

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 STAYING
PROCEEDINGS IN PART PENDING INTERLOCUTORY REVIEW OF
FEBRUARY 4, 2009 ORDERS**

On March 17, 2009, Administrative Law Judge C. Richard Miserendino (“ALJ”), acting under 12 C.F.R. § 19.28(c), referred to the Comptroller of the Currency for final disposition:

- OCC Enforcement Counsel’s Motion for Interlocutory Review of ALJ Orders Issued on February 4, 2009 and Request for Relief in the Form of a Partial Stay of Discovery, dated February 20, 2009;
- Respondent’s Response thereto, dated March 13, 2009; and
- ALJ’s Order Denying OCC Enforcement Counsel’s Motion for Expedited Order of Stay, dated March 17, 2009.

Having considered Enforcement Counsel’s Motion, Respondent’s Response thereto, and the ALJ’s Order Denying OCC Enforcement Counsel’s Motion for Expedited Order of Stay, the Comptroller, under the authority of 12 C.F.R. §§ 19.4 and 19.28, grants a partial stay of discovery pending consideration of the motion for interlocutory review and the issuance of a decision. Under this Order, discovery of tapes and tape transcripts is stayed until the Comptroller decides the motion. Deposition discovery is likewise stayed for the same period.

SO ORDERED.

John C. Dugan
Comptroller of the Currency

Dated: March 20, 2009