

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

AT BECKLEY

ANNA WHITE FERRARACCIO,

Plaintiff,

v.

CIVIL ACTION NO. 5:24-cv-00700

NEW PEOPLES BANK,

Defendant.

ORDER

On February 21, 2025, the Court entered its Order and Notice [ECF 14], setting a Telephonic Scheduling Conference for May 12, 2025, at 3:00 p.m. The morning of the scheduled conference, Plaintiff Anna White Ferraraccio contacted the Court via email, stating that she was in the Intensive Care Unit (“ICU”) at Tallahassee Memorial Hospital. Ms. Ferraraccio subsequently failed to appear at the scheduled conference, despite informing the Court on May 9, 2025, that she was now represented by counsel. To date, there has been no appearance by counsel on Ms. Ferraraccio’s behalf.

Additionally, there is currently pending a Motion to Dismiss [ECF 19], filed by New Peoples Bank on March 24, 2025. The Court hereby **NOTIFIES** Ms. Ferraraccio that she has a right to respond in opposition to the Motion to Dismiss. Ms. Ferraraccio is advised that, ordinarily, a failure to respond within the allowed time can support a conclusion that a defendant’s contentions are undisputed and may result in a dismissal of the complaint.

Accordingly, the Court **ORDERS** as follows:

1. Ms. Ferraraccio is **DIRECTED** to provide to the Court, **no later than 5:00 p.m. on June 6, 2025**, written proof of her ICU hospitalization on May 12, 2025; and
2. Ms. Ferraraccio shall have **through and including June 10, 2025**, in which to file a response to the Motion to Dismiss. Any response shall be accompanied by a brief or memorandum containing a concise statement of reasons and a citation of authorities supporting a denial of the Motion to Dismiss. When preparing the response, Ms. Ferraraccio should be aware that a false statement made under oath or penalty of perjury may be a crime punishable as provided by law. The original of the response shall be filed with the Clerk of the Court and a copy served on counsel representing New Peoples Bank. The response must be accompanied by a certificate stating that a copy has been sent to counsel for New Peoples Bank. Following service of Ms. Ferraraccio's response, if such is filed, New Peoples Bank shall have ten days within which to reply and the parties are advised that, after the time provided for responses, the Court will consider the motion ready for decision.

Ms. Ferraraccio is NOTICED that failure to respond to the Motion to Dismiss or to provide written proof of her hospitalization in the ICU as directed will result in the case being subject to dismissal for continued failure to comply with the Court's Orders.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and to any unrepresented party.

ENTER: May 27, 2025




Frank W. Volk
Chief United States District Judge