

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

**VICKI PINERO, individually and on behalf of all  
other 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**  
§

**ACE CASH EXPRESS, INC.’S MEMORANDUM OF LAW IN SUPPORT OF ITS  
MOTION TO QUASH AND FOR PROTECTIVE ORDER**

ACE Cash Express, Inc. (“ACE”) files this Motion to Quash and for Protective Order, and would respectfully show the Court as follows:

**I. GROUNDS FOR MOTION**

On or about July 28, 2009, ACE was served with a subpoena duces tecum (the “Subpoena”) essentially requesting all of ACE’s documents relating to contracts involving Defendant, Jackson Hewitt, Inc. (“JHI”) and/or Jackson Hewitt Tax Service, Inc. (“JHTSI”), from the past eleven (11) years. A true and correct copy of the Subpoena served on ACE is attached as Exhibit “A.” The

specific requests are as follows:

1. Produce and permit inspection of all documents, including but not limited to all proposals, contracts, agreements, letters of understanding, correspondence and press releases, establishing, modifying, amending, terminating or pertaining to all contracts, joint ventures, or contractual relationships you entered with JHI and/or JHTSI at any time during May 22, 1998 to the present.
2. Produce and permit inspection of all original, amended, supplemented, modified or restated Joint Marketing Agreements, Cross Marketing Agreements, Program Agreements, Technology Agreements and/or Kiosk License Agreements to which JHI and/or JHTSI was a party or signatory that were effective any time during May 22, 1998 to the present.
3. Produce and permit inspection of all documents explaining, describing, or summarizing the implementation of any Joint Marketing Agreement, Cross Marketing Agreement, Program Agreement, Technology Agreement and/or Kiosk License Agreement to which JHI and/or JHTSI was a party or signatory that was effective at any time during May 22, 1998 to the present.

ACE is not a party to the above-described action. ACE has not been served with a copy of the petition in this matter, and, accordingly, cannot opine on the relevance of the documents requested. However, the documents requested likely consist of hundreds of separate agreements, each of which, upon information and belief, is likely protected by a confidentiality agreement. In addition, the documents requested would, upon information and belief, likely reveal trade secrets and other confidential and proprietary business information of ACE. On information and belief, no confidentiality order has been entered in this matter. Further, the discovery sought can be obtained through discovery requests to JHI and/or JHTSI, which are parties to the above-described action.

JHI and JHTSI have filed a Motion for Protective Order and Motion to Quash the Subpoena served on ACE. The Motion for Protective Order and Motion to Quash has been set for hearing on September 9, 2009. ACE hereby incorporates by reference the objections, responses, and arguments

made in JHI and JHTSI's Motion for Protective Order and Motion to Quash, to the extent such objections, responses and arguments are applicable to a third party.

Accordingly, ACE requests that the Court rule on this motion and JHI and JHTSI's Motion for Protective Order and Motion to Quash prior to ACE being required to produce documents in response to the Subpoena.

## **II. REQUEST FOR RELIEF**

WHEREFORE, PREMISES CONSIDERED, ACE Cash Express, Inc. respectfully requests that this Honorable Court grant this motion to quash and for protective order and for further relief as the Court finds just and equitable.

Respectfully submitted,

**CHOPIN, WAGAR, RICHARD  
& KUTCHER, L.L.P**

BY: /s/ Jason P. Foote

**JASON P. FOOTE (La. Bar #25050)**

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*Attorney for Defendant, Ace Cash Express*

## **CERTIFICATE OF SERVICE**

I hereby certify that on the 3<sup>rd</sup> day of September 2009, a copy of the foregoing and all documents filed in support were electronically filed with the Clerk of Court using the CM/ECF system. Notice of this filing will be sent by operation of the Court's electronic filing system to counsel of record for Plaintiff and Defendants.

/s/ Jason P. Foote