

1 State of New Hampshire Banking Department

2 In re the Matter of:)
)
 3 State of New Hampshire Banking)
) Case No.: 08-046
 4 Department,)
)
 5 Petitioner,)
)
 6 and)
)
 7 Summit Mortgage, LLC (d/b/a SMT) Motion To Vacate
) Respondent Peter Rothschild
 8 Mortgage), Richard S. Fedele, Richard)
)
 9 L. Bready, and Peter Rothschild,)
)
 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 and the Default
14 Judgment ("Orders") in this action as to Respondent Peter Rothschild
15 ("Respondent Rothschild") only and for cause states as follows:

- 16 1. Since the advent of the Orders, the New Hampshire Banking
 17 Department ("Department") has received additional information that
 18 renders Respondent Rothschild's liability in this action (Docket
 19 08-046) moot.
- 20 2. Based on the above factors, the Petitioner now wishes to vacate
 21 Respondent Rothschild from the January 2, 2009 Staff Petition that
 22 initiated the Orders against Respondent Summit Mortgage, LLC (d/b/a
 23 SMT Mortgage) ("Respondent Summit Mortgage"), Respondent Richard S.
 24 Fedele ("Respondent Fedele"), Respondent Richard L. Bready
 25 ("Respondent Bready"), and Respondent Rothschild.

