

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.	)	

**PLAINTIFF VICKI L. PINERO’S EX PARTE MOTION FOR LEAVE TO FILE  
EXCESS-PAGE MEMORANDUM IN REPLY TO OPPOSITION TO  
MOTION FOR LEAVE TO FILE FOURTH AMENDED CLASS ACTION COMPLAINT**

NOW INTO COURT, through undersigned counsel, comes plaintiff, Vicki L. Pinero, and pursuant to L.R. 7.4 and 7.8.1, moves this Court for leave to file a 22-page memorandum in reply to the arguments raised by defendants, Jackson Hewitt Tax Service Inc. and Jackson Hewitt Inc. (jointly referred to as “Defendants”), in their opposition memorandum [Docket No. 180] to plaintiff’s Motion for Leave to File Fourth Amended Class Action Complaint [Docket No. 173]. The proposed memorandum is attached hereto.

This Court should grant Plaintiff leave to file the proposed memorandum and thereby allow Plaintiff the opportunity to adequately and fully: 1) respond to Defendants' allegations of Plaintiff's bad faith in bringing her motion for leave to amend; 2) respond to Defendants' disingenuous argument that one or more of Plaintiff's proposed claims were previously considered and rejected by this Court; 3) address Defendants' unfounded suggestion that Plaintiff is procedurally barred from bringing one or more of the proposed new claims; 4) clarify the appropriate standard of review this Court should apply to Plaintiff's leave motion; and, 5) otherwise address the merits of Defendants' various substantive arguments regarding Plaintiff's proposed claims for rescission, payment of a thing not owed, Defendants' violations of 2 loan broker statutes, and declaratory and injunctive relief.

WHEREFORE, Plaintiff prays for an order granting her leave to file the attached 22-page reply memorandum in response to the arguments raised by Defendants in their opposition to Plaintiff's motion for leave to file a fourth amended class action complaint.

Respectfully Submitted,

/s/ Bryan C. Shartle

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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 4th day of September 2009.

/s/ Bryan C. Shartle

Bryan C. Shartle

Attorneys for Plaintiff,

Vicki L. Pinero