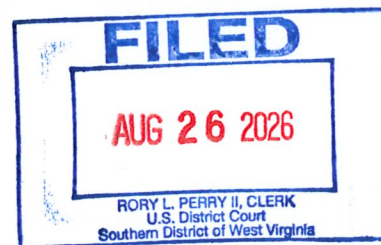


Discovery Portal



PLAINTIFF'S MOTION TO COMPEL DISCOVERY AND FOR SANCTIONS

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY



CASE NO. 5:24-cv-00700

ANNA WHITE FERRARACCIO,
Plaintiff,

v.

NEW PEOPLES BANK,
Defendant.

PLAINTIFF'S MOTION TO COMPEL DISCOVERY AND FOR SANCTIONS

Plaintiff Anna White Ferraraccio, proceeding **pro se**, moves under Federal Rules of Civil Procedure 33, 34, and 37 for an order compelling Defendant New Peoples Bank to provide complete responses to Plaintiff's outstanding interrogatories and requests for production and to participate in the deposition process. Plaintiff also requests appropriate relief under Rule 37 and any other relief the Court deems just and proper.

In support of this Motion, Plaintiff states as follows:

1. Discovery Requests Were Served on November 14, 2025.

On November 14, 2025, Plaintiff served Defendant with Plaintiff's First Set of Interrogatories and Requests for Production of Documents. Under Rules 33(b)(2) and 34(b)(2)(A), Defendant's responses and objections were due 30 days after service, unless the parties agreed otherwise or the Court ordered a different deadline.

The parties subsequently engaged in communications concerning Defendant's discovery responses, production, and the timing of further discovery. To the extent Defendant provided partial responses, objections, documents, or additional time was allowed during those communications, those matters did not resolve all of the deficiencies identified by Plaintiff. Plaintiff does not rely on the November 14, 2025 date as establishing that every response remained entirely unanswered; rather, Plaintiff seeks relief concerning the responses, documents, and discovery matters that remained incomplete or unresolved after the parties' subsequent communications.

No written agreement or Court order extending the applicable deadlines is identified in this Motion. Any informal extensions or additional time afforded by Plaintiff were provided to facilitate compliance and avoid Court intervention, not to waive Plaintiff's right to seek complete discovery.

2. Intervening Communications and Supplemental Discovery Efforts

After the original discovery requests were served, Plaintiff communicated with Defendant and Defendant's counsel regarding the status and completeness of the responses and production. Plaintiff identified outstanding interrogatories, incomplete or insufficient answers, missing responsive documents, and unresolved objections or production issues.

Plaintiff also sought information concerning the scheduling of depositions of Defendant's corporate representative and the persons identified in Defendant's Rule 26 disclosures and discovery responses. These requests were part of Plaintiff's continuing efforts to move discovery forward after the November 14, 2025 requests.

To the extent Plaintiff made supplemental requests, clarifications, or follow-up requests during this period, those communications were intended to identify and narrow the remaining disputes and to give Defendant an opportunity to provide the missing information and documents. Defendant's responses and production, if any, did not resolve all of the outstanding issues.

Plaintiff therefore continued to request compliance rather than immediately filing a motion. The period between November 14, 2025, and July 1, 2026, reflects Plaintiff's efforts to obtain complete discovery, clarify the remaining deficiencies, accommodate any additional time provided, and resolve the dispute without Court intervention.

3. Meet-and-Confer Efforts and the July 1, 2026 Final Request

After the original response period and the parties' intervening communications, Plaintiff made repeated good-faith efforts to resolve the remaining deficiencies. Plaintiff requested complete interrogatory responses, production of responsive documents, clarification of objections and withheld materials, and information necessary to schedule the requested depositions.

On July 1, 2026, Plaintiff made a final effort to resolve the dispute. Plaintiff emailed Defendant and Defendant's counsel a draft of the proposed Motion to Compel Discovery and for Sanctions and requested that Defendant provide the outstanding interrogatory responses, responsive documents, and deposition information.

The July 1 communication identified the unresolved issues and gave Defendant an additional opportunity to cure the deficiencies before Plaintiff sought judicial relief. Plaintiff did not treat the July 1 communication as a new discovery request or as a new response deadline. Instead, it was a final meet-and-confer communication concerning discovery that had originally been served on November 14, 2025, together with any related follow-up or supplemental requests made during the intervening period.

Defendant did not provide complete discovery or otherwise resolve the identified issues after receiving the July 1 communication and draft Motion.

4. Defendant's Continued Noncompliance as of August 26, 2026

As of August 26, 2026, Defendant has not provided complete responses to the outstanding interrogatories, has not produced all requested responsive documents, and has not provided the requested deposition information or otherwise completed the necessary arrangements for the depositions.

The July 1, 2026 final request did not result in compliance. Plaintiff allowed Defendant additional time after July 1 to respond and cure the deficiencies before filing this Motion on August 26, 2026. Defendant nevertheless failed to provide complete discovery or resolve the deposition issues.

This noncompliance has delayed discovery and impaired Plaintiff's ability to prepare her claims, defenses, depositions, and further proceedings. The requested discovery concerns matters relevant to the claims and defenses in this action and is proportional to the needs of the case.

5. Grounds for Compelling Interrogatory and Document Discovery

Rule 33 requires a party responding to interrogatories to answer each interrogatory separately and fully under oath to the extent it is not objected to. Fed. R. Civ. P. 33(b)(3). Any objection must be stated with specificity, and an interrogatory that is not objected to must be answered. Fed. R. Civ. P. 33(b)(4).

Rule 34(a)(1) defines the scope of documents and electronically stored information subject to production. It permits a party to request documents, electronically stored information, and tangible things that are within the responding party's possession, custody, or control and that fall within the scope of Rule 26(b). Fed. R. Civ. P. 34(a)(1).

