

# EXHIBIT L

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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

Plaintiffs,

- against-

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

Defendants.  
-----x

Civil Action No. 10 Civ. 141 (CM) (KNF)

**OBJECTIONS AND RESPONSES OF ROY THOMAS TO DEFENDANTS' SUBPOENA  
TO PRODUCE DOCUMENTS**

Pursuant to Rule 45 of the Federal Rules of Civil Procedure, non-party Roy Thomas ("Mr. Thomas") makes the following objections to (1) the Subpoena to Produce Documents, Information or Objects or to Permit Inspection of Premises in a Civil Action issued by Defendants Lisa R. Kirby, Barbara J. Kirby, Neal L. Kirby and Susan N. Kirby (collectively, "Defendants") dated July 14, 2010 issued from the Southern District of New York (the "SDNY Subpoena"); and (2) the Subpoena to Produce Documents, Information or Objects or to Permit Inspection of Premises in a Civil Action issued by Defendants dated July 14, 2010 issued from the District Court of South Carolina (the "DSC Subpoena" and, together with the SDNY Subpoena, the "Subpoena").

**GENERAL OBJECTIONS**

1. Mr. Thomas objects to the Subpoena, the definitions and instructions, and the document requests contained therein to the extent they purport to impose requirements beyond those set forth in the Federal Rules of Civil Procedure and the Local Rules of the United States Court for the Southern District of New York, and any other applicable rule, statute or order.

2. Mr. Thomas objects to the Subpoena because it was not properly served upon him.

3. Mr. Thomas objects to the SDNY Subpoena because it purports to have been issued out of a court that lacks jurisdiction over him and purports to require that he produce documents within that jurisdiction.

4. Mr. Thomas objects to the Subpoena because it fails to allow a reasonable time for compliance.

5. Mr. Thomas objects to the document requests contained in the Subpoena to the extent they use terms or phrases that are vague or ambiguous or lack sufficient precision to allow Mr. Thomas to formulate an appropriate response. For example, but without limitation, Mr. Thomas objects to the document requests contained in the Subpoena that use the phrases "evidence" or "reflect" or "concerning" as rendering the request overbroad, vague or ambiguous, and/or requiring subjective judgment and speculation on the part of Mr. Thomas.

6. Mr. Thomas objects to the Subpoena as overbroad and therefore unduly burdensome, oppressive and harassing because the document requests in Schedule A are unlimited with respect to time and are not reasonably limited in scope.

7. Mr. Thomas objects to the document requests contained in the Subpoena to the extent that the expense of producing documents outweighs the likely benefit of the discovery provided to Defendants.

8. Mr. Thomas objects to the document requests contained in the Subpoena to the extent that they are interposed solely for the purposes of harassment or annoyance and fail to take reasonable steps to avoid imposing undue burden and expense on non-parties to the litigation as required by Rule 45(c)(1) of the Federal Rules of Civil Procedure.

9. Mr. Thomas objects to the document requests contained in the Subpoena to the extent that they seek documents not in his possession, custody or control.

10. Mr. Thomas objects to the document requests contained in the Subpoena to the extent they seek information protected from disclosure by the attorney-client privilege, the attorney work-product doctrine or any other applicable rule, doctrine, privilege or immunity or protection from discovery, whether based upon statute or common law. Such documents shall not be produced in response to any request, and any inadvertent production thereof shall not be deemed a waiver of any privilege or doctrine with respect to such documents.

11. Mr. Thomas objects to the document requests contained in the Subpoena to the extent that they seek information already in Defendants' possession or, by reason of public filing, publication or otherwise, are readily accessible to Defendants through other means.

12. Mr. Thomas objects to the document requests contained in the Subpoena to the extent that they seek documents that contain personal, private, confidential, proprietary, financial and/or commercial information relating to Mr. Thomas, or documents or information that may be subject to any confidentiality agreements or obligations that preclude Mr. Thomas from disclosing them. Any such documents will be produced subject to the terms of the confidentiality order entered in this case.

