

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

VICKI L. PINERO , individually; on behalf 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.

Civil Action No. 08-03535

Sec. R

JUDGE SARAH S. VANCE

Mag. 3

MAG JUDGE DANIEL E. KNOWLES, III.

SUPPLEMENTAL BRIEF IN OPPOSITION TO CLASS CERTIFICATION

Defendant, Crescent City Tax Service, Inc., d/b/a Jackson Hewitt Tax Service (“CCTS”) submits this supplemental brief in opposition to the Motion for Class Certification filed by the Plaintiff.

Despite Plaintiff’s assertion that CCTS did not intend on providing notification, CCTS has always intended to do so as soon as the identity of the individuals affected could be ascertained. *Compare* Reply to Memoranda in Opposition to Motion for Class Certification at 2-3 [docket no. 45] (“Defendants are attempting to keep the unlawful disclosure a secret.”) with Complaint Ex. P [docket no. 1] (indicating that CCTS “will be contacting each affected customer to discuss any issues that may arise out of this incident.”) As noted by the Joint Motion to Compel Inspection of Documents [docket no. 30], until recently, all parties, including CCTS, had

been denied access to the documents at issue in this case. Accordingly, CCTS had been unable to send out any notifications to the potentially affected parties.

Having inspected the documents, out of an abundance of caution and desire to keep its customers informed, CCTS has now sent out a notification to the customers it has identified as potentially involved. A sample of that notification is attached hereto as Exhibit 1.

Respectfully submitted:

BLUE WILLIAMS, L.L.P.

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CERTIFICATE OF SERVICE

I do hereby certify that I have on December 1, 2008, electronically filed the foregoing with the Clerk of court by using the CM/ECF system which will send a notice of electronic filing to the following.

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I further certify that I mailed the foregoing document and the notice of electronic filing by first-class mail to the following non-CM.ECF participants.

/s/ THOMAS G. BUCK