

IN THE 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.

**ANSWER TO
PLAINTIFF'S SECOND AMENDED COMPLAINT**

The Defendant, New Peoples Bank (hereinafter referred to as "NPB") answers the Second Amended Complaint and states:

1. The allegations of Paragraph 1 of the Complaint are admitted insofar as they recite the Plaintiff's causes of action.
2. The allegations of Paragraph 2 of the Complaint are admitted insofar as they recite the Plaintiff's causes of action.
3. The allegations of the first Paragraph 3 of the Complaint are admitted insofar as they recite the Plaintiff's causes of action. The allegations of this first Paragraph 3 indicate this action, the allegations having occurred in Princeton, Mercer County, within the Southern District, should be a case in the Bluefield, not the Beckley, division of said District Court.
4. The allegations of the second Paragraph 3 of the Complaint are admitted.
5. The allegations of Paragraph 4 of the Complaint are admitted.

6. The allegations of Paragraph 5 of the Complaint are admitted in part. Defendant had no information concerning Plaintiff's religious beliefs or preferences. Any loan for her personal residence was a business loan.

7. The allegations of Paragraph 6 of the Complaint are denied.

8. The allegations of Paragraph 7 of the Complaint are denied.

9. The allegations of Paragraph 8 of the Complaint are denied insofar as they assert any communication other than written communication memorialized by email.

10. The allegations of Paragraph 9 of the Complaint are denied.

11. The allegations of Paragraph 10 of the Complaint are denied.

12. The allegations of Paragraph 11 of the Complaint are denied insofar as they state the Plaintiff suffered actionable damages. The foreclosure sale resulted.

13. The allegations of Paragraph 12 of the Complaint are denied.

14. The allegations of Paragraph 13 of the Complaint are denied.

15. The allegations of Paragraph 14 of the Complaint are denied.

16. The allegations of Paragraph 15 of the Complaint are denied.

17. The allegations of Paragraph 16 of the Complaint require no answer.

18. The allegations of Paragraph 17 of the Complaint are denied.

19. The allegations of Paragraph 18 of the Complaint are denied.

20. The allegations of Paragraph 19 of the Complaint are denied.

21. The allegations of Paragraph 20 of the Complaint are denied.

DEFENSES

22. Plaintiff asserts numerous irregularities in the foreclosure sales of the properties in her Second Amended Complaint.

23. Plaintiff asserts she had eleven (11) days' knowledge of the foreclosure sales.

24. Plaintiff had a right of action under West Virginia law to assert a deficiency in the foreclosure sale both before the sale was conducted and thereafter, having the ability to ask the Circuit Court of Summers County, West Virginia, to enjoin the sale if she had secured commitments for the funds to pay off the loans prior to the sale. *See West Virginia Code* §38-1-4a, setting a statute of limitations for such an action. Her Complaints here are then moot.

25. Plaintiff has also failed to mitigate her damages, if any, by failing to attack in West Virginia Circuit Court what she asserts are both her inability to pay off the loans and keep the properties and irregularities in the foreclosure process. If Plaintiff had made such a complaint in the Circuit Court of Summers County, which she by her own admission had eleven (11) days to do, and had been successful, then she would have no damages as she alleges in this action.

WHEREFORE, the Defendant, New Peoples Bank, prays that the Second Amended Complaint against it be dismissed and that it have its costs.

NEW PEOPLES BANK,
By Counsel.

/s/ William S. Winfrey, II
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CERTIFICATE OF SERVICE

I, WILLIAM S. WINFREY, II, of counsel for Defendant, do hereby certify that a true and correct copy of the foregoing Defendant's Answer to Plaintiff's Second Amended Complaint has this day been electronically filed with the Clerk of the Court and served upon counsel of record via the CM/ECF filing system.

This the 17th day of November, 2025.

/s/ William S. Winfrey, II
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