13. Mr. Thomas does not hereby admit, adopt or acquiesce in any factual or legal contention, assertion, characterization or implication expressed in the requests contained in the Subpoena or responses thereto.

14. Mr. Thomas objects to the Definitions and Instructions contained in the Subpoena to the extent that they purport to alter the plain meaning and/or scope of any specific

document request set forth in Schedule A, on the ground that such alteration renders the document request vague, ambiguous, unduly broad and uncertain.

15. Mr. Thomas expressly reserves the right to revise, amend, supplement or clarify any of the objections set forth herein.

16. Counsel for Mr. Thomas with respect to this Subpoena is willing to meet and confer concerning these objections.

### **SPECIFIC OBJECTIONS AND RESPONSES**

#### **Document Request No. 1:**

All DOCUMENTS provided to YOU by MARVEL concerning or in connection with the LAWSUIT.

#### **Response to Document Request No. 1:**

Subject to and without waiving the foregoing General Objections, Mr. Thomas states that there are no responsive, non-privileged documents in his possession, custody or control other than the Subpoena.

#### **Document Request No. 2:**

All DOCUMENTS provided by YOU to MARVEL concerning or in connection with the LAWSUIT.

#### **Response to Document Request No. 2:**

Subject to and without waiving the foregoing General Objections, Mr. Thomas states that there are no responsive, non-privileged documents in his possession, custody or control.

#### **Document Request No. 3:**

All DOCUMENTS provided to YOU by MARVEL regarding Jack Kirby.

#### **Response to Document Request No. 3:**

Subject to and without waiving the foregoing General Objections, Mr. Thomas further objects to this Request on the grounds that it is overly broad, unduly burdensome and seeks

information not relevant to the claims and defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving any of the foregoing General or Specific Objections, Mr. Thomas states that he possesses copies of the publications identified on Exhibit A and various comic book issues, which may contain documents responsive to this Request and is willing to make those publications identified on Exhibit A available for inspection by Defendants on a mutually convenient date and time at The Country Inn & Suites in Orangeburg, SC, and further states that there are no additional responsive, non-privileged documents in his possession, custody or control.

**Document Request No. 4:**

All DOCUMENTS provided by YOU to MARVEL regarding Jack Kirby.

**Response to Document Request No. 4:**

Subject to and without waiving the foregoing General Objections, Mr. Thomas states that there are no responsive, non-privileged documents in his possession, custody or control.

**Document Request No. 5:**

All correspondence, including email communications, between YOU and MARVEL in connection with the LAWSUIT, or that refer, relate to or concern the LAWSUIT.

**Response to Document Request No. 5:**

Subject to and without waiving the foregoing General Objections, Mr. Thomas states that there are no responsive, non-privileged documents in his possession, custody or control other than the Subpoena.

**Document Request No. 6:**

All correspondence, including email communications, between YOU and any other person or entity in connection with the LAWSUIT, or that refer to or concern the LAWSUIT.

**Response to Document Request No. 6:**

Subject to and without waiving the foregoing General Objections, Mr. Thomas states that he will produce non-privileged documents in his possession, custody or control, if any.

**Document Request No. 7:**

All DOCUMENTS, including handwritten or typed notes, that memorialize, refer or relate to any communications YOU have had regarding the LAWSUIT.

**Response to Document Request No. 7:**

Subject to and without waiving the foregoing General Objections, Mr. Thomas states that there are no responsive, non-privileged documents in his possession, custody or control.

**Document Request No. 8:**

All DOCUMENTS that refer or relate to any meeting you have had regarding the LAWSUIT, including notes, memoranda, calendars and/or appointment schedules.

**Response to Document Request No. 8:**

Subject to and without waiving the foregoing General Objections, Mr. Thomas states that he will produce responsive, non-privileged documents in his possession, custody or control.

**Document Request No. 9:**

All DOCUMENTS that refer to the LAWSUIT.

