

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY

Anna White Ferraraccio

v.

CASE NO. 5:24-CV-00700

New Peoples Bank

Guideline for parties and attorneys:
The parties are advised to use the *Worksheet for Report of Parties' Planning Meeting*
(located on the Court's website at www.wvsd.uscourts.gov) and the suggested
Guidelines contained in the form's comments.

REPORT OF PARTIES' PLANNING MEETING

1. Pursuant to Rule 26(f) of the Federal Rules of Civil Procedure, a meeting was held on April 21, 2025 by email _____. Those participating were:

<u>Anna Ferraraccio</u>	for plaintiff(s)	
<u>William Winfrey</u>	for defendant(s)	_____
_____	for defendant(s)	_____
_____	for defendant(s)	_____

2. Pre-Discovery Initial Disclosures. The parties will exchange by June 1, 2025 the information required by Fed. R. Civ. P. 26(a)(1).

3. Plaintiff(s) should be allowed until May 1, 2025 to join additional parties and until May 1, 2025 to amend the pleadings. Defendant(s) should be allowed until May 1, 2025 to join additional parties and until May 1, 2025 to amend the pleadings.

4. Discovery Plan. The parties jointly propose to the court the following discovery plan [Use separate paragraphs or subparagraphs as necessary if the parties disagree.]:

a. Discovery will be needed on the following subjects:

Loan terms and documentation, including internal communications of Defendant
Financial statements of Plaintiff and disclosures of Plaintiff's accountant who prepared those statements.

b. The parties have reviewed Local Rule 26.5 and have discussed how the preservation, discovery, and disclosure of electronically stored information ("ESI") should be handled, including the following:

i. It is likely that one or more parties will seek discovery of electronically stored information such as emails, files or documents stored on a server or computer, or other electronic documents.

☒ Yes ☐ No

(If No, no other fields in Section 4.b need to be completed.)

The parties have generally agreed upon a format for production of ESI, as follows:

Defendant will disclose ESI by copying to an external storage device (thumb drive) and furnish to Plaintiff.

ii. The parties believe it is possible that metadata may be relevant in this case, such as the date stamp when an electronic document was created or modified.

☐ Yes ☒ No

The parties have generally agreed upon a format for production of such metadata, as follows:

- iii. At this time, the parties have agreed on what ESI is “reasonably accessible” as defined in R. 26(b)(2)(B).

☒ Yes ☐ No

If no, identify the nature of any dispute:

- iv. Have the parties agreed on any search protocol for review of electronic data including methods to filter the data?

☒ Yes ☐ No

If yes, please describe:

Data has been searched by Defendant. Plaintiff does not intend to employ any expert to review disclosure procedures.

If no, please identify what issues remain outstanding:

- v. Are there any unresolved issues pertaining to the preservation of ESI? If so, please describe:

No

vi. Other. Identify all other outstanding issues or disputes concerning ESI:

- c. The parties agree to file a joint motion for the entry of a protective order and to complete and submit with the motion the court's preferred Agreed Protective Order found online at www.wvsd.uscourts.gov.

☐ Yes ☒ No

If no, please explain:

One is unnecessary. the only privileged information in discovery is Plaintiff's loan information that Defendant holds in confidence until trial.

- d. The parties agree to file a joint motion for the entry of an Order Governing the Inadvertent Disclosure of Documents or Other Material and to complete and submit with the motion the court's preferred Agreed Order Governing the Inadvertent Disclosure of Documents or Other Material found online at www.wvsd.uscourts.gov.

☒ Yes ☐ No

If no, please explain:

- e. The parties agree to file a joint motion for the entry of an Agreed Order Setting Deposition Protocol and to complete and submit with the motion the court's optional Order Setting Deposition Protocol available online at www.wvsd.uscourts.gov.

☒ Yes ☐ No

- f. The last day to serve discovery requests is August 1, 2025. The last date on which to take a discovery deposition is 45 days after the last date to serve discovery requests. The last date on which to take a discovery deposition is known as the

“discovery completion date.” [Discovery on all issues to be completed by Sept. 15, 2025.]

- g. The parties adopt the discovery limits set forth in the Federal Rules of Civil Procedure.

☒ Yes ☐ No

If the parties and attorneys believe that more discovery is needed, the basis for that belief is:

- h. The parties believe that this case requires additional judicial oversight such as special case management procedures or regularly held conferences.

☒ Yes ☐ No

If yes, please describe why the case requires additional judicial oversight and the type of oversight requested:

Plaintiff is pro se. Discovery disputes may arise over what is permitted discoverable information under the Rules of Discovery - specifically relevance and privilege.

- i. Reports from retained experts under Rule 26(a)(2) due:

By the party bearing the burden of proof on an issue: not applicable.

By the party not bearing the burden of proof on an issue: _____.

Expert witness disclosures intended solely to contradict or rebut evidence on the same issue identified by another party: _____.

5. Magistrate judges will resolve all discovery disputes. The parties do not consent to have a United States Magistrate Judge conduct any further proceedings in this case, including trial, and order the entry of a final judgment.
6. Mediation shall take place on or before Sept. 30, 2025.
7. Potential dispositive motions shall be filed by May 1, 2025, with responses and replies filed according to the Local Rules.

8. The parties request a pretrial conference in October.

The Plaintiff(s) shall submit a proposed pretrial order to Defendant(s) on or before Sept. 15, 2025.

The Defendant(s) shall compile a proposed integrated pretrial order and submit it to chambers of the presiding judicial officer on or before Sept 25, 2025.

9. Where applicable, proposed jury instructions shall be exchanged and transmitted to chambers of the presiding judicial officer in Microsoft Word format on or before 10 days prior trial.

10. Where applicable, findings of fact and conclusions of law shall be exchanged and transmitted to chambers of the presiding judicial officer in Microsoft Word format on or before 30 days after trial.

11. A final settlement conference will take place on 15 days prior trial.

12. The case shall be ready for trial by November, and at this time is expected to take approximately 2 days.

The parties do not request a conference with the court before the entry of the scheduling order.

s/_____
Signature

s/William S. Winfrey, II
Signature

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(304)487-1887

Counsel for: _____

Counsel for: Defendant

s/_____
Signature

s/_____
Signature

Counsel for: _____

Counsel for: _____