

**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 Plaintiff's Motion for Reconsideration to a date which has been mutually agreed upon by the parties.

1. On January 7, 2009, the Court ruled upon 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 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.

9. The parties have conferred concerning a new hearing date (without oral argument in the case of the Motion for Reconsideration) for the motion to dismiss, 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.

10. 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.

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

12. 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 and Reschedule the Hearings on Motions be granted, and that the hearings on these pending motions be rescheduled to Wednesday, April 1, 2009, at 10:00 a.m.

Respectfully submitted,

Dated: February 23, 2009

/s/ Gina D. Banks

Glenn M. Farnet (#20185)  
Gina D. Banks (#27440)  
KEAN, MILLER, HAWTHORNE, ARMOND,  
McCOWAN & JARMAN, L.L.P.  
One American Place, 18th Floor  
Post Office Box 3513 (70821)  
Baton Rouge, Louisiana 70825  
Telephone: (225) 387-0999

AND

KELLEY DRYE & WARREN LLP  
Donna L. Wilson (pro hac vice)  
Andrew S. Wein (pro hac vice)  
Veronica D. Gray (pro hac vice)  
3050 K Street, NW, Suite 400  
Washington, DC 20007  
Telephone: (202) 342-8400

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