

1 State of New Hampshire Banking Department

2 In re the Matter of:)
)
 3 State of New Hampshire Banking)
) Case No.: 07-276
 4 Department,)
)
 5 Petitioner,)
)
 6 and)
)
 7 Orchid Island TRS, LLC, Opteum Inc.,) Motion To Vacate
) Respondent Robert Filiberto
 8 Robert Filiberto, G. Hunter Hass IV and)
)
 9 Peter R. Norden,)
)
 10 Respondents)
)

11 MOTION TO VACATE

12 Now comes Maryam Torben Desfosses, on behalf of Petitioner in the above
13 captioned case, and moves to vacate the Order to Show Cause ("Order") in
14 this action as to Respondent Robert Filiberto ("Respondent Filiberto") only
15 and for cause states as follows:

- 16 1. Respondent Filiberto confirms he is aware of the Order.
- 17 2. Since the advent of the Order, the New Hampshire Banking Department
 18 ("Department") has received additional information that renders
 19 Respondent Filiberto's liability in this action (Docket 07-276)
 20 moot.
- 21 3. Based on the above factors, the Petitioner now wishes to vacate
 22 Respondent Filiberto from the November 19, 2007 Staff Petition that
 23 initiated the Order against Respondents Orchid Island TRS, LLC,
 24 Opteum Inc., Robert Filiberto, G. Hunter Hass IV and Peter R.
 25 Norden.

