

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

VICKI PINERO

CIVIL ACTION

VERSUS

NO. 08-3535

JACKSON HEWITT TAX SERVICE INC., ET AL.

SECTION: R (3)

A Preliminary Conference was held July 30, 2009.

Participating were:  
BRYAN SHARTLE  
ANDREW WEIN  
TOM BUCK

Pleadings have been completed. Jurisdiction and venue are established.

All non-evidentiary pretrial motions shall be filed and served in sufficient time to permit hearing thereon no later than **SEPTEMBER 29, 2010**. This Section adheres to Local Rule 78.1E regarding oral argument on motions. **Deposition transcripts submitted in support of motions are to be in an uncompressed format, specifically, double spaced lines on single sided pages.**

Motions *in limine* regarding the admissibility of expert testimony shall be filed and served in sufficient time to permit hearing thereon no later than **SEPTEMBER 29, 2010**.

All other motions *in limine* and trial memoranda shall be filed five working days before trial and responses thereto shall be filed two working days before trial.

Motions filed in violation of this order will not be considered unless good cause is shown.

**Initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1) must be by the date mutually agreed upon by counsel.**

Depositions for trial use shall be taken and all discovery shall be completed no later

than **SEPTEMBER 28, 2010**.

Amendments to pleadings, third-party actions, crossclaims, and counterclaims shall be filed no later than **AUGUST 31, 2009**.

Counsel adding new parties subsequent to mailing of this Notice shall serve on each new party a copy of this Minute Entry. Pleadings responsive thereto, when required, shall be filed within the applicable delays therefor.

Written reports of experts, as defined by the Federal Rules of Civil Procedure 26(a)(2)(B), who may be witnesses for Plaintiffs fully setting forth all matters about which they will testify and the basis therefor shall be obtained and delivered to counsel for Defendant as soon as possible, but in no event later than **JULY 30, 2010**.

Written reports of experts, as defined by the Federal Rules of Civil Procedure 26(a)(2)(B), who may be witnesses for Defendants fully setting forth all matters about which they will testify and the basis therefor shall be obtained and delivered to counsel for Plaintiff as soon as possible, but in no event later than **AUGUST 30, 2010**.

Counsel for the parties shall file in the record and serve upon their opponents a list of all witnesses who may or will be called to testify at trial and all exhibits which may or will be used at trial no later than **AUGUST 30, 2010**.

The Court will not permit any witness, expert or fact, to testify or any exhibits to be used unless there has been compliance with this Order as it pertains to the witness and/or exhibits, without an order to do so issued on motion for good cause shown.

**IT IS ORDERED THAT COUNSEL FOR THE PLAINTIFF CONTACT THE ASSIGNED MAGISTRATE JUDGE SIX WEEKS PRIOR TO THE PRETRIAL**

**CONFERENCE DATE FOR THE PURPOSE OF SCHEDULING A SETTLEMENT CONFERENCE WHICH SHOULD BE HELD WITHIN TWO WEEKS PRIOR TO THE PRETRIAL CONFERENCE.**

This case does not involve extensive documentary evidence, depositions or other discovery.

No special discovery limitations beyond those established in the Federal Rules, Local Rules of this Court, or the Plan are established.

A Final Pretrial Conference will be held on **OCTOBER 29, 2010, at 2:00 p.m.** Counsel will be prepared in accordance with the final Pretrial Notice attached. The pretrial order, in duplicate, must be delivered to the Court's chambers by 4:30 p.m. on a day that allows one full work day prior to the conference, excluding Saturdays, Sundays, and holidays. **THE PRETRIAL ORDER SUBMITTED TO THE COURT MUST BE DOUBLE SPACED AND SIGNED BY ALL COUNSEL. The parties shall comply with all deadlines stated in the Pretrial Notice, including without limitation, the deadlines for filing briefs on objections to exhibits and on objections to deposition testimony.**

Trial will commence **the week beginning, MONDAY, NOVEMBER 8, 2010 at 8:30 a.m.** before the District Judge with a jury. Attorneys are instructed to report for trial no later than 30 minutes prior to this time. The starting time on the first day of a jury trial may be delayed or moved up because of jury pooling. Trial is estimated to last three days.

Deadlines, cut-off dates, or other limits fixed herein may only be extended by the Court upon timely motion filed in compliance with the Plan and Local Rules and upon a showing of good cause. Continuances will not normally be granted. If, however, a continuance is granted,

deadlines and cut off dates will be automatically extended, unless otherwise ordered by the Court.

**SARAH S. VANCE  
UNITED STATES DISTRICT JUDGE**

**Issued for the Court:**

**By: Jay Susslin  
Case Manager  
589-7689**

rev. Oct 2007

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SECTION "R"

**ADDENDUM TO PRELIMINARY CONFERENCE ORDER**

Motions for summary judgment and oppositions to motions for summary judgment shall be filed in compliance with Local Rules 56.1 and 56.2 E & W, requiring parties to file a short and concise statement of material facts as to which there does or does not exist a genuine issue to be tried. Additionally, each party shall make specific reference to record evidence supporting its statement of material facts. Citations to record evidence shall indicate, whenever applicable, an exhibit reference, page reference, and record document number reference. Record evidence not specifically referred to by the parties may not be considered by the Court.