

1 State of New Hampshire Banking Department

2	In re the Matter of:)Case No.: 08-330
)
3	State of New Hampshire Banking)
)Order to Show Cause
4	Department,)
)
5	Petitioner,)
)Motion to Dismiss Penalties and
6	and)Strike Default Judgment
)
7	EFI Capital Corp (d/b/a Elegant)
)
8	Funding), and Kenneth Mohan,)
)
9	Respondents)
)

11 MOTION TO DISMISS PENALTIES AND STRIKE DEFAULT JUDGMENT

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

- 16 1. The Respondents received and signed for the Order on June 19, 2009.
- 17 2. A Default Judgment was issued on February 12, 2010.
- 18 3. Since the advent of the Order and Default, the above named Respondents
19 have paid the outstanding invoice for examination and the
20 administrative fine for the late filing of the Annual Report, which
21 served as the underlying allegations of the Order.
- 22 4. Based on the above factors and as a sign of good faith and
23 administrative efficiency, the Petitioner now wishes to dismiss the
24 penalties within the Staff Petition that initiated the Order.
- 25 5. Based on the above factors and as a sign of good faith and

1 administrative efficiency, the Petitioner now wishes to strike the
2 Default Judgment.

3 WHEREFORE, Petitioner respectfully prays

- 4 A. The Commissioner dismiss the penalties in the Order to Show Cause in
5 this case;
6 B. The Commissioner strike the Default Judgment in this case; and
7 C. Grant such further relief as is just and in the public interest.

8 Respectfully submitted by:

9
10 _____ /s/
11 Maryam Torben Desfosses
Hearings Examiner

July 14, 2011
Date

12 **ORDER**

13 Finding it in the public interest, the requested relief is hereby **GRANTED**.
14 The penalties in the Order to Show Cause in 08-330 are hereby **DISMISSED** and
15 the Default Judgment in 08-330 is hereby **STRICKEN** this 25th day of July, 2011.

16 _____ /s/
17 RONALD A. WILBUR
18 BANK COMMISSIONER
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