

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

VICKI L. PINERO, individually and on behalf of all others similarly situated,)	Civil Action No. 08-03535
)	
)	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.)	

MOTION TO COMPEL

NOW INTO COURT, through undersigned counsel and pursuant to Fed. R. Civ. P. 37 and L.R. 37.1, comes plaintiff, Vicki L. Pinero (“Plaintiff”). On June 8, 2009, Plaintiff served a First Request for Production of Documents on defendants Jackson Hewitt Tax Service Inc. and Jackson Hewitt Inc. (jointly referred to as “Defendants”). Plaintiff’s first request for production of documents contained *only one document*

*request.*¹

On July 8, 2009, Defendants served their combined response to Plaintiff's Request. In their response, Defendants objected to Plaintiff's single Request. Defendants did *not* produce any documents. Moreover, Defendants did *not* identify any of the improperly withheld documents on a Privilege Log. The requested documents are relevant and Defendants' refusal to produce the requested documents is improper.

WHEREFORE, considering the premises, and the accompanying memorandum, Plaintiff requests that the Court grant her Motion to Compel; compel Defendants to properly respond to Plaintiff's Request and produce the requested documents, if any such documents exist; and, award Plaintiff all costs and attorneys' fees incurred in bringing this motion.

¹ Plaintiff's sole request was:

Produce all documents that you believe evidence [Defendants'] attempt(s) to comply with the Federal Trade Commission's Safeguards Rule, 16 C.F.R. §§ 314.3-314.4, from January 1, 2005 until June 8, 2009. Include in your response all written policies and procedures designed to (1) insure the security and confidentiality of customer information; (2) protect against any anticipated threats or hazards to the security or integrity of such information; and (3) protect against unauthorized access to or use of such information that could result in substantial harm or inconvenience to any customer.

Respectfully Submitted,

/s/ Bryan C. Shartle

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

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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 23rd day of July 2009.

/s/ Bryan C. Shartle

Bryan C. Shartle

Attorneys for Plaintiff,

Vicki L. Pinero