

**MOTION TO DISMISS GRANTED, ON BEHALF OF
NATIONAL ACCOUNTING FIRM**

Jack Tinney, Jim Tinney, and John Cecil have successfully obtained the dismissal of a national accounting firm from a lawsuit filed by a minority shareholder of Ameribank.

On October 27, 2006, minority shareholders of Ameribank filed suit in McDowell County, West Virginia, alleging that various defendants, including the national accounting firm Crow Chizek & Company, engaged in an improper "freeze out" of the plaintiffs, committed fraud, engaged in civil conspiracy and committed negligence. In 2008, the Office of Thrift Supervision closed Ameribank and appointed the FDIC as receiver. Thereafter, the case was removed to the United States District Court for the Southern District of West Virginia.

After initially granting Crowe's Motion for a More Definite Statement, the Court ultimately granted Crowe's Motion to Dismiss on all counts, including plaintiff's allegations of professional negligence, breach of fiduciary duty, oppressive conduct, intentional misrepresentation, civil conspiracy, bad faith and intentional and negligent infliction of emotional distress.

You may reach Jack or Jim Tinney at (304)720-3310.