

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
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)

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

**REPLY DECLARATION OF JODI A. KLEINICK IN FURTHER SUPPORT
OF PLAINTIFFS/COUNTERCLAIM DEFENDANTS' MOTION TO STRIKE
(1) THE DECLARATIONS OF JOE SINNOTT AND JAMES F. STERANKO, AND
(2) CERTAIN DOCUMENTS ATTACHED AS EXHIBITS TO DEFENDANTS'
DECLARATIONS IN SUPPORT OF THEIR OPPOSITION TO
PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

I, Jodi A. Kleinick, declare under penalty of perjury as follows:

1. I am a partner of Paul, Hastings, Janofsky & Walker LLP and am duly admitted to practice in the State of New York and before this Court. Together with the law firms Weil, Gotshal & Manges LLP and Haynes and Boone, LLP, I am counsel to Plaintiffs and

Counterclaim-Defendants Marvel Worldwide, Inc., Marvel Characters, Inc., MVL Rights, LLC, Marvel Entertainment, LLC (sued herein as Marvel Entertainment, Inc.) (collectively, “Marvel”) and The Walt Disney Company (“Disney”) in this action.

2. Annexed hereto as Exhibit 1 is a true and correct copy of the Expert Report of James Steranko in *Siegel v. Time Warner Inc.*, Nos. CV 04-8400 SGL (RZx), CV 04-8776 SGL (RZx) (C.D. Cal.), served on January 12, 2007.

3. Annexed hereto as Exhibit 2 is a true and correct copy of the document produced by John Morrow as part of discovery in this proceeding and identified by the bates numbers JM 00281-285 containing an email and accompanying attachment sent by John Morrow to Jeffrey Rhoads on December 9, 2010.

I declare under penalty of perjury that the foregoing facts are true and correct. This declaration was executed on the 29th day of April, 2011 in New York, New York.

/s/ Jodi A. Kleinick