

1 State of New Hampshire Banking Department

2 In re the Matter of:) Case No.: 07-219
)
 3 State of New Hampshire Banking)
)
 4 Department,) Order to Show Cause
)
 5 Petitioner,)
)
 6 and) Motion to Dismiss Penalties and
) Strike Default Judgment
 7 Loancity, Inc., Banc of America)
)
 8 Strategic Investments Corporation,)
)
 9 Richard D. Soukoulis, Nicholas Labao,)
)
 10 William Dallas, Gary Tsuyuki, Rodger
 11 Rickard, and Mark MacLennan,
 12 Respondents

13
 14 MOTION TO DISMISS PENALTIES AND STRIKE DEFAULT JUDGMENT

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

- 19 1. The Department attempted service of the Order on the above named
 20 Respondents in this matter via U.S. Certified Mail Return Receipt
 21 requested on or about January 21, 2009. The Order was returned as
 22 "unable to forward."
 23 2. The Commissioner accepted service of the Order on March 3, 2009.
 24 3. A Default Judgment was issued on May 12, 2009.
 25 4. Since the advent of the Order and Default Judgment, the above named

