

1 State of New Hampshire Banking Department

2 In re the Matter of:) Case No.: 08-211
)
 3 State of New Hampshire Banking))
)
 4 Department,))
)
 5 Department,) Motion to Vacate Ab Initio [redacted])
) [redacted] and [redacted] from the)
 6 and) December 23, 2011 Order to Show Cause and)
) Cease and Desist)
 7 Express Consolidation, Inc.,))
))
 8 Randall L. Leshin, P.A. (d/b/a))
))
 9 RLL), Randall L. Leshin, Esq.,))
))
 10 Linda Lewis, Richard Medlock,))
))
 11 [redacted] Joseph Morovits,))
))
 12 [redacted] and [redacted]))
))
 13 Respondents))
))

14 MOTION TO VACATE AB INITIO

15 Now comes Maryam Torben Desfosses, on behalf of New Hampshire Banking
 16 Department ("Department") in the above captioned matter, and moves to vacate
 17 *ab initio* the December 23, 2011 Order to Show Cause and Cease and Desist
 18 ("Order") in this matter as to Respondents [redacted] and
 19 [redacted] and states as follows:

- 20 1. Respondents [redacted] [redacted] [redacted] [redacted] and [redacted] [redacted] were served
 21 with the Order in this matter.
- 22 2. Since the entry of the Order, Respondents [redacted] [redacted] and [redacted]
 23 [redacted] each filed a Motion to Dismiss and provided additional
 24 information which exculpates Respondents [redacted] [redacted] and [redacted]
 25 [redacted] from liability from the Order.

1 3. In response to Respondent [REDACTED] Motion to Dismiss, the
2 Department moves to vacate *ab initio* Respondent [REDACTED] from the
3 Order thus deeming his Motion to Dismiss moot.

4 4. In response to Respondent [REDACTED] Motion to Dismiss, the
5 Department moves to vacate *ab initio* Respondent [REDACTED] from
6 the Order thus deeming his Motion to Dismiss moot.

7 5. Since the entry of the Order, additional information regarding
8 Respondent [REDACTED] was discovered which exculpates Respondent [REDACTED]
9 [REDACTED] from liability from the Order. Therefore, the Department moves to
10 vacate *ab initio* Respondent [REDACTED]

11 6. Based on the above factors, the Department now wishes to withdraw the
12 Order and allegations therein as to Respondents [REDACTED]
13 [REDACTED] and [REDACTED]

14 WHEREFORE, Department respectfully requests

15 A. The Presiding Officer Vacate *Ab Initio* Respondents [REDACTED]
16 [REDACTED] and [REDACTED] from the Order in this matter;

17 B. Grant such further relief as is just and in the public interest.

18
19 Respectfully submitted by:

20
21 _____ /s/
22 Maryam Torben Desfosses
23 Hearings Examiner

24 2/3/12
25 Date

ORDER

Finding it in the public interest, the requested relief is hereby **GRANTED**.

The Cease and Desist Order in 08-211 as to Respondents [REDACTED] [REDACTED]

[REDACTED], and [REDACTED] is hereby **VACATED AB INITIO** this ____ day of February, 2012.

SO ORDERED,

STEPHEN J. JUDGE, ESQ
PRESIDING OFFICER