

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

MARY ANN SIVOLELLA, et al.

Plaintiffs,

vs.

AXA EQUITABLE FUNDS  
MANAGEMENT GROUP, LLC,  
et al.,

Defendants.

**Civ. A. No. 3:11-cv-04194-PGS-DEA**

GLENN D. SANFORD, et al.

Plaintiffs,

vs.

AXA EQUITABLE FUNDS  
MANAGEMENT GROUP, LLC,  
et al.,

Defendants.

**Civ. A. No. 3:13-cv-00312-PGS-DEA**

**NOTICE OF MOTIONS *IN LIMINE***

**Return Date: Jan. 4, 2016**

TO: Clerk, United States District Court for  
the District of New Jersey,  
Clarkson S. Fisher Federal Building  
and United States Courthouse  
402 East State Street  
Trenton, New Jersey 08608

Robert Hora, Esq.  
Milbank Tweed Hadley & McCloy LLP  
1 Chase Manhattan Plaza  
New York, NY 10005  
*Attorneys for Defendants*

PLEASE TAKE NOTICE that on January 4, 2016 at 10:00 a.m., or as soon thereafter as counsel may be heard, attorneys for the above-captioned Plaintiffs, shall move before the Honorable Peter G. Sheridan, District Judge for the United States District Court for the District of New Jersey, Clarkson S. Fisher Federal Building and United States Courthouse, 402 East State Street, Trenton, NJ 08608, for entry of an Order granting Plaintiffs' Motion in Limine to (1) allow Plaintiffs to question the members of the EQ Advisors Trust Board of Trustees ("EQAT Board") about communications between the EQAT Board and counsel to FMG; (2) bar FMG from introducing any evidence that the EQAT Board was careful and conscientious based on its reliance on the advice of counsel; (3) bar Defense Expert Marianne Smythe, Esq. from offering certain opinions at trial; (4) preclude the admission of evidence regarding transfer agency and distribution services and expenses.

PLEASE TAKE FURTHER NOTICE that in support of this motion, Plaintiffs shall rely upon this Notice of Motion, the supporting brief and Declaration of Arnold C. Lakind, all of which are filed simultaneously.

Dated: December 11, 2015

By: /s/Arnold C. Lakind  
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