

UNITED STATES DISTRICT COURT  
 EASTERN DISTRICT OF LOUISIANA

VICKI L. PINERO, <i>et al.</i> ,	)	Civil Action No. 08-03535
	)	
Plaintiffs,	)	Sec. R
	)	JUDGE SARAH S. VANCE
v.	)	
	)	Mag. 3
JACKSON HEWITT TAX SERVICE	)	MAGISTRATE JUDGE DANIEL E.
INC., <i>et al.</i> ,	)	KNOWLES, III
	)	
Defendants.	)	

**MOTION FOR LEAVE TO FILE**  
**FOURTH AMENDED CLASS ACTION COMPLAINT**

NOW INTO COURT, through undersigned counsel, comes plaintiff, Vicki L. Pinero (“Plaintiff”), who, pursuant to Fed. R. Civ. P. 15(a), moves this Court for leave to amend her class action complaint against defendants, Jackson Hewitt Tax Service Inc.; Jackson Hewitt Inc.; and, Crescent City Tax Service, Inc. d/b/a Jackson Hewitt Tax Service. Specifically, Plaintiff seeks leave to amend her complaint to include: (a) three new counts and related facts; and (b) an additional plaintiff (*i.e.*, Erick G. Adkins) for the new counts only. Plaintiff seeks to include new counts for violation of La. Rev. Stat. § 51:1910, *et seq.* (proposed Count 10); rescission of unlawful fee agreement/contract

(proposed Count 11); and, payment of a thing not owed (proposed Count 12). Plaintiff also seeks leave to amend her class definition to include 3 classes and to expand her request for declaratory and injunctive relief. Plaintiff does not seek to amend her current remaining claims for fraud (Count 2); invasion of privacy (Count 5); or, unfair trade practices (Count 9). A copy of the proposed Fourth Amended Class Action Complaint is attached hereto.

WHEREFORE, considering the foregoing, attached L.R. 7.6 Certificate, supporting memorandum, and proposed amended complaint, Plaintiff moves this Court for an order granting her leave to file her Fourth Amended Class Action Complaint.

Respectfully Submitted,

/s/ Bryan C. Shartle  
David Israel (LSBA No. 7174) (T.A.)  
Bryan C. Shartle (LSBA No. 27640)  
Justin H. Homes (LSBA No. 24460)  
SESSIONS, FISHMAN, NATHAN & ISRAEL, L.L.P.  
3850 N. Causeway Blvd.  
Lakeway II, Suite 200  
Metairie, Louisiana 70002  
Telephone: (504) 828-3700  
Facsimile: (504) 828-3737

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 24th day of August 2009.

/s/ Bryan C. Shartle  
Bryan C. Shartle

Attorneys for Plaintiff,  
Vicki L. Pinero