

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

VICKI L. PINERO, individually and on)	Civil Action No. 08-03535
behalf of all others similarly situated,)	
)	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.)	

JOINT MOTION TO STAY CASE FOR 60 DAYS

NOW INTO COURT, through undersigned counsel, come plaintiff, Vicki L. Pinero (“Plaintiff”), and defendants Jackson Hewitt Tax Service Inc. and Jackson Hewitt Inc. (“Defendants”) (Plaintiff and Defendants jointly referred to as “Parties”), who respectfully request the Court enter an order staying this case for 60 days. The grounds for this motion are as follows:

1. On September 9, 2009, co-defendant Crescent City Tax Service, Inc. d/b/a Jackson Hewitt Tax Service (“CCTSI”) filed a voluntary petition for Chapter 11 bankruptcy in the United States Bankruptcy Court, Eastern District of Louisiana. On September 11, 2009, CCTSI filed a notice of automatic stay with the Court. *See* Docket No. 198.

2. In light of CCTSI’s bankruptcy filing, the Parties respectfully request that the Court stay this matter for 60 days, so as to provide sufficient time for the Parties and their respective counsel to evaluate the impact of CCTSI’s bankruptcy filing on the case. During the 60-day stay, any Party may move to lift the stay. If no Party moves to lift the stay, the stay will automatically be lifted 60 days from entry of the stay order.

3. *Currently pending for ruling is* Plaintiff’s Motion for *De Novo* Review of April 21, 2009 Dispositive Magistrate Ruling. *See* Docket No. 121. Plaintiff’s motion is fully briefed and awaiting ruling. The Parties request the Court stay or withhold its ruling on the pending motion for 60-days.

WHEREFORE, the Parties jointly pray for an order granting them the following relief:

- (a) staying the case for 60 days, with the right of any Party to seek to lift the stay; and
- (b) staying and withholding ruling on Plaintiff’s Motion for *De Novo* Review of April 21, 2009 Dispositive Magistrate Ruling (Docket No. 121) for 60-days.

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

Attorneys for Plaintiff,
Vicki L. Pinero

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 16th day of September 2009.

/s/ Bryan C. Shartle
Bryan C. Shartle

/s/ Andrew S. Wein

Donna L. Wilson (*pro hac*)
Andrew S. Wein (*pro hac*)
Veronica D. Jackson (*pro hac*)
KELLEY DRYE & WARREN, LLP
3050 K Street, NW, Suite 400
Washington, DC 20007
Telephone: (202) 342-8400
Facsimile: (202) 342-8451

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