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April 27, 2015

VIA ECF

The Honorable Douglas E. Arpert
United States Magistrate Judge
United States District Court, District of New Jersey
Clarkson S. Fisher Federal Building and U.S. Courthouse
402 East State Street, Chambers 600
Trenton, NJ 08608-1507

Re: *Sivolella v. AXA Equitable Life Ins., Co.*, D.N.J. No. 3:11-cv-04194;
Sanford v. AXA Equitable Funds Mgmt. Grp., LLC, D.N.J. No. 3:13-cv-00312

Dear Judge Arpert:

I write on behalf of Defendants AXA Equitable Life Insurance Company and AXA Equitable Funds Management Group, LLC ("Defendants") in connection with the above-referenced actions. Plaintiffs and Defendants (the "Parties") have conferred, and Defendants have agreed to withdraw their confidentiality designations from the seven exhibits (identified below) that were filed by Plaintiffs under seal with the Court on April 6, 2015, in connection with Plaintiffs' Brief (a) in Opposition to Defendants' March 24, 2015, Motion to Seal Confidential Profitability Information and (b) in Support of Plaintiffs' Cross Motion to Compel Defendants to Demonstrate that Plaintiffs' Deposition Exhibits and Certain Deposition Transcripts Warrant Confidential Protection (ECF No. 131)¹ ("Plaintiffs' Opposition and Cross Motion").

Defendants therefore consent to the public filing of the following: Exhibits L, N, P, R, S, X and Z to the April 6, 2015 Declaration of Robert L. Lakind (*see* ECF No. 131-2) (the "Sealed Exhibits"), as well as the text redacted from Plaintiffs' Opposition and Cross Motion. The Parties agree that this renders Plaintiffs' April 6, 2015 motion seeking to unseal the Sealed Exhibits and text redacted from Plaintiffs' Opposition and Cross Motion moot (*see* ECF Nos. 132-1 and 132-2).

¹ All references to docket numbers take the form "ECF No. ____" and refer to the docket in *Sivolella v. AXA Equitable Life Ins. Co.*, No. 11-cv-04194 (D.N.J.).



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Defendants reserve all rights with respect to any other information designated as “Confidential” by Defendants under the Confidentiality Order (ECF No. 40), and will file any response to Plaintiffs’ Opposition and Cross Motion no later than May 20, 2015, as currently scheduled.

Should Your Honor have any questions, we are available to discuss this matter at Your Honor’s convenience.

Respectfully submitted,

/s/ Jonathan M. Korn

JONATHAN M. KORN

cc: All Counsel of Record (via ECF)