

EXHIBIT A

DIV. P
JUDGE
MELVIN C. ZENO

(101) Citation: ISS PET FOR DAMAGES;

080708-9125-7

24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON
STATE OF LOUISIANA

ELIZABETH A ZWEIFEL

versus

JACKSON HEWITT INC, CRESCENT CITY TAX SERVICE
INC, JACKSON HEWITT TAX SERVICE

Case: 661-687 Div: "P"
P 1 ELIZABETH A. ZWEIFEL


To: JACKSON HEWITT TAX SERVICE
THRU AGENT; CORPORATION SERVICE COMPANY
320 SOMERULOS ST
BATON ROUGE LA 70802

EBR # 0013603 - \$27.92

PARISH OF JEFFERSON

You are hereby summoned to comply with the demand contained in the PET FOR DAMAGES of which a true and correct copy accompanies this citation, or make an appearance either by filing a pleading or otherwise, in the 24th Judicial District Court in and for the Parish of Jefferson, State of Louisiana, within FIFTEEN (15) CALENDAR days after the service hereof, under penalty of default.

This service was requested by attorney MICHAEL F. SOMOZA and was issued by the Clerk Of Court on the 8th day of July, 2008.


Heather L. Dominick, Deputy Clerk of Court for
Jon A. Gegenheimer, Clerk of Court

(101) Citation: ISS PET FOR DAMAGES;

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SERVICE INFORMATION

Received on the _____ day of _____, _____ and on the _____ day of _____, _____ served the above named party as follows:

PERSONAL SERVICE on the party herein named _____

DOMICILIARY SERVICE on the party herein named by leaving the same at his domicile in this parish in the hands of _____, a person of suitable age and discretion residing in said domicile and whose name and other facts connected with this service, I learned by interrogating the said person, said party herein being absent from his residence at the time of said service.

RETURNED: Parish of _____ this _____ day of _____

SERVICE: \$ _____
MILEAGE: \$ _____
TOTAL: \$ _____

BY: _____
Deputy Sheriff

DIV. P

JUDGE

MELVIN C. ZENO

24TH JUDICIAL DISTRICT COURT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO.

661687

DIVISION

ELIZABETH A. ZWEIFEL

VERSUS

JACKSON HEWITT, INC., AND

CRESCENT CITY TAX SERVICE, INC., D/B/A JACKSON HEWITT TAX SERVICE

S / ASHLEY T. IRAN
DEPUTY CLERK
PARISH OF JEFFERSON

3:00 JUL - 3 AM 9: 05

FILED FOR RECORD

Filed:

Deputy Clerk

PETITION FOR DAMAGES

The Petition of Elizabeth A. Zweifel, a person of the full age of majority, a resident and domiciliary of the Parish of Jefferson, State of Louisiana, respectfully represents that:

I.

Made defendants herein are:

1. JACKSON HEWITT, INC. (hereinafter sometimes "Hewitt"), a foreign corporation, registered to do and actually doing business in this state with its primary business office in Louisiana located in East Baton Rouge Parish, within the jurisdiction of this Honorable Court; and
2. CRESCENT CITY TAX SERVICE, INC., D/B/A JACKSON HEWITT TAX SERVICE (hereinafter sometimes "Crescent"), a domestic corporation with its registered office located in the Parish of Jefferson, State of Louisiana, within the jurisdiction and venue of this Honorable Court.

II.

The aforementioned defendants are jointly, severally and *in solido* liable unto petitioner for such damages as may be just and reasonable in the premises; for all costs and disbursements necessitated by these proceedings; for legal interest on all amounts sued for herein, and for such other general and equitable relief as may be necessary in the premises all for the following reasons, to-wit:

III.

At all times pertinent and material hereto, defendants Hewitt and Crescent jointly, and while engaged in a common commercial enterprise as franchisor and

franchisee, respectively, held themselves out as being competent and professional federal and state income preparation service providers; they advertised themselves as such in both print and electronic media.

IV.

Upon information and belief, the defendant Crescent is a local franchisee of the defendant Hewitt which does business in most or all of the fifty United States; the defendant Hewitt derives revenue from the commercial activities of Crescent in exchange for which it provides advertising and other advantages to Crescent from which it also received an initial franchise fee.

V.

In connection with preparation of her individual 2005, 2006, and 2007, tax returns, petitioner utilized the federal and state income tax preparation services of the defendant Hewitt through one of its local franchisees Crescent. More particularly, petitioner utilized the services of Hewitt and Crescent located at 6601 Veterans Memorial Blvd., Metairie, Louisiana.

VI.

At all times pertinent and material hereto, petitioner reasonably relied upon the professional services of the defendants and further reasonably held an expectation of privacy in the defendants' handling of her personal, confidential and private financial, income and tax affairs and information. Similarly, she reasonably held an expectation that her income tax and other personal information provided to defendants would be safeguarded and when disposed would be disposed in an appropriate manner that would safeguard her privacy and personal identity so as to prevent the theft or other usurpation thereof.

VII.

At no time did petitioner ever, either explicitly or implicitly, authorize, direct or permit defendants, their agents, employees, franchisees and/or any other person acting on their behalf to release or divulge any of the information provided by her to them in connection with preparation of her income tax returns to anyone other than the U.S.

Internal Revenue Service and the Louisiana Department of Revenue and Taxation as required by law for the filing of income tax returns.

VIII.

Furthermore, at no time pertinent and material to these proceedings was petitioner ever engaged in any litigation or other proceedings of either a judicial or administrative nature which would have involved the discovery by any person of her federal and/or state income tax returns or any of the financial information contained therein; nor did she at any time herself release her 2005 or any other of her income tax returns prepared by defendants to any person or persons.

