

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

**JACKSON HEWITT TAX SERVICE INC.'S AND JACKSON HEWITT INC.'S
COMBINED RESPONSE TO PLAINTIFF VICKI L. PINERO'S
SECOND REQUEST FOR PRODUCTION OF DOCUMENTS**

Pursuant to Rule 34 of the Federal Rules of Civil Procedure and the Local Rules for the United States District Court for the Eastern District of Louisiana, Defendants Jackson Hewitt Tax Service Inc. and Jackson Hewitt Inc. (collectively "Jackson Hewitt") hereby respond to Plaintiff Vicki L. Pinero's Second Request for Production of Documents (the "Request"), as set forth below.¹

INTRODUCTION AND OBJECTIONS

Jackson Hewitt's responses to any propounded discovery in this litigation may involve information of a confidential or proprietary nature, such that information must be produced pursuant to an appropriate stipulated confidentiality and protective order. The responses should

¹ As the Second Request for Production of Documents served upon Jackson Hewitt Tax Service Inc. and Jackson Hewitt Inc. appear to be identical, Jackson Hewitt is providing this combined response.

Exhibit
C

be treated as confidential and not be shared with any third party or used in other litigation even prior to the entry of such an order. By responding to the Request, Jackson Hewitt reserves and does not waive any objections to the admission of any documents at trial, or to the admission of the information contained therein, on grounds of privilege, relevance, hearsay, or other grounds of objection.

Jackson Hewitt objects to Plaintiff's "Instructions" and "Definitions" accompanying her Request, to the extent they require Jackson Hewitt to respond to the Request in a manner which deviates from the Federal Rules of Civil Procedure, and will only respond as those Rules require. Furthermore, those Instructions and Definitions do not appear to apply to this Request, as they define terms which are not used within the Request.

The Definition of "JH Customers and Potential Customers" used in this Request is further improper in that it is vague, overbroad, unduly burdensome, and not reasonably calculated to lead to admissible evidence, for reasons including but not limited to its reference to "potential customers" or other unidentifiable parties.

Jackson Hewitt further objects to Plaintiff's Request to the extent that:

1. The Request seeks information and materials protected by the attorney work product doctrine and attorney-client privilege, as well as the joint defense and common interest doctrines.
2. The Request is overbroad and unduly burdensome, and seeks irrelevant information including information that is beyond the temporal and geographic scope of this case, and therefore is not reasonably calculated to lead to admissible evidence.
3. The Request is overly vague, using undefined terms which are argumentative and require speculation.

4. The Request seeks information that is neither relevant to Plaintiff's claims nor reasonably calculated to lead to the discovery of admissible evidence.

5. The Request states allegations of facts and presumes conclusions of law that are in dispute in this Action. Any response to the Request should not be construed as an admission or concession with respect to any such facts, conclusions, or characterizations.

6. The Request includes for information readily available in the public domain or public record (including but not limited to public filings, articles, or court decisions), within Plaintiff's own knowledge or control, or otherwise easily accessible to Plaintiff, and accordingly is not proper. Jackson Hewitt's provision of such information to Plaintiff would be unduly burdensome and would cause Jackson Hewitt to incur unnecessary expense.

7. The Request is compound in nature.

8. The Request is duplicative of other discovery requests in this action, and accordingly is improper for the reasons set forth in Jackson Hewitt's Memorandum in Opposition to the pending Motion to Compel.

9. The Request is not properly directed at issues of class discovery, and therefore contradicts the directive in District Judge Vance's order directing that class issues be resolved prior to merits issues.

However, subject to the above objections, Jackson Hewitt responds as follows:

REQUEST FOR PRODUCTION NUMBER 1:

Produce all documents setting forth, explaining, describing and/or identifying [Jackson Hewitt's] policies, practices, procedures, and/or protocols that: (a) ensure the security and/or confidentiality of JH Customer Information and Customer Documents; and/or (b) protect against any threats or hazards to the security or integrity of JH Customer Information and Customer

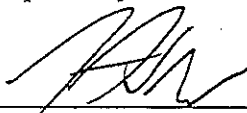
Documents; and/or (c) protect against unauthorized access to or use of JH Customer Information and Customer Documents.

RESPONSE:

Jackson Hewitt objects to this response for all of the reasons listed above. However, subject to the objections above, and subject to the entry of an appropriate protective order, Jackson Hewitt is prepared to make available relevant, non-privileged documents, if any, in its possession, custody or control, sufficient to reflect the "policies, procedures, and protocols" relevant to Plaintiff's claim.

Dated: August 10, 2009

Respectfully submitted,



Donna L. Wilson
Andrew S. Wein
Veronica D. Jackson
Kelley Drye & Warren LLP
Washington Harbour, Suite 400
3050 K Street, NW
Washington, DC 20007-5108
(202)342-8400 (phone)
(202)342-8451 (fax)

- and -

Glenn M. Farnet
Gina D. Banks
Kean, Miller, Hawthorne,
D'Armond, McCowan & Jarmon, LLP
One American Place, 22nd Floor
Baton Rouge, LA 70825
(225) 382-3431 (phone)
(225) 388-9133 (fax)

Counsel for Jackson Hewitt Tax Service, Inc. and
Jackson Hewitt, Inc.

Certificate of Service

I do hereby certify that on August 10, 2009, I mailed the foregoing to all counsel at the following:

Bryan C. Shartle
Sessions, Fishman, Nathan & Israel, LLP
Lakeway II, Suite 200
3850 North Causeway Boulevard
Metairie, LA 70002
bshartle@session-law.biz

Counsel for Plaintiff Vicki L. Pinéro

Thomas G. Buck
Blue Williams, LLP
3421 North Causeway Boulevard, Suite 900
Metairie, LA 70002
tbuck@bluewilliams.com

Counsel for Crescent City Tax Service, Inc.,
d/b/a Jackson Hewitt Tax Service



Andrew S. Wein, Esq.