

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 CONTINUE  
AND RESCHEDULE HEARINGS ON MOTIONS**

NOW INTO COURT, through undersigned counsel, come plaintiff, Vicki L. Pinero (“Plaintiff”), together with defendants, Jackson Hewitt Tax Service Inc. (“JHTSI”); Jackson Hewitt Inc. (“JHI”); and, Crescent City Tax Service, Inc. d/b/a Jackson Hewitt Tax Service (“CCTSI”) (collectively referred to as “Defendants”), who respectfully request that the Court enter an order continuing and rescheduling: (a) the hearing on Plaintiff’s Motion for Class Certification (Rec. Doc. No. 12), presently

scheduled for August 20, 2008; (b) the hearing on JHTSI and JHI's Rule 12(b)(6) Motion to Dismiss and Alternative Motion to Strike Class Action Allegations (Rec. Doc. No. 15 as corrected and redocketed as Rec. Doc. No. 20), presently set for September 10, 2008; and, (c) the hearing on CCTSI's Rule 12(b)(6) Motion to Dismiss (Rec. Doc. No. 18), presently set for September 3, 2008. The grounds for this motion are as follows:

1. On May 22, 2008, Plaintiff filed her original Class Action Complaint, and on July 15, 2008, she filed an Amended Class Action Complaint. *See* Rec. Doc. Nos. 1 and 9.

2. On July 31, 2008, Plaintiff filed a Motion for Class Certification. *See* Rec. Doc. No. 12. Plaintiff's motion is presently set for hearing on August 20, 2008.

3. On August 4, 2008, JHTSI and JHI filed their Rule 12(b)(6) Motion to Dismiss and Alternative Motion to Strike Class Action Allegations. *See* Rec. Doc. No. 15 as corrected and redocketed as Rec. Doc. No. 20. JHTSI and JHI's motion is presently set for oral argument on September 10, 2008. *See* Rec. Doc. No. 17.

4. On August 11, 2008, CCTSI filed its Rule 12(b)(6) Motion to Dismiss. *See* Rec. Doc. No. 18. That motion is presently set for hearing on September 3, 2008. Oral argument of CCTSI's motion has not been requested.

5. The parties wish to postpone the hearings on the above-referenced motions and delay the preparation and filing of memoranda in opposition to those pending motions while the parties explore settlement of this litigation.

6. The parties wish to reschedule hearing and oral argument on each each of the above-referenced motions for October 15, 2008, at 10:00 A.M., or as soon thereafter as this Court's docket will allow, in the event that a resolution of this matter cannot be achieved. The parties do not waive any objections or arguments by agreeing to the requested continuance.

7. All parties join and consent to this motion and the relief requested herein.

8. This is the first requested continuance of the hearings on the above-referenced pending motions.

9. A scheduling order has not yet been entered. Consequently, a short continuance of the hearing on the above-referenced pending motions will not unduly delay trial or the prompt resolution of this matter.

WHEREFORE, Plaintiff and Defendants jointly pray for an Order granting them the following relief:

(a) continuing the hearing on Plaintiff's Motion for Class Certification (Rec. Doc. No. 12), presently set for August 20, 2008, and rescheduling the hearing thereon for October 15, 2008 at 10:00 A.M. for oral argument;

(b) continuing the hearing on JHTSI and JHI's Rule 12 (b)(6) Motion to Dismiss and Alternative Motion to Strike Class Action Allegations (Rec. Doc. No. 15 as corrected and redocketed as Rec. Doc. No. 20), presently set for September 10, 2008, and rescheduling the hearing thereon for October 15, 2008 at 10:00 A.M. for oral argument;  
and

(c) continuing the hearing on CCTSI's Rule 12(b)(6) Motion to Dismiss (Rec. Doc. No. 18), presently set for September 3, 2008, and rescheduling the hearing thereon for October 15, 2008 at 10:00 A.M. for oral argument.

Respectfully Submitted,

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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 email;  by hand;  by fax;  by FedEx;  by placing a copy of same in the U.S. Mail, postage prepaid this 12th day of August 2008.

/s/ Justin H. Homes  
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