

# **EXHIBIT C**

**DIV. E**  
JUDGE  
JOHN J. MOLAISSON, JR.

(101) Citation: ISS CIT & VERIFIED PETITION FOR DAMAGES; VERIFICATION AFFIDAVIT 081001-3579-0

24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

ANTHONY J. POREE  
versus  
JACKSON HEWITT, INC. AND CRESCENT CITY TAX  
SERVICE, INC. D/B/A JACKSON HEWITT TAX SERVICE

Case: 664-459 Div: "E"  
P 1 ANTHONY J. POREE

To: JACKSON HEWITT INC  
THROUGH ITS REGISTERED AGENT FOR SERVICE OF  
PROCESS:  
CORPORATION SERVICE COMPANY  
320 SOMERULOS STREET  
BATON ROUGE, LOUISIANA 70802

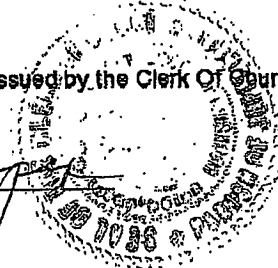
CK NO 0923 - \$23.12

PARISH OF JEFFERSON

You are hereby summoned to comply with the demand contained in the VERIFIED PETITION FOR DAMAGES AND VERIFICATION AFFIDAVIT 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 STEPHEN R. RUE and was issued by the Clerk Of Court on the 1st day of October, 2008.

  
Deputy Clerk of Court for  
Jon A. Gegenheimer, Clerk Of Court



(101) Citation: ISS CIT & VERIFIED PETITION FOR DAMAGES; VERIFICATION AFFIDAVIT 081001-3579-0

**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

24TH JUDICIAL DISTRICT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO. 664459

ANTHONY J. POREE

DIV. E  
DIVISION:  
JUDGE  
JOHN J. MOLAISSON, JR.

VERSUS

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

FILED  
S/ MERRICK REEME  
SEP 15 2008  
~~S/ MERRICK REEME~~  
DEPUTY CLERK

FILED: \_\_\_\_\_

DEPUTY CLERK

VERIFIED PETITION FOR DAMAGES

The Petition of ANTHONY J. POREE (hereinafter "Petitioner"), being of the full age of majority and a resident of Jefferson Parish, State of Louisiana, respectfully represents:

1.

Made Defendants herein are:

- a. JACKSON HEWITT INC., (hereinafter "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
- b. CRESCENT CITY TAX SERVICE, INC. D/B/A JACKSON HEWITT TAX SERVICE, (hereinafter "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.

2.

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:

3.

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.

4.

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.

5.

In connection with preparation of his individual 2005 and 2006 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.

6.

At all times pertinent and material hereto, Petitioner reasonably relied upon the professional services of the Defendants and further held an expectation of privacy in the Defendants' handling of his personal, confidential and private financial, income and tax affairs and information. More specifically, Petitioner relied on the fiduciary relationship between the Defendant and Petitioner in the handling of said information and documents. Similarly, he reasonably held an expectation that his 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 his privacy and personal identity so as to prevent the theft or other usurpation thereof.

7.

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 them in connection with preparation of his 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.

8.

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 his federal and/or state income tax returns or any of the financial information contained therein; nor did he at any time himself release his 2005 and 2006 or any other of his income tax returns prepared by Defendants to any person or persons.

9.

Unfortunately, on April 29, 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 and 2006 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, Mr. Angelico advised Petitioner that the tax returns and related documents were located in a trash dumpster in Jefferson Parish and were relinquished to him by the person who inadvertently discovered them.

10.

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 Defendants herein under circumstances which indicate that Defendants either knew or should have known that such illicit and improper release would occur all to the detriment of Petitioner.

11.

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 his personal income tax and other financial information and personal identity.

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 his 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 his confidential information;
8. Subjecting Petitioner to an unreasonable and serious risk of identity theft; and
9. Unreasonable and serious invasion of Petitioner's privacy.

13.

Petitioner further avers that Defendants breached the fiduciary relationship, contract, and/or agreement between Petitioner and Defendants, as they did not properly manage and keep safe and secure Petitioner's 2005 and 2006 federal and state income tax returns.

14.

As a result of the above and foregoing acts and omissions of the Defendants, Petitioner has suffered severe mental and emotional anguish and distress; he has been exposed to a serious and unreasonable risk of identity theft; and he has suffered a serious and unreasonable invasion of and intrusion upon his privacy, seclusion, and his private affairs without any legitimate qualification by any alleged right of any Defendant herein.


As a further result, Petitioner has had to take action to avoid identity theft for the foreseeable future.

15.

Defendants are further liable for the losses and damages caused by their actions regarding the improper disposal of Petitioner's 2005 and 2006 federal and state income tax returns, that is, the breach of a fiduciary duty to properly dispose Petitioner's 2005 and 2006 federal and state income tax returns.

WHEREFORE, Petitioner, ANTHONY J. POREE, respectfully prays that Defendant, JACKSON HEWITT, INC. and CRESCENT CITY TAX SERVICE, INC., D/B/A JACKSON HEWITT TAX SERVICE, be duly cited and served with process and a certified copy of this Verified Petition for Damages and after due proceedings be held, that there be a Judgment in the favor of Petitioner, ANTHONY J. POREE, jointly, severally and in solido, against Defendant, CRESCENT CITY TAX SERVICE, INC., D/B/A JACKSON HEWITT TAX SERVICE, for a sum deemed reasonable by this Court having considered all of the premises presented herein and at the trial on the merits together with legal interest from the date of judicial demand, legal fees, and costs. Petitioner prays for further legal and equitable relief.

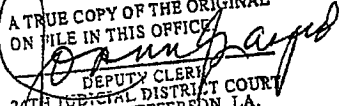
Respectfully submitted,

  
STEPHEN R. RUE, ESQ. (19136)  
STEPHEN RUE & ASSOCIATES L.L.C.  
3309 Williams Blvd.  
Kenner, LA 70065  
(504) 443-2400

COUNSEL FOR ANTHONY POREE

**PLEASE SERVE:**

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  
20th JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.



24TH JUDICIAL DISTRICT FOR THE PARISH OF JEFFERSON

STATE OF LOUISIANA

NO.

DIVISION:

ANTHONY J. POREE

FILED

VERSUS

SEP 15 2008  
S/ MERRICK REEME

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

DEPUTY CLERK

FILED: \_\_\_\_\_

DEPUTY CLERK

VERIFICATION AFFIDAVIT


STATE OF LOUISIANA

PARISH OF JEFFERSON

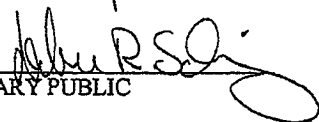
BEFORE ME, undersigned Notary Public, personally came and appeared

ANTHONY POREE

Who, after being duly sworn, did depose and state that the allegations set forth in the preceding Petition for Damages are true and correct to the best of Petitioner's knowledge and belief.

  
ANTHONY POREE

Sworn to and subscribed before me,  
Notary Public, this 12 day  
of September, 2008.

  
NOTARY PUBLIC

PLEASE SERVE:

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