IX.

Unfortunately, in early May, 2008, petitioner received a telephone call from Mr. Richard Angelico, a journalist/reporter of New Orleans television station WDSU, who advised that he was in possession of petitioner's 2005 federal and state income tax returns which contained private financial information of petitioner's including Social Security number, bank account number and income/wage and earnings information. Upon inquiring of Mr. Angelico how he came to acquire the information, he advised petitioner that the tax returns and related documents were located in a trash dumpster on the Westbank of Jefferson Parish and were relinquished to him by the person who inadvertently discovered them. Mr. Angelico could not advise her as to how the tax returns had come to be discarded in the trash dumpster.

X.

Petitioner avers that the tax returns were improperly, carelessly, and negligently discarded, disposed of or otherwise allowed to fall into the hands of a person or persons unknown to, and without authorization of, petitioner by either or both defendants herein under circumstances which indicate that either or both defendants either knew or should have known that such illicit and improper release would occur all to the detriment of petitioner.

XI.

At all times pertinent and material hereto, and for many years before the incident in question herein, petitioner has very carefully and prudently maintained the privacy of her personal income tax and other financial information and personal identity.

XII.

The sole and exclusive cause-in-fact of the above and foregoing incident was the joint negligence of the defendants as set forth below:

As to the defendant Crescent

1. Failure to adequately secure, store, safeguard, maintain and keep petitioner's confidential income tax returns and related financial information;
2. Failure to exercise reasonable care and caution under the circumstances;
3. Failure to adequately and properly keep an accurate inventory of petitioner's confidential income tax information and tax returns;
4. Failure to adequately and properly discard and destroy said documents;
5. Failure to adequately and properly supervise, train, monitor, and control its agents, employees and/or contractors with regard to safeguarding and/or safely discarding petitioner's sensitive and confidential income tax returns and related information and documents;
6. Failure to adequately and properly hire and select its agents, employees and/or contractors charged with the gathering, handling, storing and/or discarding or destruction of petitioner's sensitive and confidential income tax returns and related information and documents;
7. Failure to notify petitioner of the improper release or loss of her confidential information;
8. Subjecting petitioner to an unreasonable and serious risk of identity theft; and
9. Unreasonable and serious invasion of petitioner's privacy.

As to the defendant Hewitt

1. Failure to adequately secure, store, safeguard, maintain and keep petitioner's confidential income tax returns and related financial information;
2. Failure to exercise reasonable care and caution under the circumstances;
3. Failure to adequately and properly keep an accurate inventory of petitioner's confidential income tax information and tax returns;

4. Failure to adequately and properly discard and destroy said documents;
5. Failure to adequately and properly supervise, train, monitor, and control its franchisees, agents, employees and/or contractors with regard to safeguarding and/or safely discarding petitioner's sensitive and confidential income tax returns and related information and documents;
6. Failure to adequately and properly hire and select its franchisees, agents, employees and/or contractors charged with the gathering, handling, storing and/or discarding or destruction of petitioner's sensitive and confidential income tax returns and related information and documents;
7. Failure to notify petitioner of the improper release or loss of her confidential information;
8. Subjecting petitioner to an unreasonable and serious risk of identity theft; and
9. Unreasonable and serious invasion of petitioner's privacy.

XIII.

As a result of the above and foregoing acts and omissions of the defendants, petitioner has suffered severe mental and emotional anguish and distress; she has been exposed to a serious and unreasonable risk of identity theft; and she has suffered a serious and unreasonable invasion of and intrusion upon her privacy, seclusion, and her private affairs without any legitimate qualification by any alleged right of any defendant herein. As a further result, petitioner has required medical care and treatment and which condition may persist in the future; and she has had to take action to avoid identity theft in the form of identity theft protection for which she pays a monthly fee and which fee she will likely need to continue to pay for the foreseeable future in order to protect herself from identity theft.

XIV.

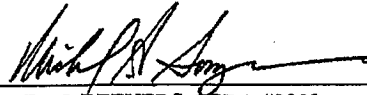
Petitioner avers that the amount of her cause of action does not exceed fifty thousand dollars exclusive of interest and costs.

WHEREFORE, petitioner prays that the named defendants be served with a copy of the above and foregoing petition and citation and that after all legal proceedings and due delays are had there be judgment herein in favor of petitioner, **ELIZABETH A. ZWEIFEL** and against the defendants **JACKSON HEWITT, INC.** and

CRESCENT CITY TAX SERVICE, INC., D/B/A JACKSON HEWITT TAX SERVICE,
jointly, severally and *in solido*, for such damages as are just and reasonable in the
premises; for all costs and disbursements necessitated by these proceedings; for legal
interest on all sums sued for herein from date of judicial demand until paid and for
such other just and equitable relief as may be necessary in the premises.

Respectfully submitted,

BEEVERS & BEEVERS, LLP




WILEY J. BEEVERS, LSBA #2902
RAYLYN R. BEEVERS, LSBA #25341
STEVEN M. MAUTERER, LSBA#26682
MICHAEL F. SOMOZA, LSBA #12254
210 Huey P. Long Avenue
Gretna, Louisiana 70053
Phone: (504) 361-4287
Fax: (504) 362-1405

SERVICE INSTRUCTIONS

Please serve Petition and Citation upon:

1. Jackson Hewitt, Inc.
Through its Registered Agent for Service of Process
Corporation Service Company
320 Somerulos St.
Baton Rouge, LA 70802
2. Crescent City Tax Service, Inc., D/B/A Jackson Hewitt Tax Service
Through its Registered Agent for Service of Process
Max M. Hirsch
4411 Veterans Memorial Blvd.
Metairie, LA 70006

A TRUE COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE.


DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON