

**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**

CONSENT MOTION TO CONTINUE AND RESCHEDULE HEARINGS ON MOTIONS

NOW INTO COURT, through undersigned counsel, come defendants, Jackson Hewitt Tax Service Inc. and Jackson Hewitt Inc. (collectively "Jackson Hewitt"), who move to continue and reschedule the hearings on Defendants' Motion to Dismiss and Motion to Stay Discovery, and Plaintiff's Motion for Reconsideration and Motion for Leave to File Under Seal, to a date which has been mutually agreed upon by the parties.

1. On January 7, 2009, the Court ruled upon the pending motions to dismiss and for class certification.
2. On January 27, 2009, Plaintiff filed a Second Amended Complaint.
3. On February 9, 2009, Defendant Jackson Hewitt filed a Motion to Dismiss Plaintiff's Second Amended Complaint and a Motion to Stay Discovery.
4. On February 10, 2009, Plaintiff filed a Motion for Reconsideration of the Court's January 7, 2009 Order and a Motion to Seal.
5. All motions are currently returnable on March 4, 2008.

6. On February 11, 2009, the Court set the Jackson Hewitt's Motion to Dismiss and Motion to Stay Discovery for Oral Argument on March 4, 2009.

7. On February 19, 2009, the Court denied Plaintiff's Request for Oral Argument on Plaintiff's Motion for Reconsideration.

8. The parties wish to continue the hearings on the above-referenced motions and postpone the preparation and filing of memoranda in opposition to those pending motions.

10. The parties have conferred concerning a new hearing (without oral argument in the case of the Motion for Reconsideration) and oral argument dates for the pending motions, and the parties hereby request that this Court reset all pending hearings and oral argument for Wednesday, April 1, 2009, at 10:00 a.m..

11. All parties, including counsel for the Plaintiff, Vicki L. Pinero, and counsel for Crescent City Tax Service, Inc., have agreed to and join in this request.

12. This is the first requested continuance of the hearings on the above-referenced pending motions.

13. A short continuance of the hearings on the above-referenced pending motions should not unduly delay trial or the prompt resolution of this matter.

For these reasons, Jackson Hewitt prays that its Consent Motion to Continue the Hearings be granted, and that the hearings on all Motions be adjourned to Wednesday, April 1, 2009, at 10:00 a.m..

Respectfully submitted,

Dated: February 20, 2009

/s/ Veronica D. Gray

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