

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”), 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 October 15, 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 October 15, 2008; and, (c) the hearing on CCTSI's Rule 12(b)(6) Motion to Dismiss (Rec. Doc. No. 18), presently set for October 15, 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.

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.

4. On August 11, 2008, CCTSI filed its Rule 12(b)(6) Motion to Dismiss. *See* Rec. Doc. No. 18.

5. Per a joint motion by all parties, all pending motions were continued to October 15, 2008, at 10:00 A.M., for oral argument. *See* Rec. Doc. Nos. 22 and 23.

6. The parties have scheduled a settlement meeting for October 7, 2008, at 9:00 A.M. In light of the proximity in time between the settlement meeting and the deadline for submissions of opposing and supporting memoranda, the parties request another continuance of the hearing on the motions.

7. The parties wish to reschedule hearing and oral argument on each of the above-referenced motions for November 12, 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.

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

9. This is the second requested continuance of the hearings on the above-referenced pending motions.

10. 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, the parties 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 October 15, 2008, and rescheduling the hearing thereon for November 12, 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 October 15, 2008, and rescheduling the hearing thereon for November 12, 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 October 15, 2008, and rescheduling the hearing thereon for November 12, 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 26th day of September 2008.

/s/ Justin H. Homes  
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