**Response to Document Request No. 9:**

Subject to and without waiving the foregoing General Objections, Mr. Thomas further objects to this Request on the ground that it is overly broad and seeks information not relevant to the claims and defenses of any party and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving any of the foregoing General or Specific Objections,

## **EXHIBIT A**

### **Periodicals**

#### **Alter Ego Vol. 1**

1-11

#### **Alter Ego Vol. 2**

1-5

#### **Alter Ego Vol. 3**

1-94

Alter Ego: The Comic Book Artist Collection, Two Morrows 2001

Alter Ego: The Best of the Legendary Comics Fanzine, Roy Thomas and Bill Schelly, Hamster Press 1997

#### **Back Issue**

Issues 1-41

#### **Comic Book Artist**

Issues 1-25

Comic Book Artists Collection Vol. 1-3

Comic Book Artist Vol. 2, No. 1-6

Special Ed. No. 1

#### **Comic Book Marketplace**

Issues 22-121

#### **Comicology**

Issues 1-4

#### **Comics Interviews**

Collection of Articles from Vol. 1-150.



## Comics Journal

| Issue | Date       |
|-------|------------|
| 56    | 5/80       |
| 61    | Winter '81 |
| 148   | 2/92       |
| 221   | 3/00       |
| 241   | 2/02       |
| 245   | 8/02       |
| 247   | 10/02      |
| 249   | 12/02      |
| 251   | 3/03       |
| 253   | 6/03       |
| 254   | 7/03       |
| 257   | 12/03      |
| 259   | 4/04       |
| 272   | 11/05      |
| 278   | 10/06      |
| 279   | 11/06      |
| 280   | 1/07       |
| 281   | 2/07       |
| 286   | 11/07      |
| 287   | 1/08       |
| 289   | 4/08       |
| 290   | 5/08       |
| 291   | 7/08       |
| 292   | 10/08      |
| 293   | 11/08      |
| 294   | 12/08      |
| 295   | 1/09       |
| 296   | 2/09       |
| 297   | 4/09       |

## Foom Magazine

Issues 1-22

## From the Tomb

| Issues | Date                       |
|--------|----------------------------|
| 1-11   | Feb. 2000 – Halloween 2003 |
| 14-22  | Halloween 2004 – June 2007 |
| 28     | Halloween 2009             |

