

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

VICKI L. PINERO, individually and on behalf of all others similarly situated,)	Civil Action No. 08-03535
)	
)	Sec. R
Plaintiffs,)	JUDGE SARAH S. VANCE
)	
v.)	Mag. 3
)	MAGISTRATE JUDGE DANIEL E.
JACKSON HEWITT TAX SERVICE)	KNOWLES, III
INC.; JACKSON HEWITT INC.; and,)	
CRESCENT CITY TAX SERVICE,)	
INC. d/b/a JACKSON HEWITT TAX)	
SERVICE,)	
)	
Defendants.)	

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

NOW INTO COURT, through undersigned counsel and pursuant to Fed. R. Civ. P. 37 and L.R. 37.1, comes plaintiff, Vicki L. Pinero (“Plaintiff”). Plaintiff submits this certificate in support of her Motion to Compel, filed against defendants Jackson Hewitt Tax Service Inc. and Jackson Hewitt Inc. (jointly referred to as “Defendants”). Plaintiff respectfully shows:

1. **FED. R. CIV. P. 37** – Fed. R. Civ. P. 37(a)(1) provides:

On notice to other parties and all affected persons, a party may move for an order compelling disclosure or discovery. The motion must include a certification that the movant has in good faith conferred or attempted to confer with the person or party failing to make disclosure or discovery in an effort to obtain it without court action.

2. **L.R. 37.1** – L.R. 37.1 provides:

No motion relative to discovery shall be accepted for filing unless accompanied by a certificate of counsel for the moving party stating that counsel have conferred in person or by telephone for purposes of amicably resolving the issues and stating why they are unable to agree or stating that opposing counsel has refused to so confer after reasonable notice. Counsel for the moving party shall arrange the conference. Any motion filed under this paragraph shall be noticed for hearing. If the court finds that opposing counsel has willfully refused to meet and confer, or, having met, willfully refused or failed to confer in good faith, the court may impose such sanctions as it deems proper.

3. **CERTIFICATE** – Pursuant to Fed. R. Civ. P. 37 and L.R. 37.1, Plaintiff and undersigned counsel certify that they have in good faith conferred with counsel for Defendants on numerous occasions via telephone in an effort to resolve the discovery dispute without court involvement. Despite undersigned counsel's requests that Defendants properly respond to Plaintiff's discovery, Defendants have refused to provide proper supplemental discovery responses.

WHEREFORE, considering the premises, and the accompanying memorandum, Plaintiff requests the Court grant her Motion to Compel; compel Defendants to properly respond to Plaintiff's discovery; and, award Plaintiff all costs and attorneys' fees incurred in bringing this motion.

Respectfully Submitted,

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 8th day of September 2009.

/s/ Bryan C. Shartle
Bryan C. Shartle

/s/ Bryan C. Shartle
David Israel (LSBA No. 7174) (T.A.)
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