

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 EX PARTE MOTION FOR LEAVE  
TO FILE REPLY TO MEMORANDUM IN OPPOSITION TO MOTION FOR  
DE NOVO REVIEW OF APRIL 21, 2009 DISPOSITIVE MAGISTRATE RULING**

NOW INTO COURT, through undersigned counsel, comes plaintiff, Vicki L. Pinero, and pursuant to L.R. 7.4, moves this Court for leave to file a short memorandum in reply to the arguments raised by defendants, Jackson Hewitt Tax Service Inc. and Jackson Hewitt Inc. (jointly referred to as “Defendants”), in their opposition memorandum [Docket No. 130] to plaintiff’s Motion for *De Novo* Review of April 21, 2009 Dispositive Magistrate Ruling [Docket No. 121]. The proposed 4 page memorandum is attached hereto.

Plaintiff's proposed memorandum clarifies the appropriate *de novo* standard of review of the dispositive April 21, 2009 ruling and will otherwise aid this Court's understanding and disposition of the matters presently in dispute.

WHEREFORE, plaintiff prays for an order granting plaintiff leave to file the attached reply memorandum in response to the arguments raised by Defendants in their opposition to plaintiff's motion for *de novo* review of the April 21, 2009 ruling issued by Magistrate Judge Daniel E. Knowles, III.

Respectfully Submitted,

/s/ Bryan C. Shartle  
David Israel (LSBA No. 7174) (T.A.)  
Bryan C. Shartle (LSBA No. 27640)  
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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 21st day of May 2009.

/s/ Bryan C. Shartle  
Bryan C. Shartle

Attorneys for Plaintiff,  
Vicki L. Pinero