Rule 34(b)(2)(B) governs objections to requests for production. An objection must be stated with specificity, and the responding party must state whether any responsive materials are being withheld on the basis of that objection. Fed. R. Civ. P. 34(b)(2)(B). To the extent a request is not objected to, the responding party must produce the responsive documents or electronically stored information as requested, or state that the requested production will be permitted. Fed. R. Civ. P. 34(b)(2)(A).

Rule 37(a)(3)(B) authorizes a motion to compel when a party fails to answer an interrogatory or fails to produce documents as requested under Rule 34. Plaintiff has satisfied the meet-and-confer requirement by making repeated efforts to obtain compliance, allowing additional time where appropriate, identifying the remaining deficiencies, and providing Defendant with a draft of this Motion and a final opportunity to cure the deficiencies on July 1, 2026.

An order compelling Defendant to provide complete discovery responses and production by a date certain is therefore warranted.

6. Deposition Relief

Plaintiff also requests relief concerning the depositions previously sought during the intervening discovery communications. Under Rule 30(b)(1), a party seeking to depose an individual must provide reasonable written notice stating the time and place of the deposition and, if known, the deponent's name. A deposition of an organization must be noticed under Rule 30(b)(6), which requires the notice to describe the matters for examination with reasonable particularity and requires the organization to designate one or more persons to testify on its behalf.

If Plaintiff has served proper deposition notices and Defendant has failed to appear, failed to designate a representative, or otherwise failed to participate, Rule 37(d) may authorize relief. If the dispute concerns the timing, location, scope, or other terms of a properly noticed deposition, Rule 37(a) may authorize a motion to compel attendance or testimony.

To the extent Plaintiff has not yet served formal deposition notices complying with Rule 30, Plaintiff requests that the Court order Defendant to confer regarding

mutually available dates and, if necessary, permit Plaintiff to serve deposition notices under Rule 30. Plaintiff does not ask the Court to order depositions based solely on informal requests for dates without the procedural protections required by Rule 30.

7. Sanctions and Other Relief

Defendant's failure to provide complete discovery after the applicable deadlines, the parties' intervening communications, Plaintiff's repeated requests and accommodations, and the July 1, 2026 final opportunity to cure has required Plaintiff to seek judicial intervention.

Under Rule 37(a)(5), if a motion to compel is granted, or if the requested discovery is provided after the motion is filed, the Court generally must require the noncompliant party or its attorney to pay the movant's reasonable expenses incurred in making the motion, including attorney's fees, unless an exception applies. Because Plaintiff is proceeding pro se, she does not seek attorney's fees for her own time. Plaintiff requests any other reasonable expenses authorized by Rule 37(a)(5), together with such additional relief as the Court determines appropriate.

Plaintiff also requests that the Court consider Defendant's continued noncompliance, including its failure to cure the deficiencies after the July 1, 2026 final request, when determining whether further sanctions or other relief are warranted under Rule 37.

WHEREFORE

Plaintiff Anna White Ferraraccio respectfully requests that the Court:

1. **GRANT** this Motion to Compel Discovery;
2. **ORDER Defendant to serve complete, verified answers to Plaintiff's outstanding interrogatories, including a specific response or valid, stated objection to each interrogatory;**
3. **ORDER Defendant to produce all nonprivileged documents responsive to Plaintiff's outstanding requests for production, or to state specific objections and identify the documents being withheld on the basis of each objection;**

4. **ORDER Defendant to confer with Plaintiff regarding mutually available dates for the depositions previously requested and permit Plaintiff to serve deposition notices under Rule 30, including a Rule 30(b)(6) notice if Plaintiff seeks to depose Defendant through an organizational representative;**
5. If proper deposition notices have already been served, **ORDER Defendant to comply with those notices and to designate an appropriate representative under Rule 30(b)(6), if applicable;**
6. Establish a **date certain** by which Defendant must comply with the Court's Order;
7. Find that Plaintiff satisfied the meet-and-confer requirement through her repeated efforts to obtain compliance, including the intervening communications, any additional time afforded to Defendant, the July 1, 2026 final request, and transmission of a draft of this Motion;
8. Award Plaintiff any reasonable expenses authorized under Federal Rule of Civil Procedure 37(a)(5), excluding attorney's fees for Plaintiff's own time because she is proceeding pro se;
9. Impose any additional sanctions or other relief authorized by Rule 37 if the Court determines that Defendant's continued noncompliance warrants such relief; and
10. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted this **26th day of August, 2026.**

/s/ Anna White Ferraraccio

Anna White Ferraraccio, Pro Se

CAP Auth. #2604001

P.O. Box 2743

Carson City, NV 89702-2743

725-295-7364

Plaintiff, Pro Se

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this **26th day of August, 2026**, I served a true and correct copy of the foregoing **Plaintiff's Motion to Compel Discovery and for**

Sanctions upon Defendant's counsel, William S. Winfrey, Esq., by electronic service/email and by the method permitted for service in this action.

/s/ Anna White Ferraraccio

Anna White Ferraraccio

Plaintiff, Pro Se

← **PREVIOUS**

Second Amended Complaint for Damages

Similar Posts

Second Amended Complaint for Damages

By AnnaWhiteFerraraccio August 5, 2026

Plaintiff's Response to Motion to Dismiss Amended Complaint and Motion for Leave to Amend to File Second Amended Complaint

By AnnaWhiteFerraraccio August 3, 2026

Leave a Reply

*Your email address will not be published. Required fields are marked **

Comment *

Name *

Email *

Website

☐ Save my name, email, and website in this browser for the next time I comment.

Post Comment