

1 State of New Hampshire Banking Department

2	In re the Matter of:)Case No.: 08-116
)
3	State of New Hampshire Banking)
)
4	Department,)Order to Show Cause
)
5	Petitioner,)
)
6	and)Motion to Dismiss Remaining
)Administrative Fines and Penalties
7	Montgomery Mortgage Capital)and Strike Default Judgment
)
8	Corporation, Alex E. Gemici, and Paul)
)
9	F. Loiacono,)
)
10	Respondents)
)

11 MOTION TO DISMISS REMAINING ADMINISTRATIVE FINES AND PENALTIES

12 AND STRIKE DEFAULT JUDGMENT

13 Now comes Maryam Torben Desfosses, on behalf of Petitioner in the above
14 captioned case, and moves to dismiss the remaining penalties in the Order to
15 Show Cause ("Order") and strike the Default Judgment ("Default") in this
16 matter and states as follows:

- 17 1. The Department attempted service of the Order on the above named
18 Respondents in this matter via U.S. Certified Mail Return Receipt
19 requested on or about June 9, 2009. The Order was returned as
20 "other."
- 21 2. The Commissioner accepted service of the Order on June 23, 2009.
- 22 3. A Default Judgment was issued on November 2, 2009.
- 23 4. Since the advent of the Order and Default, the above named Respondents
24 have paid the outstanding invoice for examination, which served as an
25 underlying allegation of the Order.

