

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.

**DEFENDANT'S RESPONSE TO THE MOTIONS TO WITHDRAW
BY COUNSEL FOR PLAINTIFF**

The Defendant, New Peoples Bank, responds to the Withdrawal Notice of Scott M. Behren pursuant to Local Rule 83.4(a) and the corresponding Motion by local counsel Robert P. Dunlap, II, and states:

Scott M. Behren was lead counsel for the Plaintiff in this action. All correspondence, discovery, and motion practice came through him. He was retained by the Plaintiff in Florida when she left West Virginia after the foreclosures about which she complained. Since Mr. Behren was not a member of the Bar of this Court, he engaged Robert P. Dunlap, II, a member of this Bar, to be local counsel for his *pro hac vice* appearance in this case. The undersigned counsel had very limited correspondence with Mr. Dunlap.

Mr. Behren has chosen for his own reasons to withdraw as counsel. Under Local Rule 83.4(a), Mr. Behren only had to file a notice of withdrawal since there are multiple lawyers representing the Plaintiff. The effect of his withdrawal as a matter of right under the Rule leaves Mr. Dunlap in an untenable position having not participated as lead counsel and, according to his Motion, not being familiar with this area of law. Discovery,

once being pressed by Mr. Behren, has not been performed in any manner consistent with the Plaintiff's claims, and Mr. Dunlap accurately reports Mr. Behren has been silent about this case, since March with counsel for the Defendant.

The Defendant does not object to the continuance of all deadlines, hearings, and trial in this matter in order for the Plaintiff to seek substitute counsel according to Mr. Dunlap's Motion. It appears from his Motion that he may elect not continue in this matter after substitute counsel may be found, although that is a matter not for the Defendant to opine.

WHEREFORE, the Defendant joins in the motion to continue this matter and moves that the Court give the Plaintiff time sufficient, but not greater than necessary, to obtain new lead counsel for this matter, then either schedule a status conference or set new case deadlines, hearing, and trial according to Local Rules. Counsel suggests a maximum of sixty (60) days should be sufficient to find new counsel.

NEW PEOPLES BANK,

By Counsel.

/s/ William S. Winfrey, II

William S. Winfrey, II (WVSB #4093)

Attorney at Law

1608 West Main Street

P. O. Box 1159

Princeton, WV 24740

T: (304)487-1887

F: (304)425-7340

E: bill@winfreylaw.com

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.

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 RESPONSE TO THE MOTIONS TO WITHDRAW BY COUNSEL FOR PLAINTIFF** has this day been electronically filed with the Clerk of the Court *via* the CM/ECF filing system.

This the 15th day of May, 2026.

/s/ William S. Winfrey, II
William S. Winfrey, II (WVSB #4093)
Attorney at Law
1608 West Main Street
P. O. Box 1159
Princeton, WV 24740
T: (304)487-1887
F: (304)425-7340
E: bill@winfreylaw.com