**Hogan's Alley**

Issues 1-16

**Jack Kirby Quarterly**

Issues 4-12

**The Chronicles of Conan**

Issues 1-17

**The Jack Kirby Collector**

Issues 1-54

The Collected Jack Kirby Collector Vol. 1-5

**Write Magazine**

Issues 1-20

**Miscellaneous Magazines**

Comic Book Comics No. 4, Oct. 2009

Comic Box No. 3, 2000

Comics International No. 204, Oct. 2007

Comics Scene No. 4, 1999

Comics Scene Yearbook, Vol. 2, 1993

Comics Spotlight Amazing First Issue! Summer 2002

Creem, April 1973

Le Collectionneur de Bandes Dessinees

Marvel Age No. 138, July 1994

Marvel Vision No. 23, Nov. 1997

Marvelmania Magazine No. 2, 1970

Maxim, Sept. 2009

Midnite Masquerader No. 1, Fall 2000

Pure Images No. 2, Jan. 1990

Scarce No. 15, 1988

Simian Scrolls, Issue 9, July 2004

Starlog No. 120, July 1987

Sunday Supplement, St. Louis Post-Dispatch, Feb. 1, 1976

Synn Watch, Premier Issue 1999

The Haunt of Horror, Vol. 1, Aug. 1973

The O'Neil Observer No.1 and No. 3, Summer 1999 and Summer 2001

Variety, July 19-25, 2004

## Books

- 100 Greatest Comic Books, Jerry Weist, Wittman Publishing, LLC 2004
- 500 Comic Book Villains, Mike Conroy (ed.), Barron's Educational Series, Inc. 2004
- 500 Essential Graphic Novels: The Ultimate Guide, Gene Kannenberg Jr., Collins Design 2008
- 500 Great Comic Book Action Heroes, Mike Conroy (ed.), Barron's Educational Series, Inc. 2002
- 1000 Comic Books You Must Read, Tony Isabella, Krause Publications 2009
- Age of TV Heroes, Jason Hofius and George Khoury, TwoMorrows Publishing 2010
- Al Williamson: Hidden Lands, Thomas Yeats, Mark Schultz and S.C. Ringgenberg, Dark Horse Books 2004
- All in Color for a Dime, Dick Lupoff and Don Thompson (ed.), Arlington House 1970
- All-Star Companion Vol. 4, Roy Thomas (ed.), TwoMorrows Publishing 2009
- Amazing Fantasy Omnibus, Marvel 2007
- Amazing World of Carmine Infantino, J. David Spurlock (ed.), Vanguard Productions 2001
- Avengers: The Ultimate Guide, Tom DeFalco, DK Publishing 2005
- Baby Boomer Comics, Craig Shutt, Krause Publications 2003
- Captain America: The Great Gold Steal, Ted White with Introduction from Stan Lee, Simon & Shuster 1968
- Comic Books and Other Necessities of Life, Mark Evanier, TwoMorrows Publishing 2002
- Comic Book Encyclopedia, Ron Goulart, HarperEntertainment 2004
- Comic Book Nation: The Transformation of Youth Culture in America, Bradford W. Wright, John Hopkins University Press 2001
- Comic-Book Superstars, Don Thompson and Maggie Thompson (ed.), Krause Publications 1993
- Comicbook Heroes of the Screen, William Schoell, Citadel Press 1991
- Comics Between the Panels, Steve Dwin and Mike Richardson, Dark Horse Comics, Inc. 1998
- Comics Creators on Fantastic Four, Tom DeFalco (ed.), Titan Books 2005
- Comics Creators on X-Men, Tom DeFalco (ed.), Titan Books 2006

Comix: A History of Comic Books in America, Les Daniels, Outterbridge & Dienstfrey 1971

Comix: The Underground Revolution, Dez Skinn, Thunder's Mouth Press 2004

Crawford's Encyclopedia of Comic Books, Hubert Crawford, Jonathan David Publishers, Inc. 1978

Crime Comics the Illustrated History, Mike Benton, Taylor Publishing Co. 1993

Dan DeCarlo, Mary Smith, 1992

Devil Dinosaur Ominbus, Jack Kirby, Marvel 2007

Doctor Voodoo: Avenger of the Supernatural, Lauren Sankovitch (ed.), Marvel 2009-10

Excelsior! The Amazing Life of Stan Lee, Stan Lee and George Mayer, Simon & Shuster 2002

Fantastic Four: Lost Adventures, Stan Lee, Jack Kirby and John Romita Jr., Marvel 2008

From Aargh! to Zap! Harvey Kurzman's Visual History of the Comics, Kitchen Sink Press 1991

Gil Kane Art and Interviews, Daniel Herman, Hermes Press 2002

Gil Kane: The Art of the Comics, Daniel Herman, Hermes Press 2001

Great American Comic Books, Ron Goulart, Publications International Ltd. 2001

Horror Comics the Illustrated History, Mike Benton, Taylor Publishing Co. 1991

Hot Tips from Top Comics Creators, Don Markstein (ed.), Fictioneer Books Ltd. 1994

How to Draw Comics the Marvel Way, Stan Lee and John Buscema, Simon & Shuster 1978

"I Have to Live with this Guy!" Blake Bell, TwoMorrows Publishing 2002

Innocence and Seduction of the Art of Dan DeCarlo, Bill Morrison, Fantagrphics Books 2006

Jack Kirby 1917-1994: Long Live The King, David Gerald Cobb Hamilton, Machine-Wolf Graphix Ltd. (manuscript)

Jack Kirby's Heroes & Villains, Greg Theakston (ed.), Pure Imagination Publications 1994

John Buscema's Sketch Book, J. David Spurlock and John Buscema, Vanguard Productions 2001

