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Attorneys for Defendants

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

MARY ANN SIVOLELLA, for the use and benefit of the EQ/Common Stock Index Portfolio, the EQ/Equity Growth PLUS Portfolio, the EQ/Equity 500 Index Portfolio, the EQ/Large Cap Value PLUS Portfolio, the EQ/Global Multi-Sector Equity Portfolio, the EQ/Mid Cap Value PLUS Portfolio, the EQ/GAMCO Small Company Value, and the EQ/Intermediate Government Bond Index Portfolio; MARY ANN SIVOLELLA for the use and benefit of the EQ Advisors Trust; MARY ANN SIVOLELLA, individually and on behalf of any person or entity that is a party to a variable annuity contract issued by/sold by AXA Equitable Life Insurance Company, which offered the ability to invest in, and resulted in an investment in, the EQ/Common Stock Index Portfolio, the EQ/Equity Growth PLUS Portfolio, the EQ/Equity 500 Index Portfolio, the EQ/Large Cap Value PLUS Portfolio, the EQ/Global Multi-Sector Equity Portfolio, the EQ/Mid Cap Value PLUS Portfolio, the EQ/GAMCO Small Company Value, or the EQ/Intermediate Government Bond Index Portfolio; and MARY ANN SIVOLELLA, individually and on behalf of any person or that paid investment management fees to either AXA

Civil Action No. 3:11-cv-04194 (PGS DEA)

**CONSENT ORDER EXTENDING
TIME TO ANSWER**

FILED ELECTRONICALLY

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OCT - 3 2012

AT 8:30 ^{AM}
WILLIAM T. WALSH, CLERK

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OCT 02 2012

DOUGLAS E. ARPERT
U.S. MAGISTRATE JUDGE

Equitable Life Insurance Company or AXA
Equitable Funds Management Group, LLC, on
account of investments in, the EQ/Common Stock
Index Portfolio, the EQ/Equity Growth PLUS
Portfolio, the EQ/Equity 500 Index Portfolio, the
EQ/Large Cap Value PLUS Portfolio, the
EQ/Global Multi-Sector Equity Portfolio, the
EQ/Mid Cap Value PLUS Portfolio, the
EQ/GAMCO Small Company Value, or the
EQ/Intermediate Government Bond Index Portfolio,

Plaintiffs,

vs.

AXA Equitable Life Insurance Company and AXA
Equitable Funds Management Group, LLC,

Defendants

IT IS HEREBY STIPULATED AND AGREED, by and among the undersigned
attorneys, as follows:

1. On September 25, 2012, this Court filed its Memorandum and Order in the
above-captioned action granting in part and denying in part the motion filed by Defendants AXA
Equitable Life Insurance Company and AXA Equitable Funds Management Group, LLC
(together, "Defendants") to dismiss Plaintiffs' Amended Complaint.

2. Pursuant to Federal Rule of Civil Procedure 12(a)(4), Defendants' Answer
to the Amended Complaint is due "within 14 days after notice of the court's action[.]" *See* Fed.
R. Civ. P. 12(a)(4). That date would be October 9, 2012.

3. The date by which Defendants shall serve and file an Answer to the
Amended Complaint is extended by 30 days to and including November 8, 2012.

4. This Stipulation may be signed in counterparts and a facsimile or
electronic signature is deemed to have the same force and effect as an original signature for all
purposes.

Dated: October 2, 2012

SZAFERMAN, LAKIND, BLUMSTEIN &
BLADER, P.C.

By: /s/ Robert L. Lakind

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* The Initial Scheduling
Conference will be held on
11-13-12 @ 12:00PM. The
Joint Discovery Plan is due
(7) days prior to the
Conference.

SO ORDERED.


~~HON. PETER G. SHERIDAN, U.S.D.J.~~

Douglas E. Arpert, U.S.M.J.