

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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JEFFREY LEVITIN as Trustee of the  
ELLMAN SAVINGS IRREVOCABLE  
TRUST,

Plaintiff,

09 CV 110

v.

ORDER TRANFERRING  
ACTION TO THE DISTRICT  
OF NEW JERSEY

AMERICAN GENERAL LIFE  
INSURANCE COMPANY,

Defendant.

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A P P E A R A N C E S  
SCHINDEL, FARMAN, LIPSIOS, GARDNER  
& RABINOVICH LLP  
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New York, NY 10122  
By: Ira S. Lipsius  
Attorneys for Plaintiff

WILSON, ELSER, MOSKOWITZ,  
EDELMAN & DICKER LLP  
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Newark, NJ 07102  
By: Robert P. Lesko  
Attorneys for Defendant

JOHNSON, Senior District Judge:

This matter having been brought before the Court on Defendant's motion to  
dismiss or transfer the action to the first-filed action between the parties currently

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pending in the United States District Court for the District of New Jersey,  
American General Insurance Co. v. Ellman Savings Irrevocable Trust, 08CV5364  
(MLC-TJB); the Court having reviewed the submissions of the defendant in  
support of the motion and plaintiff's opposition thereto; the Court having held oral  
argument on March 17, 2010 and finding therein that exception to the first-filed  
rule is absent;

The Court HEREBY GRANTS defendant's motion and directs the Clerk of  
the Court to TRANSFER the within action to the District of New Jersey, to be  
consolidated with the pending action styled American General Insurance Co. v.  
Ellman Savings Irrevocable Trust, 08CV5364, (MLC-TJB).

SO ORDERED.

Dated: March 17, 2010  
Brooklyn, NY

s/Sterling Johnson, Jr.  
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Sterling Johnson, Jr., U.S.D.J.