

UNITED STATES OF AMERICA
DEPARTMENT OF THE TREASURY
OFFICE OF THE COMPTROLLER OF THE CURRENCY

In the Matter of)
Philip D. Murphy)
Former Managing Director) OCC AA-EC—08-57
Municipal Derivatives Desk)
Bank of America, NA)
Charlotte, North Carolina)

**ORDER BY THE COMPTROLLER OF THE CURRENCY ON LIFTING
PARTIAL STAY OF DISCOVERY**

On March 20, 2009, the Comptroller of the Currency issued an Order partially staying discovery in this proceeding. Under the Order, discovery of tapes and tape transcripts was stayed, as was all deposition discovery.

Within 30 days of the date of this Order, the parties are directed to file with the Comptroller a statement on whether the partial stay should be lifted so that full discovery can resume. To the extent necessary, the parties' responses to this Order may be filed under seal, and affidavits from any responsible source may be submitted for the Comptroller's *in camera* review, provided that a redacted version of the responses and affidavits is filed with opposing counsel and with the Office of Financial Institutions Adjudication. The parties will not have the right of reply to the opposing party's response or affidavit.

SO ORDERED.

John C. Dugan
Comptroller of the Currency

Dated: 12/14, 2009