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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

vs.

SUNWEST MANAGEMENT, INC., CANYON
CREEK DEVELOPMENT, INC., CANYON CREEK
FINANCIAL, LLC, and JON M. HARDER,

Defendants,

and

DARRYL E. FISHER, J. WALLACE GUTZLER,
KRISTIN HARDER, ENCORE INDEMNITY
MANAGEMENT LLC, SENENET LEASING
COMPANY, FUSE ADVERTISING, INC., KDA
CONSTRUCTION, INC., CLYDE HAMSTREET, and
CLYDE A. HAMSTREET & ASSOCIATES, LLC,

Relief Defendants.

Case No. _____

EX PARTE APPLICATION TO FILE
UNREDACTED DECLARATIONS
UNDER SEAL [LOCAL RULES 3.9
AND 5.5]

EXPEDITED HEARING REQUESTED
[LOCAL RULE 7.1(f)]

Plaintiff Securities and Exchange Commission (the "Commission") applies *ex parte* for an order authorizing the filing under seal of the unredacted declaration of Michael A. Fortunato ("Fortunato Declaration"). Local Rule 5.5 directs litigants to redact personal identifiers from all pleadings filed with the Court, including financial account numbers unless those numbers are redacted. In order to demonstrate the Defendants' fraud, the Fortunato Declaration includes financial account numbers. Pursuant to Local Rule 5.5(d), the Commission will file a redacted copy of the declaration in the public files and seeks leave of the Court to file an unredacted copy under seal pursuant to Local Rule 3.9.

Dated: March 2, 2009

Respectfully submitted,



Mark P. Fickes
Attorney for Plaintiff
Securities and Exchange Commission