

**IN THE 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**

FED. R. CIV. P. 37 AND L.R. 37.1 CERTIFICATE

Pursuant to Federal Rule of Civil Procedure 37 and Local Rule 37.1, I, ANDREW S.

WEIN declare as follows:

I am an attorney at law licensed to practice in the courts of the State of New York and the District of Columbia, and am admitted *pro hac vice* to represent Defendants Jackson Hewitt Tax Service Inc. and Jackson Hewitt Inc. (collectively "Jackson Hewitt") in this matter before the United States District Court for the Eastern District of Louisiana. If called as a witness, I could and would competently testify to the following based on my own true, personal knowledge:

1. I have, in good faith, conferred with counsel for Plaintiff in an effort to resolve the discovery dispute without court involvement.
2. On August 10, 2009, I spoke with Bryan C. Shartle, counsel for Plaintiff, by telephone regarding discovery demands and subpoenas seeking information regarding Jackson Hewitt's marketing practices and agreements with third parties.

3. During the call, I requested that Mr. Shartle reconsider these discovery demands and subpoenas in light of Jackson Hewitt's contention that such requests seek irrelevant information, are overbroad, and are unduly burdensome on non-parties. I also indicated that Jackson Hewitt would seek a protective order against these discovery demands and subpoenas if they were not withdrawn.

4. Mr. Shartle indicated that he had no intention to retract these discovery demands and was willing to litigate the issue because, in his opinion, the information Plaintiff sought was relevant.

5. In light of this conversation with Mr. Shartle, I have concluded that it is not possible to reach an amicable result with Plaintiff regarding this discovery dispute, thus necessitating the filing of the present motion.

Date: August 24, 2009

By Attorneys:

/s/Andrew S. Wein

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