

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DISNEY ENTERPRISES, INC., WONDERLAND
MUSIC COMPANY, INC., CAMERON
MACKINTOSH LTD., MARVEL
CHARACTERS, INC., and MUSIC THEATRE
INTERNATIONAL, LLC,
Plaintiffs,

CIVIL ACTION
NO. 13-5570

v.

ENTERTAINMENT THEATRE GROUP d/b/a
AMERICAN MUSIC THEATRE, JAMES D.
MARTIN, FREDERICK W. STEUDLER, JR., and
DWIGHT H. BRUBAKER,
Defendants

and

STAN LEE MEDIA, INC.,
Defendant/Intervenor.

ENTERTAINMENT THEATRE GROUP d/b/a
AMERICAN MUSIC THEATRE,
Counterclaim-Plaintiff

and

STAN LEE MEDIA, INC.,
Counterclaim-Plaintiff/Intervenor

v.

DISNEY ENTERPRISES, INC.; and MARVEL
CHARACTERS, INC.,
Counterclaim-Defendants.

ORDER

AND NOW, this 29th day of October, 2014, upon consideration of the Motion (Docket #62) of Plaintiffs and Counterclaim-Defendants Disney Enterprises, Inc. (“Disney”) and Marvel Characters, Inc. (“Marvel”) to: (1) dismiss Defendant

Entertainment Theatre Group d/b/a American Music Theatre (“AMT”)’s amended counterclaims with prejudice; (2) dismiss Intervenor Stan Lee Media, Inc. (“SLMI”)’s Intervenor Complaint with prejudice; and (3) strike certain amended affirmative defenses asserted by AMT, James D. Martin, Frederick W. Steudler, Jr., and Dwight H. Brubaker (collectively, “Defendants”), it is hereby **ORDERED** that the Motion is **GRANTED** as follows:

1. The amended counterclaims filed by AMT against Disney and Marvel are **DISMISSED WITH PREJUDICE**.
2. SLMI’s Intervenor Complaint is **DISMISSED WITH PREJUDICE**.
3. The Affirmative Defenses pleaded by Defendants, to the extent they rely on SLMI’s purported ownership of Spider-Man, are stricken and may not be asserted as defenses to Plaintiffs’ Complaint.¹

BY THE COURT:

/s/ Jeffrey L. Schmehl
Jeffrey L. Schmehl, J.

¹ As noted and explained in the accompanying memorandum opinion, AMT’s First Amended Defense is not stricken in its entirety as requested by Disney and Marvel.