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FEB 10 2005

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

LUTHER D. THOMAS, Clerk
By: *J. Field* Deputy Clerk

YVETTE BOYKIN, :

Plaintiff, :

v. :

BANK OF AMERICA, N.A., et al., :

Defendants. :

CIVIL ACTION NO.

1:03-CV-3467-MHS

ORDER

This matter is before the Court on plaintiff's motion to compel discovery. For the following reasons, the Court denies plaintiff's motion.

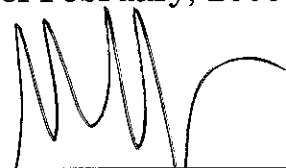
Plaintiff alleges defendant denied her loan application based on her race, gender, and the location of the property in a predominantly African-American neighborhood. Plaintiff seeks to compel further responses to her second interrogatories. In particular, plaintiff seeks estimated and actual closing costs for 410 loan applications and explanation of what the term "Other" means for 11 denied loans.

The Court denies plaintiff's motion to compel. First, plaintiff's motion is improper because plaintiff's second interrogatories were untimely as

defendant did not have thirty days to respond before the close of discovery. Beller v. Credit Alliance Corp., 106 F.R.D. 557, 560 (N.D. Ga. 1985). Second, even if plaintiff's second interrogatories were timely, defendant does not have the specific information from 2000 and 2001 that plaintiff seeks because defendant does not keep loan application files beyond 25 months. Moreover, despite plaintiff's untimely interrogatories, defendant has provided plaintiff with all of the responsive information in its possession.

Accordingly, the Court DENIES plaintiff's motion to compel [#37-1].

IT IS SO ORDERED, this 10 day of February, 2005.



Marvin H. Shoob, Senior Judge
United States District Court
Northern District of Georgia