*Certificate of Admission as an  
Attorney at Law*

I, Thomas F. Simon, Clerk of the Supreme Court of Missouri, do hereby certify that the records of this office show that on 4/18/2007,

*Matthew William Lytle*

was duly admitted and licensed to practice as an Attorney and Counselor at Law in the Supreme Court of Missouri and all courts of record in this state, and is, on the date indicated below, a member in good standing of this Bar.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix the seal of the Supreme Court of Missouri at my office in Jefferson City, Missouri, this 15<sup>th</sup> day of March, 2011.

A handwritten signature in cursive script, appearing to read "Thomas F. Simon", written over a horizontal line.

Clerk of the Supreme Court of Missouri

Exhibit " B "

Page 1 of 2



STATE OF NEBRASKA

COUNTY OF LANCASTER

I, Jane L. Schoenike, Executive Director of the Nebraska State Bar Association, do hereby certify that

**MATTHEW WILLIAM LYTLE**

was admitted to practice as an attorney and counselor of law in the courts of the State of Nebraska by the Supreme Court of Nebraska, on 2004-09-21 and that he is an Active member in good standing at the Bar of said Court, that his private and professional character appears to be good, and that no formal charges have ever been filed against him in said Court.

In testimony whereof, I have hereunto set my hand on this day, April 29, 2011.

*Jane L. Schoenike*  
 \_\_\_\_\_  
 Executive Director MM

The Nebraska State Bar Association has no seal.

Exhibit " B " ■

Page  2  of  2



**Certificate of Compliance**

Oklahoma Bar Association  
1901 North Lincoln Boulevard  
Post Office Box 53036  
Oklahoma City, Oklahoma 73152-3036

The Oklahoma Bar Association, in response to the application of out-of-state attorney, submits the following certificate pursuant to 5 O.S. Ch.1 App.1, Art. II

1. Applicant has submitted a signed application of out-of-state attorneys, certificate(s) of good standing, and the non-refundable application fee pursuant to the Rules Creating and Controlling the Oklahoma Bar Association, 5 O.S. Ch. 1, App. 1, Art. II.
2. Date of Application: April 28, 2011
3. Application Number: 2011-237
4. Applying Attorney: **Matthew W. Lytle**  
**Miller Schirger, L.L.C.**  
**4520 Main Street, Suite 1570**  
**Kansas City, Missouri 64111**
5. The Application was: **GRANTED**

Dated this 3<sup>rd</sup> day of May, 2011.



  
Gina L. Hendryx, General Counsel  
Oklahoma Bar Association

Exhibit " C " ■

Page 1 of 1



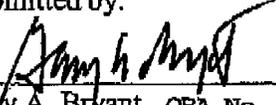
Submitted by:

  
\_\_\_\_\_  
Gary A. Bryant, OBA No. 1263  
Mock, Schwabe, Waldo, Elder, Reeves & Bryant  
Fourteenth Floor, Two Leadership Square  
211 North Robinson  
Oklahoma City, Oklahoma 73102  
P: 405-235-1110  
F: 405-235-0333  
E: [gbryant@mswerb.com](mailto:gbryant@mswerb.com)

ATTORNEYS FOR DEFENDANTS



Submitted by:

  
\_\_\_\_\_  
Gary A. Bryant, OBA No. 1263

Mock, Schwabe, Waldo, Elder, Reeves & Bryant  
Fourteenth Floor, Two Leadership Square  
211 North Robinson  
Oklahoma City, Oklahoma 73102  
P: 405-235-1110  
F: 405-235-0333  
E: [gbryant@mswerb.com](mailto:gbryant@mswerb.com)

ATTORNEYS FOR DEFENDANTS

**STATE OF OKLAHOMA  
DEPARTMENT OF SECURITIES  
THE FIRST NATIONAL CENTER  
120 NORTH ROBINSON, SUITE 860  
OKLAHOMA CITY, OKLAHOMA 73102**

**In the Matter of:**

**Geary Securities, Inc. fka Capital West Securities, Inc.;  
Keith D. Geary; Norman Frager; and CEMP, LLC,**

**Respondents.**

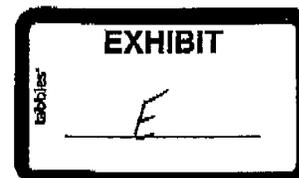
**ODS File No. 09-141**

**ORDER**

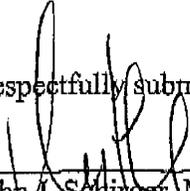
**John J. Schirger** and **Matthew W. Lytle** having filed their Motion for Temporary Admission and Entry of Appearance of Out of State Counsel pursuant to the Rules Creating and Controlling the Oklahoma Bar Association, 5 O.S. Ch. 1. App. 1, Art. II, and good cause appearing, the Hearing Officer finds that the Motion should be and hereby is **GRANTED**, it is therefore;

**ORDERED**, that **John J. Schirger** and **Matthew W. Lytle** are hereby granted temporary admission to practice in the above styled and numbered cause of action for the purposes of the above entitled matter, and the requirement that local counsel sign all pleadings, briefs and other documents, and be present at all hearings or other events in which personal presence of counsel is required, is hereby waived.

SO ORDERED this \_\_ day of September, 2011.



Respectfully submitted,



---

John J. Schirger, MO No. 60583  
Matthew W. Lytle, MO No. 59145  
**MILLER SCHIRGER, LLC**  
4520 Main Street, Suite 1570  
Kansas City, MO 64111  
P: 816-561-6500  
F: 816-561-6501  
E: jschirger@millerschirger.com  
E: mlytle@millerschirger.com