

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF LOUISIANA**

VICKI L. PINERO, individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

JACKSON HEWITT TAX SERVICE  
INC.; JACKSON HEWITT INC.; and,  
CRESCENT CITY TAX SERVICE, INC.  
d/b/a JACKSON HEWITT TAX  
SERVICE,

Defendants.

**CASE NO.: 08-3535**

**SECTION R**

**JUDGE  
SARAH VANCE**

**MAGISTRATE JUDGE  
DANIEL E. KNOWLES**

**LOCAL RULE 37.1 CERTIFICATE**

Undersigned counsel for Defendants Jackson Hewitt Tax Service Inc. and Jackson Hewitt Inc. (collectively "Jackson Hewitt") hereby certifies that on November 21, 2008, he spoke with counsel to Plaintiff, David Israel, regarding the topics raised by this motion. Plaintiff would not agree to a stay of discovery in this matter. Despite good faith efforts, counsel has not been able to resolve these issues.

Respectfully submitted,

/s/ ANDREW S. WEIN

KELLEY DRYE & WARREN LLP  
3050 K Street, NW, Suite 400  
Washington, DC 20007  
Telephone: (202) 342-8400

Attorneys for Jackson Hewitt Tax Service Inc., and  
Jackson Hewitt Inc.