

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.)	

PLAINTIFF VICKI L. PINERO’S MEMORANDUM IN SUPPORT OF MOTION TO EXTEND TIME TO FILE AMENDED CLASS ACTION COMPLAINT

Plaintiff, Vicki L. Pinero (“Plaintiff”), submits this memorandum in support of her Motion to Extend Time to File Amended Class Action Complaint pursuant to this Court’s April 1, 2009 Minute Entry.

In the interest of judicial economy, the Court should extend its current deadline for Plaintiff to file her amended complaint. Specifically, Plaintiff requests that the Court extend the current deadline to file her amended complaint until 5 days after Judge Knowles rules on

Plaintiff's current Motion for Leave to File Third Amended Class Action Complaint [Docket No. 77] and *Ex Parte* Motion to Amend Document No. 77 [Docket No. 103].

Plaintiff requests the Court consider the following:

1. At the April 1, 2009 oral argument on defendants' motions to dismiss, the Court ordered Plaintiff to amend her fraud claims within 15 days, making the deadline **April 16, 2009**.

See Docket No. 97.

2. Currently pending before Magistrate Judge Knowles is Plaintiff's Motion for Leave to File Third Amended Class Action Complaint, wherein Plaintiff seeks to assert new claims against the defendants. *See* Docket Nos. 77 & 103.

3. In Plaintiff's latest amended complaint, Plaintiff not only included her new proposed claims, but also the additional fraud allegations ordered by the Court. *See* Docket No. 103. Again, Plaintiff's motion for leave relating to this proposed complaint is still pending before Magistrate Judge Knowles.

4. In the interest of judicial efficiency, and to avoid the filing of multiple amended complaints, Plaintiff requests that the current deadline for filing the amended complaint be extended until 5 days after Judge Knowles rules on the pending leave motions.

5. Extending the deadline for Plaintiff to file an amended complaint will not prejudice any party. No scheduling order has been entered. Moreover, extending the deadline will not significantly delay these proceedings—the undersigned believes that Magistrate Judge Knowles' rulings on Plaintiff's Motion for Leave to File Third Amended Class Action Complaint, as substituted/amended, will occur within the next few days.

6. By this motion, Plaintiff does *not* seek more time to amend her complaint. Indeed, Plaintiff has already amended her fraud claims, as is evident from the revised proposed Third Amended Class Action Complaint that was filed [*see* Docket No. 103] and presently before Magistrate Judge Knowles.

7. The undersigned has contacted counsel for all opposing parties to this proceeding, and each object to this requested extension.

CONCLUSION

For the foregoing reasons, the Court should extend until 5 days after Judge Knowles rules on Plaintiff's Motion for Leave to File Third Amended Class Action Complaint [Docket No. 77] and *Ex Parte* Motion to Amend Document No. 77 [Docket No. 103], the deadline for Plaintiff to file an amended complaint in compliance with this Court's April 1, 2009 Minute Entry requiring that Plaintiff amend her fraud claims.

Respectfully Submitted,

/s/ Bryan C. Shartle

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

Bryan C. Shartle (LSBA No. 27640)

Justin H. Homes (LSBA No. 24460)

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing has been forwarded to all counsel of record by ECF; by email; by hand; by fax; by FedEx; by placing a copy of same in the U.S. Mail, postage prepaid this 13th day of April 2009.

/s/ Bryan C. Shartle

Bryan C. Shartle

Attorneys for Plaintiff,

Vicki L. Pinero