John Romita...And All that Jazz, Roy Thomas and Jim Amish, TwoMorrows Publishing 2007

Kirby: King of Comics, Mark Evanier, Harry N. Abrams, Inc. 2008

Love on the Racks, Michelle Nolan, McFarland & Co., Inc. 2008

Marvel Chronicles: A Year by Year History, DK Publishing 2008

Marvel Comics in the 1960's: An Issue by Issue Field Guide to a Pop Culture Phenomenon, Pierre Contouis, TwoMorrrows Publishing 2009

Marvel Els Setanta, Casel Sollerie 2003

Marvel Limited: Fantastic Firsts, Marvel 1994

Marvel Masterworks Series, Complete Set

Marvel Presents Fighting American, Joe Simon and Jack Kirby, Marvel 1989

Marvel Universe, Peter Sanderson, Harry N. Abrams, Inc. 1996

Marvel Visionaries: John Buscema, Marvel 2006

Marvel Visionaries: Roy Thomas, Marvel 2006

Marvel: Five Fabulous Decades of the World's Greatest Comics, Less Daniels, Harry N. Abrams, Inc. 1991

Marvel: The Characters and Their Universe, Michael Mallory, Marvel 2002

Marvel's Finest: The Avengers' Kree Skull War, 2 Alien Races, Marvel 2000

Marvel's Greatest Superhero Battles, Stan Lee, Simon & Shuster 1978

Masters of the Comic Book Universe Revealed! Arie Kaplan, Chicago Review Press 2006

Masters of Imagination the Comic Book Artist Hall of Fame, 1994

Maximum Fantastic Four, Walter Mosley, Marvel 2005

Monster Masterworks, Marc McLaurin, Marvel Entertainment Group 1990

Our Gods Wear Spandex: The Secret History of Comic Book Heroes, Christopher Knowles, Weiser Books 2007

Over 50 Years of American Comic Books, Ron Goulart, Publications International Ltd. 1999

Ron Goulart's Great History of comic Books, Contemporary Books, Inc. 1986

Sal Buscema Comics' Fast and Furious Artist, Jim Amish and Eric Nolen-Weathington, TwoMorrrows Publishing 2010

Science Fiction Comics the Illustrated History, Mike Benton, Taylor Publishing Co. 1992

Secrets Behind the Comics, Stan Lee, Famous Enterprises, Inc. 1947

Secrets in the Shadows: The Art and Life of Gene Colan, Tom Field, TwoMorrows Publishing 2005

Sex in the Comics, Maurice Horn, Chelsea House Publishers 1985

Silver Age, the Second Generation of Comic Book Artists, Daniel Herman, Hermes Press 2004

Stan Lee and the Rise and Fall of the American Comic Book, Jordan Raphael and Tom Spurgeon, Chicago Review Press 2003

Stan Lee Conversations, Jeff McLaughlin (ed.), University Press of Mississippi 2007

Stan Lee Presents Spider-Woman, Simon & Shuster 1979

Stan Lee Presents Doctor Strange, Master of the Mystic Arts, Simon & Shuster 1978

Stan Lee Presents Doctor Strange, Master of the Mystic Arts In a Novel by William Rotsler, "Nightmare", Simon & Shuster 1979

Stan Lee Presents The Incredible Hulk, Simon & Shuster 1979

Stan Lee's Amazing Marvel Universe, Roy Thomas, Sterling Publishing Co., Inc. 2006

Stan's Soapbox: The Collection, Stan Lee, The Hero Initiative 2008

Strange and Stranger: The World of Steve Ditko, Blake Bell, Fantagraphics Books

Super Heroes: A Modern Mythology, Richard Reynolds, University Pres of Mississippi 1992

Superhero Comics of the Silver Age, 1991

Superheroes and Gods: A Comparative Study from Babalonia to Batman, Don LoCicero, McFarland & Co., Inc. 2008

