

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF LOUISIANA**

VICKI L. PINERO, individually and on behalf  
of all others similarly situated,

Plaintiff,

v.

JACKSON HEWITT TAX SERVICE INC.;  
JACKSON HEWITT INC.; and, CRESCENT  
CITY TAX SERVICE, INC. d/b/a JACKSON  
HEWITT TAX SERVICE,

Defendants.

**CASE NO.: 08-3535**

**SECTION R**

**JUDGE**

**SARAH VANCE**

**MAGISTRATE JUDGE**

**DANIEL E. KNOWLES**

**JACKSON HEWITT TAX SERVICE INC.'S AND JACKSON HEWITT INC.'S  
RESPONSE TO PLAINTIFF VICKI L. PINERO'S  
FIRST REQUEST FOR THE PRODUCTION OF DOCUMENTS**

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure and the Local Rules for the United States District Court for the Eastern District of Louisiana, Defendants Jackson Hewitt Tax Service Inc. and Jackson Hewitt Inc. (collectively "Jackson Hewitt") hereby respond to Plaintiff Vicki L. Pinero's First Request for the Production of Documents (the "Request"), as set forth below.

**INTRODUCTION**

Jackson Hewitt's responses to any propounded discovery in this litigation may involve information of a confidential or proprietary nature, such that information must be produced pursuant to an appropriate stipulated confidentiality and protective order. The responses should be treated as confidential and not be shared with any third party or used in other litigation even prior to the entry of such an order. By responding to the Request, Jackson Hewitt reserves and does not waive any objections to the admission of any documents at trial, or to the admission of

**Exhibit  
B**

the information contained therein, on grounds of privilege, relevance, hearsay, or other grounds of objection.

Jackson Hewitt objects to Plaintiff's "Instructions" and "Definitions" accompanying her Request, to the extent they require Jackson Hewitt to respond to the Request in a manner which deviates from the Federal Rules of Civil Procedure, and will only respond as those Rules require. Furthermore, those Instructions and Definitions do not appear to apply to this Request, as they define terms which are not used within the Request.

**REQUEST FOR PRODUCTION NUMBER 1:**

Produce all documents that you believe evidence [Jackson Hewitt's] 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.

**JACKSON HEWITT'S COMBINED RESPONSE TO REQUEST FOR PRODUCTION NUMBER 1:**

Jackson Hewitt objects to plaintiff's Request to the extent that:

1. The Request does not properly identify the documents sought, but instead impermissibly seeks documents that may support certain legal contentions, and accordingly is premature, overbroad, unduly burdensome, and calls for legal conclusions, mental impressions of counsel, and other privileged attorney work product and attorney-client communications.
2. The Request seeks information and materials protected by the attorney work product doctrine and attorney-client privilege, as well as the joint defense and common interest doctrines.

3. The Request is overbroad and unduly burdensome, and seeks irrelevant information including information that is beyond the temporal and geographic scope of this case, and therefore is not reasonably calculated to lead to admissible evidence.

4. The Request is overly vague, using undefined terms which are argumentative and require speculation.

5. The Request seeks information that is neither relevant to Plaintiff's claims nor reasonably calculated to lead to the discovery of admissible evidence.

6. The Request states allegations of facts and presumes conclusions of law that are in dispute in this Action. Jackson Hewitt further objects to this Request to the extent that it purports to define or characterize the Federal Trade Commission's Safeguards Rule. Any response to the Request should not be construed as an admission or concession with respect to any such facts, conclusions, or characterizations.

7. The Request calls for information readily available in the public domain or public record (including but not limited to public filings, articles, or court decisions), within Plaintiff's own knowledge or control, or otherwise easily accessible to Plaintiff. Jackson Hewitt's provision of such information to Plaintiff would be unduly burdensome and would cause Jackson Hewitt to incur unnecessary expense.

Subject to and without waiving these objections, Jackson Hewitt invites Plaintiff to clarify and reasonably tailor her Request to seek relevant materials in a manner that does not call for attorney mental impressions or work product and is consistent with the Federal Rules of Civil Procedure, such as would allow Jackson Hewitt to amend and/or supplement its response.

Respectfully submitted,



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Donna L. Wilson  
Andrew S. Wein  
Veronica D. Jackson  
Kelley Drye & Warren LLP  
Washington Harbour, Suite 400  
3050 K Street, NW  
Washington, DC 20007-5108  
(202)342-8400 (phone)  
(202)342-8451 (fax)

- and -

Glenn M. Farnet  
Gina D. Banks  
Kean, Miller, Hawthorne,  
D'Armond, McCowan & Jarmon, LLP  
One American Place, 22nd Floor  
Baton Rouge, LA 70825  
(225) 382-3431 (phone)  
(225) 388-9133 (fax)

Counsel for Jackson Hewitt Tax Service, Inc. and  
Jackson Hewitt, Inc.

**Certificate of Service**

I do hereby certify that on July 8, 2009, I mailed and emailed the foregoing to all counsel at the following:

Bryan C. Shartle  
Sessions, Fishman, Nathan & Israel, LLP  
Lakeway II, Suite 200

3850 North Causeway Boulevard  
Metairie, LA 70002  
bshartle@session-law.biz

Counsel for Plaintiff Vicki L. Pinero

Thomas G. Buck  
Blue Williams, LLP  
3421 North Causeway Boulevard, Suite 900  
Metairie, LA 70002  
tbuck@bluewilliams.com

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

A handwritten signature in black ink, appearing to read "Andrew S. Wein". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

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Andrew S. Wein, Esq.