

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

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In the Matter of )

**JAMES E. PLACK**, individually, )  
and as an institution-affiliated party of )

OCC AA-EC-2014-90

AMERICAN BANK )  
ROCKVILLE, MARYLAND )  
(FEDERAL SAVINGS ASSOCIATION) )

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**THOMAS J. CURRY, Comptroller of the Currency:**

**ORDER STAYING CONSIDERATION OF  
MOTIONS FOR INTERLOCUTORY APPEAL**

On December 10, 2015, American Bank Holdings, Inc. and American Bank (collectively "American Bank") sought interlocutory review of an order issued by the presiding Administrative Law Judge ("ALJ") on December 9, 2015. At issue in American Bank's December 10 motion is whether the ALJ correctly found that there has been a limited waiver of American Bank's attorney-client privilege. Enforcement Counsel filed a Response to American Bank's motion for interlocutory review on December 22, 2015. The Comptroller has not yet ruled on the December 10 motion.

On December 17, 2015, the OCC and Respondent James E. Plack agreed to a settlement of the enforcement proceedings. It is averred that, at some point in the proceeding, the ALJ orally denied American Bank's motion to intervene. With respect to the privilege issue, on December 18, 2015, the ALJ ordered the parties to provide their hearing exhibits to Movants' Counsel to allow American Bank, as a non-party, to submit a privilege log asserting any claims of privilege by January 27, 2016.

On December 31, 2015, Movants filed a Motion for Interlocutory Review seeking review of the ALJ's oral denial at hearing of Movants' motion to intervene as well as the ALJ's December 9, 2015 Order regarding privilege. The briefing with respect to that motion is not yet complete, and the Comptroller has not yet ruled.

On January 14, 2016, Enforcement Counsel and Counsel for American Bank jointly filed a motion asking the Comptroller to hold in abeyance his consideration of the two pending interlocutory appeals as the parties pursue the process outlined by the ALJ for asserting privilege.

Upon consideration of the *Joint Motion to Hold Appeals in Abeyance*, the motion is hereby GRANTED. Movant's December 10, 2015 and December 31, 2015 motions for interlocutory review are stayed until ten (10) days after such time as the ALJ issues his ruling with respect to the treatment of certain documents and testimony that are subject to claims of privilege by American Bank. Responses from Enforcement Counsel and Respondent to American Bank's December 31, 2015 motion for interlocutory review shall also be due ten (10) days after the ALJ's ruling.

SO ORDERED, this 29<sup>th</sup> day of January, 2016.

Thomas J. Curry  
Comptroller of the Currency