Superheroes in My Pants! Mark Evanier, TwoMorrows Publishing 2004

Tales to Astonish, Ronin Ro, Bloomsbury 2004

The Adventures of Red Sonja Vol. 1-2, Dynamite Entertainment

The Alter Ego Collection Vol. 1, Roy Thomas (ed), TwoMorrows Publishing 2006

The Amazing Spider-Man, Stan Lee and John Romita, Simon & Shuster 1980

The Art of Harvey Kurtzman: The Mad Genius of Comics, Dennis Kitchen and Paul Buhle, Harry N. Abrams, Inc. 2009

The Art of the Comic Book: An Aesthetic History, Robert C. Harvey, University Press of Mississippi 1996

The Avengers Battle the Earth-Wrecker, Otto Binder with Introduction from Stan Lee, Simon & Shuster 1967

The Barry Windsor-Smith Archives Vol. 1-2, Dark Horse 2010

The Best of Simon & Kirby, Joe Simon and Jack Kirby, Titan Books 2009

The Best of Spider-Man, Stan Lee, Marvel 1986

The Best of What If, Craig Anderson (ed.), Marvel 1991

The Comic Book in America, Mike Benton, Taylor Publishing Co. 1989

The Comic Book Heroes, Will Jacobs and Gerard Jones, Crown Publishers Inc. 1985, republished 1997

The Comic Book Makers, Joe Simon with Jim Simon, Crestwood/II Publications 1990

The Comic Book Reader's Companion, Ron Goulart, HarperPerennial 1993

The Complete Jack Kirby Supplement Vol. 1, Greg Theakston (ed.), Pure Imagination Publications 1997

The Dick Ayers Story Vol. 1 and 3, Dick Ayers, Mecca Comics Group 2008

The Encyclopedia of American Comics, Ron Goulart (ed.), Facts on File 1990

The Encyclopedia of Super Villains, Jeff Rovin, Facts on File Publications 1987

The Eternals Omnibus, Jack Kirby, Marvel 2006

The Fantastic Four Omnibus Vols. 1 and 2, Marvel 2005 and 2007

The Gene Colan Annual: Painting with Pencil, Gene Colan, As You Like It Publications 2000

The Golden Age of Comic Fandom, Bill Schelly, Hamster Press 1995, rev'd 1999

The Golden Collection of Klassic Krazy Kool Kids Komiks No. 1, Craig Yoe (ed.), IDW Publishing 2010

The Great Comic Book Artists, Ron Goulart, St. Martin's Press 1986

The Invincible Iron Man Omnibus Vol. 1, Marvel 2008

The Kid Cowboys of Boys' Ranc, Joe Simon and Jack Kirby, Marvel 1991



The Many Armors of Iron Man, Marvel 1992

The Marvel Encyclopedia: The Definitive Guide to the Marvel Universe, DK Publishing 2006

The Marvel Vault, Roy Thomas and Peter Sanderson, Running Press 2007

The Mechanical Bride: Folklore of Industrial Man, Marshall McLuhan, Vanguard Press, Inc. 1951

The Photo-journal Guide to Marvel Comics, Ernst Gerber (ed.), Gerber Publishing Co., Inc. 1991

The Science of Superheroes, Lois Gresh and Robert Weinberg, John Wiley & Sons Inc.

The Silver Age of Comic Book Art, Arlen Schumer, Collectors Press, Inc. 2003

The Silver Surfer Omnibus Vol. 1, Marvel 2007

The Sternako History of Comics, Jim Sternako Vol. 1 and 2, SuperGraphics, 1970 and 1972

The Superhero Book: The Ultimate Encyclopedia of Comic-Book Icons and Hollywood Heroes, Gina Misiroglu with David A. Roach (ed.) Visible Ink Press 2004

The Supervillain Book: The Evil Side of Comics and Hollywood, Gina Misiroglu and Michael Eury (ed.), Visible Ink Press 2006

Wertham Was Right! Mark Evanier, TwoMorrows Publishing 2003

Women in the Comics, Maurice Horn, Chelsea House Publishers 1977

Writing for Comics with Peter David, Impact Books 2006