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MICHAEL A. GRASSMEUCK

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
EUGENE DIVISION

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

vs.

SUNWEST MANAGEMENT, INC.,
CANYON CREEK DEVELOPMENT,
INC., CANYON CREEK FINANCIAL,
LLC, AND JOHN M. HARDER,

Defendants,

DARRYL E. FISHER, ET AL.,

Relief Defendants.

Case No. 09-6056-HO

**RECEIVER MICHAEL A.
GRASSMUECK'S MOTION FOR
APPROVAL OF SETTLEMENT
WITH CERTAIN SETTLING
EMPLOYEES AND FOR ENTRY OF
CLAIMS BAR ORDER**

MOTION

Please take notice that on September 20, 2011 at 1:30 p.m. or as soon as the matter may be heard in the above-captioned action, in the Courtroom of the Honorable Michael Hogan at the Wayne L. Morse United States Courthouse, 405 East Eighth Avenue, Eugene, Oregon 97401, Michael A. Grassmueck, the duly appointed receiver ("Receiver") pursuant to orders in *SEC v. Sunwest Mgmt., Inc.*,

Case No. 09-CV-6056-HO (the "SEC Action") for Sunwest Management, Inc., Canyon Creek Development, Inc., Canyon Creek Financial, LLC, Fuse Advertising, Inc., KDA Construction, Inc., and other entities (collectively, "the Receivership Entities"), will, and hereby does, move the Court for an order approving the settlement and settlement agreement ("the Settlement" and "Settlement Agreement") reached between the Receiver and certain settling employees ("Settling Employees"). A copy of the form of Settlement Agreement and a list of the Settling Employees is attached to the Memorandum of Points and Authorities filed concurrently herewith.

To address the ability of the Receiver and others to provide a full release of claims to the Settling Employees, including a release with regard to claims that might be asserted by third parties, the Settlement calls for entry of an order which would bar any further claims by certain groups, including third parties, against each of the Settling Employees, as further set forth in these papers. Accordingly, the Receiver requests the Court to enter a Claims Bar Order as to the Settling Employees.

This Motion is based on the Memorandum of Points & Authorities, the form of settlement agreement, and the Declaration submitted herewith; the files of the Court in the SEC Action; and such further evidence and argument as may be submitted in reply to any opposition and as may be presented at the hearing on this Motion.

Dated: August 19, 2011

ALLEN MATKINS LECK GAMBLE
MALLORY & NATSIS LLP

By: /s/ Francis N. Scollan
FRANCIS N. SCOLLAN
Attorneys for
MICHAEL A. GRASSMEUCK
Court Appointed Receiver