

EXHIBIT 1

- VOLUME B -

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF DELAWARE

- - -

IN RE: Chapter 11 Case
MARVEL ENTERTAINMENT GROUP INC., THE ASHER CANDY COMPANY, FLEER CORP., FRANK L. FLEER CORP., HEROES WORLD DISTRIBUTION INC., MALIBU COMICS ENTERTAINMENT INC., MARVEL CHARACTERS INC., MARVEL DIRECT MARKETING INC., and SKYBOX INTERNATIONAL INC.
Debtors.

- - -

Wilmington, Delaware
Tuesday, November 16, 1999
At 10:05 a.m.

- - -

BEFORE: HONORABLE RODERICK R. McKELVIE, U.S.D.C.J.

- - -

APPEARANCES:

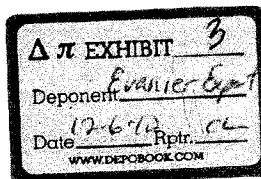
PEPPER HAMILTON LLP
BY: DAVID B. STRATTON, ESQ.

-and-

BATTLE FOWLER LLP
BY: DAVID FLEISCHER, ESQ. and
JODI KLEINICK, ESQ.
(New York, New York)

Counsel for Marvel Enterprises, Inc.

Brian P. Gaffigan
Official Court Reporter



Evanier - direct

1 community of what he relies on to show that general industry
2 practice, if that is the direction you are headed.

3 BY MR. DILIBERTO:

4 Q. Okay. Mr. Evanier, in the late 1960s through December
5 31, 1977, are you aware of any custom or practice in the
6 comic book industry that gave comic book companies ownership
7 of materials they published?

8 A. On only a company-by-company basis, what specific
9 companies may have issued.

10 MR. FLEISCHER: Your Honor, I'll object to this
11 because it's beyond the scope of the report. Mr. Evanier,
12 in his report, gave opinions on that subject matter but was
13 unspecific as to time. And in his deposition, he indicated
14 that his report was not time specific. And, therefore, any
15 testimony that he gives with respect to these time specific
16 questions would be beyond the scope of his report.

17 THE COURT: Overruled.

18 MR. DILIBERTO: Thank you, your Honor.

19 BY MR. DILIBERTO:

20 Q. You were saying?

21 A. Where was I? I'm lost.

22 Q. Okay. Yes. The question was, are you aware of any
23 comic book industry custom or practice between the late 1960s
24 to December 31 of 1977 that would have given comic book
25 companies ownership of any characters and stories that they

1 published?

2 A. Not an industry-wide practice, no.

3 Q. Did the issue of ownership of characters and stories
4 vary by different companies?

5 A. Yes, it did.

6 Q. In what way?

7 A. Different companies had different forms, different
8 documents. Some had none whatsoever. Different policies.

9 Q. So when you see, for example, Joe Simon's complaint,
10 is that something you rely upon in forming your opinion as to
11 whether creators had given a price to characters?

12 A. I had that opinion before I saw the Joe Simon
13 complaint but, yes, in this particular case, this, the Joe
14 Simon situation here as evidenced in this document presents
15 a complete new situation -- let me take that back. There
16 were other examples of it, but there were quite a few --
17 there were quite a few cases where business was done very
18 different. There were no lawsuits of this kind of other
19 characters. It was specific to the Captain America.

20 Q. So is it your opinion then that creators believed that
21 they own rights to characters unless they transferred rights
22 of those characters?

23 A. I believe so, yes.

24 Q. Can you give other examples of creators who were
25 attempting to enforce rights on their characters, say, in the