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Attorneys for Defendants Lisa R. Kirby, Barbara J. Kirby, Neal L. Kirby and Susan M. Kirby

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARVEL WORLDWIDE, INC.,
MARVEL CHARACTERS, INC. and
MVL RIGHTS, LLC,

Plaintiffs,

-against-

LISA R. KIRBY, BARBARA J. KIRBY,
NEAL L. KIRBY and SUSAN M. KIRBY,

Defendants.

LISA R. KIRBY, BARBARA J. KIRBY,
NEAL L. KIRBY and SUSAN M. KIRBY,

Counterclaimants,

-against-

MARVEL ENTERTAINMENT, INC.,
MARVEL WORLDWIDE, INC.,
MARVEL CHARACTERS, INC., MVL
RIGHTS, LLC, THE WALT DISNEY
COMPANY and DOES 1 through 10,

Counterclaim-Defendants.

Civil Action No. 10-141 (CM) (KF)

**DEFENDANTS' OBJECTIONS TO
PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT**

[Hon. Colleen McMahon]

[ECF Case]

Defendants respectfully submit the following Evidentiary Objections to the evidence offered in support of plaintiffs' motion for summary judgment:

EVIDENCE

DEFENDANTS' OBJECTION

<p>1. Declaration of Randi Singer (“Singer Dec.”). Ex. 11</p>	<p>1. Objection to the extent the clips contained on the disc are incomplete- FRE 106; Relevance- FRE 402-403; Hearsay- FRE 802; Authenticity- FRE 901</p>
<p>2. Singer Dec., Ex. 14</p>	<p>2. Relevance- FRE 402-403; Hearsay- FRE 802</p>
<p>3. Singer Dec., Ex. 15</p>	<p>3. Relevance- FRE 402-403; Hearsay- FRE 802; Marvel must be precluded from using this exhibit for failure to timely disclose it before the discovery deadline.</p>
<p>4. Singer Dec., Ex. 18</p>	<p>4. Relevance- FRE 402-403; Hearsay- FRE 802</p>
<p>5. Singer Dec., Ex. 19</p>	<p>5. Relevance- FRE 402-403; Hearsay- FRE 802</p>
<p>6. Singer Dec., Ex. 20</p>	<p>6. Relevance- FRE 402-403; Hearsay- FRE 802</p>
<p>7. Singer Dec., Ex. 21</p>	<p>7. Relevance- FRE 402-403; Hearsay- FRE 802</p>

8. Singer Dec., Ex. 22	8. Relevance- FRE 402-403; Hearsay- FRE 802
9. Singer Dec., Ex. 23	9. Relevance- FRE 402-403; Hearsay- FRE 802
10. Singer Dec., Ex. 24	10. Relevance- FRE 402-403; Hearsay- FRE 802
11. Singer Dec., Ex. 26	11. Relevance- FRE 402-403; Hearsay- FRE 802
12. Singer Dec., Ex. 27	12. Completeness- FRE 106; Relevance- FRE 402-403; Hearsay- FRE 802; Authenticity- FRE 901
13. Singer Dec., Ex. 29	13. Relevance- FRE 402-403; Hearsay- FRE 802; Authenticity- FRE 901
14. Singer Dec., Ex. 30	14. Relevance- FRE 402-403; Hearsay- FRE 802; Authenticity- FRE 901
15. Singer Dec., Ex. 31	15. Relevance- FRE 402-403; Hearsay- FRE 802
16. Singer Dec., Ex. 32	16. Relevance- FRE 402-403; Hearsay- FRE 802

17. Singer Dec., Ex. 33	17. Relevance- FRE 402-403; Hearsay- FRE 802
18. Singer Dec., Ex. 34	18. Relevance- FRE 402-403; Hearsay- FRE 802
19. Singer Dec., Ex.35	19. Completeness- FRE 106; Relevance- FRE 402-403; Hearsay- FRE 802
20. Singer Dec., Ex.38	20. Relevance- FRE 402-403; Hearsay- FRE 802
21. Singer Dec., Ex.39	21. Completeness- FRE 106; Relevance- FRE 402-403; Hearsay- FRE 802
22. Singer Dec., Ex. 40	22. Relevance- FRE 402-403; Hearsay- FRE 802
23. Singer Dec., Ex. 41	23. Relevance- FRE 402-403; Hearsay- FRE 802
24. Singer Dec., Ex. 42	24. Completeness- FRE 106; Relevance- FRE 402-403; Hearsay- FRE 802
25. Singer Dec., Ex. 43	25. Relevance- FRE 402-403; Hearsay- FRE 802
26. Singer Dec., Ex. 44	26. Relevance- FRE 402-403; Hearsay- FRE 802

27. Singer Dec., Ex. 45	27. Relevance- FRE 402-403; Hearsay- FRE 802
28. Singer Dec., Ex. 47	28. Relevance- FRE 402-403; Hearsay- FRE 802
29. Singer Dec., Ex. 50	29. The exhibit is illegible and does not appear to be complete; FRE 106; Relevance- FRE 402-403; Hearsay- FRE 80
30. Singer Dec., Ex. 51	30. Relevance- FRE 402-403; Hearsay- FRE 802
31. Singer Dec., Ex. 52	31. Relevance- FRE 402-403; Hearsay- FRE 802
32. Singer Dec., Ex. 53	32. Relevance- FRE 402-403; Hearsay- FRE 802
33. Singer Dec., Ex. 55	33. Relevance- FRE 402-403; Hearsay- FRE 802
34. Singer Dec., Ex. 56	34. Completeness- FRE 106; Relevance- FRE 402-403; Hearsay- FRE 802
35. Singer Dec., Ex. 57	35. Completeness- FRE 106; Relevance- FRE 402-403; Hearsay- FRE 802

36. Declaration of Eli Bard (“Bard Dec.”) Ex. 2	36. Relevance- FRE 402-403; Hearsay- FRE 802
37. Bard Dec., Ex. 3	37. Relevance- FRE 402-403; Hearsay- FRE 802
38. Bard Dec., Ex. 4	38. Relevance- FRE 402-403; Hearsay- FRE 802
39. Bard Dec., Ex. 5	39. Relevance- FRE 402-403; Hearsay- FRE 802
40. Bard Dec., Ex. 6	40. Relevance- FRE 402-403; Hearsay- FRE 802
41. Bard Dec., Ex. 7	41. Relevance- FRE 402-403; Hearsay- FRE 802

Dated: March 25, 2011

Respectfully submitted,
TOBEROFF & ASSOCIATES, P.C.

/s/ Marc Toberoff

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing was served electronically by the Court's ECF system and by first class mail on those parties not registered for ECF pursuant to the rules of this court.

Dated: March 25, 2011

Respectfully submitted,
TOBEROFF & ASSOCIATES, P.C.

/s/ Marc Toberoff

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