West Virginia E-Filing Notice

CC-24-2023-C-130

Judge: Patrick Wilson

**To:** Rodney Smith
rod@lawwv.com

# NOTICE OF FILING

IN THE CIRCUIT COURT OF MARION COUNTY, WEST VIRGINIA
Melissa Gifford v. MVB Bank, Inc.
CC-24-2023-C-130

The following motion was FILED on 7/10/2026 5:24:02 PM

Notice Date: 7/10/2026 5:24:02 PM

Mary Allen
CLERK OF THE CIRCUIT COURT
Marion County
219 Adams St Room 211
FAIRMONT, WV 26554

(304) 367-5360
Mary.Allen@courtswv.gov

**E-FILED | 7/10/2026 5:24 PM**
CC-24-2023-C-130
Marion County Circuit Clerk
Mary Allen

**IN THE CIRCUIT COURT OF MARION COUNTY, WEST VIRGINIA**

| | |
|---|---|
| MELISSA GIFFORD and MICHAEL GIFFORD, on behalf of themselves and all others similarly situated,<br><br>Plaintiffs,<br><br>v.<br><br>MVB BANK, INC.,<br><br>Defendant. | Civil Action No. CC-24-2023-C-130 |

**JOINT MOTION TO EXTEND STAY**

COME NOW Plaintiffs and Defendant (collectively, the "Parties"), by and through their respective counsel, and respectfully request that the Court extend the stay of the proceedings in the instant matter. In support of their Motion, the Parties state as follows:

1. The Parties have reached an agreement in principle to settle the class action claims on behalf of the putative classes and are in the process of finalizing the settlement agreement.

2. The Court previously entered an Order staying this case to allow the Parties to focus their efforts on resolution, and such stay expires on July 10, 2026.

3. The parties are continuing to work together in good faith to finalize the settlement agreement and obtain all necessary signatures. However, the Parties require additional time to complete this process.

4. In order to preserve the resources of the Parties and this Court, the Parties jointly request that Court extend the stay of proceedings up to and including August 10, 2026, to allow the Parties sufficient time to finalize the settlement agreement and obtain all necessary signatures.

5. The Parties will move the Court for preliminary approval of the class action settlement at the earliest possible opportunity after the settlement agreement is signed.

6. This motion is made in good faith, and an extension of the stay of proceedings will not cause any undue purpose or delay that would prejudice the Parties as they have reached an agreement in principle to resolve this matter.

WHEREFORE, the Parties hereby respectfully request that the Court grant this Joint Motion and enter an order extending the stay of proceedings in this matter by thirty-one (31) days, up to and including August 10, 2026.

Dated: July 10, 2026

Respectfully submitted,

/s/ *Rodney A. Smith*
Rodney A. Smith, Esquire (WVSB #9750)
ROD SMITH LAW PLLC
108 ½ Capitol St., Suite 300
Charleston, WV 25301
Telephone: (304) 342-0550
Facsimile: (304) 344-5529
rod@lawwv.com

Lynn A. Toops, *pro hac vice*
COHENMALAD, LLP
One Indiana Square, Suite 1400
Indianapolis, IN 46204
Telephone: 317-636-6481
Facsimile: 317-636-2593
ltoops@cohenmalad.com

J. Gerard Stranch, IV, *pro hac vice*
STRANCH, JENNINGS & GARVEY, PLLC
223 Rosa L. Parks Avenue, Suite 200
Nashville, Tennessee 37203
Telephone: (615) 254-8801
Facsimile: (615) 255-5419
gstranch@stranchlaw.com

*Attorneys for Plaintiffs and the Putative Classes*

/s/ *Matthew P. Heiskell*
Matthew P. Heiskell
Spilman Thomas & Battle, PLLC
48 Donley Street Suite 800
Post Office Box 615
Morgantown, West Virginia 26507
304.291.7932 / 304.291.7979 (fax)
mheiskell@spilmanlaw.com

Lee D. Denton
Spilman Thomas & Battle, PLLC
110 Oakwood Drive, Suite 500
Winston-Salem, North Carolina 27103
336.725.4710 / 336.725.4476
ldenton@spilmanlaw.com

*Attorneys for Defendant*

**IN THE CIRCUIT COURT OF MARION COUNTY, WEST VIRGINIA**

| | |
|---|---|
| MELISSA GIFFORD and MICHAEL GIFFORD, on behalf of themselves and all others similarly situated,<br><br>Plaintiffs,<br><br>v.<br><br>MVB BANK, INC.,<br><br>Defendant. | Civil Action No. CC-24-2023-C-130 |

CERTIFICATE OF SERVICE

I, Rodney A. Smith, counsel for Plaintiffs, hereby certify that on March 6, 2026, I electronically filed a true and accurate copy of the JOINT MOTION TO EXTEND STAY with the Clerk of Court using the West Virginia E-Filing system, which will send notification of the filing to the following:

Matthew P. Heiskell
Spilman Thomas & Battle, PLLC
48 Donley Street Suite 800
Post Office Box 615
Morgantown, West Virginia 26507
304.291.7932 / 304.291.7979 (fax)
mheiskell@spilmanlaw.com

Lee D. Denton
Spilman Thomas & Battle, PLLC
110 Oakwood Drive, Suite 500
Winston-Salem, North Carolina 27103
336.725.4710 / 336.725.4476
ldenton@spilmanlaw.com

*/s/ Rodney A. Smith*
Rodney A. Smith, Esquire (WVSB #9750)