

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

VICKI L. PINERO

CIVIL ACTION

VERSUS

NO. 08-3535

JACKSON HEWITT, INC., ET AL

SECTION "R" (3)

ORDER DISMISSING MOTION AS MOOT

Before the Court is Plaintiff's Motion to Compel (Doc. #156). Defendants filed a memorandum in opposition highlighting that plaintiff revised the request for production at issue *via* subsequent discovery request and thus plaintiff's motion is moot. *See* Defendants' Memorandum in Opposition with Exhibits (Doc. # 162) (noting the defendants' response to plaintiff's amended request for production number 1 is not due until today, August 10, 2009). The Court is persuaded that plaintiff's motion is moot in light of the issuance of plaintiff's revised request for production number 1. The undersigned fully reserves unto plaintiff the right to test the sufficiency of any response to the aforesaid revised discovery request. The Court will not issue an advisory opinion with respect to plaintiff's original request and considers it withdrawn. Accordingly,

IT IS ORDERED that Plaintiff's Motion to Compel (Doc. #156) is DISMISSED AS MOOT.

IT IS FURTHER ORDERED that the August 12, 2009 hearing previously scheduled in this matter is hereby DISMISSED AS MOOT.

New Orleans, Louisiana, this 10th day of August, 2009.

A handwritten signature in black ink that reads "Daniel E. Knowles, III". The signature is written in a cursive style with a horizontal line underneath the name.

DANIEL E. KNOWLES, III
UNITED STATES MAGISTRATE JUDGE