

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 RULING AND CONTINUE HEARINGS

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 stay or withhold its ruling on Plaintiff’s Motion for Leave to File Fourth Amended Complaint (Docket No. 173) and continue to December 2, 2009 the hearing on 3 pending motions. 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 a separately filed motion, the Parties have sought to stay this case for 60 days in light of CCTSI’s bankruptcy filing, 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.

3. *Currently pending for ruling is* Plaintiff’s Motion for Leave to File Fourth Amended Class Action Complaint. *See* Docket No. 173. Plaintiff’s motion is fully briefed and awaiting ruling. The Parties request the Court stay or withhold its ruling on the motion for 60-days.

4. *Currently pending for hearing and oral argument are the following motions:* Defendants’ Motion for Confidentiality Order, and Defendants’ Motion to Compel Deposition. *See* Docket Nos. 179 and 192. Plaintiff’s Motion to Compel is also pending. *See* Docket No. 189. These 3 motions are currently set for hearing and oral argument on September 23, 2009. The Parties request the 3 pending motions be reset for hearing and oral argument on December 2, 2009, at 11:00 A.M. The Parties do *not* waive any objections or arguments by agreeing to the requested continuance.

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

(a) staying and withholding ruling on Plaintiff's Motion for Leave to File Fourth Amended Class Action Complaint (Docket No. 173) for 60-days; and

(b) continuing the hearing on Defendants' Motion for Confidentiality Order (Docket No. 179); Defendants' Motion to Compel Deposition (Docket No. 192); and, Plaintiff's Motion to Compel (Docket No. 189), all presently set for oral argument on September 23, 2009, at 11:00 A.M, to a new hearing date of December 2, 2009, at 11:00 A.M., with oral argument.

Respectfully Submitted,

/s/ Bryan C. Shartle

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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

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