

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

VICKI L. PINERO, individually and on)	Civil Action No. 08-03535
behalf of all others similarly situated,)	
)	Sec. R
Plaintiffs,)	JUDGE SARAH S. VANCE
)	
v.)	Mag. 3
)	MAGISTRATE JUDGE DANIEL E.
JACKSON HEWITT TAX SERVICE)	KNOWLES, III
INC.; JACKSON HEWITT INC.; and,)	
CRESCENT CITY TAX SERVICE,)	
INC. d/b/a JACKSON HEWITT TAX)	
SERVICE,)	
)	
Defendants.)	

**EX PARTE MOTION FOR LEAVE TO FILE MEMORANDUM
IN EXCESS OF PERMITTED PAGE LIMITATION**

NOW INTO COURT, through undersigned counsel, comes plaintiff, Vicki L. Pinero (“Plaintiff”), who requests leave to file a supporting memorandum in excess of the 25-page limitation set forth in L.R. 7.8.1. The supporting memorandum relates to Plaintiff’s Motion for Class Certification, which is being submitted contemporaneously herewith. Plaintiff’s supporting memorandum must address various complex, class-action issues of fact and law, including the 4 threshold class action requirements of Fed.

R. Civ. P. 23(a) (*i.e.*, “numerousity,” “commonality,” “typicality,” and “adequacy of representation”), as well as the requirements of Rule 23(b)(3) (*i.e.*, “premoninance” and “superiority”). Further, the supporting memorandum must analyze all 7 Counts Plaintiff seeks to certify, including: Count 1 (unauthorized disclosure of tax returns); Count 2 (fraud); Count 3 (breach of contract); Count 4 (negligence); Count 5 (invasion of privacy); Count 7 (declaratory judgment); and, Count 8 (injunction). A full and fair treatment of these complex issues of fact and law necessitate a memorandum in excess of 25 pages. In order for Plaintiff to properly address all of the discrete factual and legal issues, Plaintiff seeks leave to file the attached supporting memorandum not exceeding 44 pages in length.

WHEREFORE, Plaintiff requests an order granting her leave to file the attached 44-page supporting memorandum in support of her Motion for Class Certification.

Respectfully Submitted,

/s/ Bryan C. Shartle

David Israel (LSBA No. 7174) (T.A.)

Bryan C. Shartle (LSBA No. 27640)

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Attorneys for Plaintiff,

Vicki L. Pinero

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing has been forwarded to all counsel of record by email; by hand; by fax; by FedEx; by placing a copy of same in the U.S. Mail, postage prepaid this 22nd day of July 2008.

/s/ Bryan C. Shartle

Bryan C. Shartle