

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF LOUISIANA

VICKI L. PINERO, individually and on behalf of all others similarly situated,	]	CIVIL ACTION 08-3535
	]	
Plaintiffs	]	SECTION R
	]	JUDGE SARAH S. VANCE
	]	
VERSUS	]	MAG. 3
	]	
JACKSON HEWITT TAX SERVICE INC.; JACKSON HEWITT INC.; and CRESCENT CITY TAX SERVICE, INC. D/B/A JACKSON HEWITT TAX SERVICE,	]	
	]	
Defendants	]	
	]	

---

**CRESCENT CITY TAX SERVICE, INC.,  
D/B/A JACKSON HEWITT TAX SERVICE'S  
RULE 12 (b)(6) MOTION TO DISMISS PLAINTIFF'S  
THIRD AMENDED COMPLAINT**

Crescent City Tax Service, Inc., d/b/a Jackson Hewitt Tax Service, hereby joins with Jackson Hewitt Tax Service, Inc. and Jackson Hewitt, Inc. in moving, under Federal Rule of Civil Procedure 12(b)(6), to dismiss plaintiff's claim in the third amended complaint.

Mover adopts as its own the reasons contained in the Rule 12(b)(6) motion, and prays that the Motion be granted, and that plaintiff's third amended complaint be dismissed.

Respectfully submitted:

BLUE WILLIAMS, L.L.P.

/s/ THOMAS G. BUCK

---

THOMAS G. BUCK T.A. Bar No. 14107  
[tbuck@bluewilliams.com](mailto:tbuck@bluewilliams.com)

JOHN C. HENRY Bar No. 18948  
[jhenry@bluewilliams.com](mailto:jhenry@bluewilliams.com)

BRETT W. TWEEDEL Bar No. 30100  
[btweedel@bluewilliams.com](mailto:btweedel@bluewilliams.com)

DAVID B. PARNELL, JR. Bar No. 27031  
[dparnell@bluewilliams.com](mailto:dparnell@bluewilliams.com)

3421 North Causeway Boulevard, Suite 900  
Metairie, LA 70002

Telephone (504) 831-4091

Facsimile (504) 837-1182

Attorneys for: Crescent City Tax Service, Inc.,  
d/b/a Jackson Hewitt Tax Service

**CERTIFICATE OF SERVICE**

I do hereby certify that I have on May 7, 2009, electronically filed the foregoing with the Clerk of court by using the CM/ECF system which will send a notice of electronic filing to the following.

828-3700 FAX 828-3737  
[bshartle@session-law.biz](mailto:bshartle@session-law.biz)  
Bryan C. Shartle  
Sessions, Fishman, Nathan & Israel, LLP  
Lakeway II, Suite 200  
3850 North Causeway Boulevard  
Metairie, LA 70002  
Counsel for Plaintiffs

1-225-387-0999 FAX 1-225-388-9133  
[glennfarnet@keanmiller.com](mailto:glennfarnet@keanmiller.com)  
Glenn M. Farnet  
[ginabanks@keanmiller.com](mailto:ginabanks@keanmiller.com)  
Ms. Gina D. Banks  
Kean, Miller, Hawthorne,  
D'Armond, McCowan & Jarmon, LLP  
One American Place, 22<sup>nd</sup> Floor  
Baton Rouge, LA 70825  
Counsel for Jackson Hewitt Tax Service, Inc. and Jackson Hewitt, Inc.

202-342-8400 FAX 202-342-8451  
[dwilson@kelleydrye.com](mailto:dwilson@kelleydrye.com)  
Donna L. Wilson  
[awein@kelleydrye.com](mailto:awein@kelleydrye.com)  
Andrew S. Wein  
[vgray@kelleydrye.com](mailto:vgray@kelleydrye.com)  
Ms. Veronica Gray  
Kelley, Drye & Warren, LLP  
Washington Harbour, Suite 400  
3050 K Street, NW  
Washington, DC 20007-5108  
Counsel for Jackson Hewitt Tax Service, Inc. and Jackson Hewitt, Inc.

I further certify that I mailed the foregoing document and the notice of electronic filing by first-class mail to the following non-CM.ECF participants.

/s/ THOMAS G. BUCK

---