

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.)	

MEMORANDUM IN SUPPORT OF MOTION TO FILE DOCUMENTS UNDER SEAL

Plaintiff, Vicki L. Pinero, submits this memorandum in support of her Motion to File Documents under Seal.

On January 7, 2009, the Court dismissed plaintiff's claims for unauthorized disclosure of tax returns under 26 U.S.C. §§ 6103 and 7431 against defendants, Jackson Hewitt Tax Service Inc.; Jackson Hewitt Inc.; and, Crescent City Tax Service, Inc. d/b/a Jackson Hewitt Tax Service (jointly referred to as "Defendants"). *See* Docket No. 54.

The Court's decision was premised on the belief that the disclosed information was *not* received from the IRS, but instead received from the consumer-taxpayer. *Id.* at p. 26.

Following the Court's January 7, 2009 ruling, plaintiff identified the documents she seeks to seal. The documents plaintiff seeks to seal contain sensitive and confidential information received by Defendants from the IRS. Such information includes taxpayer names, social security numbers, and tax status information. These recently identified documents, all found in the dumpster along with the other documents improperly disclosed and disposed by Defendants, will be relied upon by plaintiff in requesting reconsideration of the Court's January 7, 2009 order regarding her claims for unauthorized disclosure of tax returns. The information contained in the documents, however, is not part of any public record. The Court, therefore, should file the documents under seal to protect the related consumer taxpayers' privacy, as well as their personal and financial security.

Respectfully Submitted,

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing has been forwarded to all counsel of record ✓ by ECF; ___ by email; ___ by hand; ___ by fax; ___ by FedEx; ___ by placing a copy of same in the U.S. Mail, postage prepaid this 10th day of February, 2009.

/s/ Bryan C. Shartle
Bryan C. Shartle

/s/ Bryan C. Shartle
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