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January 15, 2013

VIA ECF AND FEDERAL EXPRESS

The Honorable Peter G. Sheridan (U.S.D.J.)
Clarkson S. Fisher Building
& U.S. Courthouse
402 East State Street Room 2020
Trenton, NJ 08608

+Certified Matrimonial Attorney
++Certified Civil and Criminal Trial Attorney
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†U.S. Patent & Trademark Office

Re: *Sivolella v. AXA Equitable Life Insurance Co. and AXA
Equitable Funds Management Group, LLC,*
No. 3:11-cv-04194

Dear Judge Sheridan:

On November 4, 2011 Plaintiff Mary Ann Sivolella filed an Amended Complaint on behalf of certain mutual funds offered by AXA Equitable Funds Management Group, LLC ("AXA"), claiming that AXA had violated Section 36(b) of the Investment Company Act of 1940 ("ICA"). That case was assigned to Your Honor and the Honorable Douglas Arpert, U.S.M.J.

On November 13, 2012, counsel for the Plaintiff and the Defendants in the *Sivolella* case were before the Court for the initial Scheduling Conference. At that time, counsel for the Plaintiffs informed the Court of their intention to file another complaint on behalf of different plaintiffs invested in mutual funds offered by AXA. At the Scheduling Conference, the parties agreed that the new complaint should be consolidated with the instant matter and that the Defendant would file its answer to this Complaint on February 15, 2013. The second Complaint was filed with the Court today and captioned as *Sanford et al. v. AXA Equitable Funds Management Group, LLC*. Like the *Sivolella* case it is brought derivatively on behalf of AXA mutual funds (including some of the same funds on whose behalf the *Sivolella* matter was brought) and contains the same general allegations, pleading violations of ICA § 36(b).

Plaintiff identified the *Sanford* matter as related to the *Sivolella* case on the Case Information Sheet. A copy of the "Notice of Electronic Filing," for this complaint is attached as Exhibit A.

**SZAFERMAN
LAKIND**

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In light of the foregoing, the parties respectfully request that the Court consolidate the *Sanford* case and the *Sivolella* case. The Defendants have consented to this request. A copy of a joint stipulation and proposed Order, for the Court's consideration, is enclosed with this letter.

Respectfully submitted,



Robert Lakind

Enclosures

cc: Sean Murphy (via email)

Jim Benedict (via email)

Exhibit A

Civil Initial Pleadings (Attorney/Credit Card) USE CASE 33-1

3:33-av-00001 PLAINTIFF v. DEFENDANT

U.S. District Court

District of New Jersey [LIVE]

Notice of Electronic Filing

The following transaction was entered by LAKIND, ROBERT on 1/15/2013 at 3:44 PM EST and filed on 1/15/2013

Case Name: PLAINTIFF v. DEFENDANT

Case Number: 3:33-av-00001

Filer:

Document Number: 5950

Docket Text:

COMPLAINT - Glenn D. Sanford, et al. v. AXA Equitable Funds Management Group, LLC, (Filing fee \$ 350 receipt number 0312-4772257.). (Attachments: # (1) Civil Cover Sheet) (LAKIND, ROBERT)

3:33-av-00001 Notice has been electronically mailed to:

3:33-av-00001 Notice will not be electronically mailed to::

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

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879e55ce3786aeb42d06402c2d25e3c8c7817a421bad83065428456f1aa]]

Document description:Civil Cover Sheet

Original filename:n/a

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