

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.)	

**AFFIDAVIT OF DAVID ISRAEL ON BEHALF OF
SESSIONS, FISHMAN, NATHAN & ISRAEL, L.L.P.**

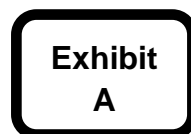
STATE OF LOUISIANA

PARISH OF JEFFERSON

NOW BEFORE ME, the undersigned authority, personally came and appeared

DAVID ISRAEL,

who, after being duly sworn, did depose and state:



1. **BACKGROUND.** I am a partner at SESSIONS, FISHMAN, NATHAN & ISRAEL, L.L.P. (“the Firm”). The Firm has a total of 34 attorneys. The Firm has offices in the following cities: New Orleans and Metairie, LA; Buffalo, NY; Chicago, IL; Dallas, TX; Fort Collins, CO; San Diego, CA; and, Tampa, FL. The Firm’s main office is located in New Orleans, Louisiana, but the Firm services clients throughout the nation.

2. The Firm was established in 1958 by Ralph Fishman and Cicero Sessions. At the time, Mr. Fishman was recognized as one of the most astute real-estate lawyers in the South, and Mr. Sessions was among New Orleans’ most notable trial lawyers. In its early years, the Firm concentrated primarily on real estate, business law, and litigation.

3. The Firm’s practice has broadened steadily since its founding. In addition to real estate, business law, and all types of litigation, the Firm’s other practice areas include: banking; bankruptcy and credit relations; consumer law; insurance law and tort defense; health care; labor and employment; products liability; trusts and estates; and, tax.

4. The Firm has traditionally defended corporate clients in various matters. On occasion, the Firm has also represented individuals in pursuing claims against corporate defendants. Since its inception, the Firm has recovered many millions of dollars in various lawsuits filed on behalf of individuals.

5. **DAVID ISRAEL.** David Israel is a 1976 graduate of Cornell University’s New York State School of Industrial and Labor Relations with a B.S. in labor law. He attended Rutgers University Law School and Seton Hall University Law School and graduated in 1981. Since 1981, he has practiced employment law, representing management interests. He has been a member of Commerce Clearing House’s National Human Resources Board and served as an executive committee member of the American Bar Association’s Young Lawyers Division Labor Law Committee. He has been an arbitrator for the American Arbitration Association. As one of the Firm’s named partners, he practices in the areas of consumer litigation, commercial and business litigation, labor relations, wrongful discharge, and employment discrimination. He leads the Firm’s consumer litigation and labor and employment practice groups and manages the Firm’s regional offices. He has earned a national reputation for handling consumer litigation involving virtually every federal and state cause of action and claim regarding collector misconduct, credit reporting, and all related consumer torts. He has extensive experience handling consumer litigation and employment-related class actions. He has defended over 250 consumer class actions over the last 5 years. He has been a contributing editor to the journal SHRM Magazine and the Legal Trends editor of the monthly newspaper, HRNews, both published by the Society for Human Resource Management (SHRM). He has been a regular speaker for SHRM’s national conferences and regional seminars. He has been a part-time associate professor at Loyola University’s Graduate Business School in New Orleans. He is chairman of Pinnacle Affirmative Action Services, LLC, one of the nation’s largest preparer of affirmative action

plans. He is a member of the Louisiana bar and admitted to practice in the following courts: all Louisiana state courts; United States District Court for the Eastern, Western, and Middle District of Louisiana; United States Fifth Circuit Court of Appeals; United States District Court for Colorado; United States District Court for the Northern District of Illinois; United States District Court for the Northern District of Texas; United States District Court for the Eastern District of Wisconsin; United States District Court for the Western District of Michigan; United States District Court for the Eastern District and Western District of Arkansas; United States District Court for the Western District of New York; United States Third Circuit Court of Appeals; and, United States Eleventh Circuit Court of Appeals.

6. **BRYAN C. SHARTLE**. Bryan C. Shartle is a 2001 graduate of Paul M. Hebert Law Center at Louisiana State University. He served on the Moot Court Board and was named a Robert Lee Tullis Finalist. Following graduation, he served as a law clerk for Justice Jeannette Theriot Knoll of the Louisiana Supreme Court. He is a member of the Louisiana bar and admitted to practice in the following courts: all Louisiana state courts; United States District Court for the Eastern, Western, and Middle District of Louisiana; United States Fifth Circuit Court of Appeals; United States District Court for Colorado; United States District Court for the Northern District of Illinois; United States District Court for the Eastern District of Wisconsin; United States District Court for the Eastern District of New York. He has extensive experience in consumer litigation, including claims under the Fair Debt Collection Practices Act and Fair Credit Reporting Act. He has been designated as coordinating counsel for over 150 consumer-related lawsuits pending in California state court, alleging claims under the Telephone Consumer Protection Act. He has extensive experience handling consumer class actions and has defended over 150 class actions over the last 5 years.

7. **HAROLD A. AUCOIN**. Harold A. Aucoin practices primarily in the areas of business transactions, corporate law, and general business law. He is a Certified Public Accountant and has a Masters of Law in Taxation. Mr. Aucoin has been involved in the design, negotiation, and documentation of numerous and varied complex business transactions, including formations, acquisitions, sales, mergers, consolidations, exchanges, public offerings, and joint ventures, and has negotiated and prepared an extensive array of business contracts. In addition to the public practice of law, Mr. Aucoin has engaged in the practice of public accounting with an international accounting firm, has served as general counsel and corporate secretary for a large energy-related financial services company and an exchange listed public company and has acted in the role of chief financial and operating officer for an insurance services company. Mr. Aucoin holds a Bachelor of Science degree in Accounting from the University of New Orleans, a Juris Doctorate from the Louisiana State University School of Law, and a Masters of Law degree from the Georgetown University School of Law. Mr. Aucoin is a member of the American and Louisiana State Bar Associations, the AICPA, and Louisiana Society of CPA's and the Inns of Court. He was inducted into the LSU Law Center Hall of Fame as a winner of the Robert Lee Tullis Moot

Court Competition. Mr. Aucoin is a former member of the Louisiana Mineral Law Institute and the New Orleans Regional Leadership Institute and has served in educational and religious leadership capacities.

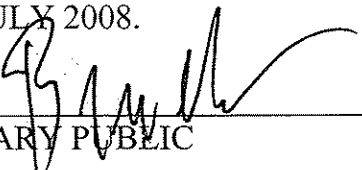
8. **JUSTIN H. HOMES**. Justin H. Homes is a 1996 graduate of Loyola New Orleans School of Law and, since graduating, has served as Chair of the Young Lawyers Section of the New Orleans Bar Association, and has been a contributing author for the Louisiana Bar Journal. He is a member of the Louisiana State, Federal, American and New Orleans Bar Associations and is a member of the Maritime Law Association. He is admitted to practice before the Supreme Court of Louisiana and all Louisiana state courts, the U.S. District Courts for the Eastern, Middle, and Western Districts of Louisiana and the U.S. Court of Appeal for the Fifth Circuit

9. The information contained in this affidavit is true and correct to the best of my knowledge and belief.



DAVID ISRAEL

SWORN TO AND SUBSCRIBED
BEFORE ME THIS 22nd DAY
OF JULY 2008.



NOTARY PUBLIC

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BRYAN C. SHARTLE
NOTARY PUBLIC - LSBA NO. 27640
PARISH OF ORLEANS
STATE OF LOUISIANA
MY COMMISSION IS FOR LIFE