

UNITED STATES DISTRICT COURT

for the

Southern District of West Virginia

Anna White Ferraraccio

Plaintiff

v.

New Peoples Bank

Defendant

Civil Action No. 5:24-cv-00700

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To:

Custodian of Records, New Peoples Bank, 67 Commerce Drive, Honaker, VA 24260

(Name of person to whom this subpoena is directed)

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: See attached

Place: Anna White Ferraraccio
41 Pipestem Way, Pipestem, WV 25979

Date and Time:

03/21/2025

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 02/19/2025

CLERK OF COURT

Rory D. Perry II / USA
Signature of Clerk or Deputy Clerk

OR

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) _____, who issues or requests this subpoena, are:

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

ITEMS TO BE PRODUCED

1. Surveillance Footage

- **Dates:** June 28, 2024, July 1, 2024, and July 3, 2024.
- **Time Range:** 9:00 a.m. to 5:00 p.m.
- **Location:** Areas within the bank premises capturing customer interactions, meetings, and discussions involving Jamie Kidd, Mori Williams, and Plaintiff, Anna White Ferraraccio.

2. Specific Incident Footage – August 2024

- **Camera Footage of Alleged Outburst:**
 - All footage documenting the alleged outburst by Plaintiff in August 2024, including areas of the bank where this incident was reported, such as lobby areas, teller stations, and meeting rooms.

3. All Communications

- **Copies of all emails, text messages, and voice recordings exchanged between:**
 - Jamie Kidd
 - Mori Williams
 - JW Keiser's assistant, Crystal
 - Plaintiff, Anna White Ferraraccio
 - Bill Winfrey
- **Scope:** Discussions related to Plaintiff's loan application, appraisals, account status, and any allegations or incidents involving Plaintiff.
- **Date Range:** January 1, 2024, to February 14, 2025

4. Documentation Regarding Loan Delays and Appraisals

- **Explanation of Loan Delay:**
 - Internal communications, policies, and records explaining the reasoning for the delay of Plaintiff's loan application due to the appraisal required by Jamie Kidd.
 - Communications or documents detailing any decision-making processes requiring new appraisals when prior appraisals are less than five years old.
- **Bank Policies:**
 - Copies of New Peoples Bank's policies regarding when a new appraisal is required for a commercial property loan.
 - Records or written guidance issued by New Peoples Bank to staff, including Jamie Kidd, regarding appraisal requirements.
- **Appraisal Coordination Records:**
 - Records of all communications between Jamie Kidd and the appraiser involved in Plaintiff's case, including scheduling, scope of appraisal, and justification for requiring the appraisal.

4. Documentation Regarding Policies for Existing Loan Customers:

- Internal communications, policies, and records explaining the reasoning for moving directly to FORECLOSURE and REPOSSESSING her main vehicle with 3 days notice, demanding full payment, with written evidence that the plaintiff of the bank for 12 years, and had never once been late on any payments until now, expressed in writing and verbally to Michelle Spangler, president of the Princeton Branch of NPB, was having severe cash flow issues, specifically related to huge, one time, commercial expenses, not cash flow
- Communications or documents detailing any decision-making processes regarding Anna White Ferrarraccio's loans and any offers made to help her as an existing customer, such as offering interest only payments, reduced payments, etc. Please provide all specific offers that were presented to her.
- **Bank Policies:**
 - Copies of New Peoples Bank's written policies regarding steps taken to help any existing loan customer, commercial, asset (vehicle) or other type of loan has difficulty making payments.
 - Records or written guidance issued by New Peoples Bank to staff, including Jamie Kidd, Mori Williams and other bank employees regarding Ms. Ferrarraccio's existing loans that led to repossessing her car and foreclosure.

1. Surveillance Footage

- **Dates:** All dates regarding where Anna Ferrarraccio was in Michelle Spangler's office during 2024 (less than 5).
- **Time Range:** 9:00 a.m. to 5:00 p.m.
- **Location:** Areas within the bank premises capturing customer interactions, meetings, and discussions involving Michelle Spangler and Plaintiff, Anna White Ferrarraccio

YOUR OBLIGATIONS UNDER THIS SUBPOENA

You must preserve all requested records as evidence in this matter until the Court provides further instruction. Failure to comply with this subpoena within the specified time frame may result in legal sanctions, including but not limited to contempt of court.

DATE AND TIME FOR PRODUCTION:

No later than 30 days from the date of service of this subpoena.

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PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for *(name of individual and title, if any)* _____
 on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____
 _____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____
 _____.

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
 tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
 \$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**(c) Place of Compliance.**

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.