

# EXHIBIT C

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February 8, 2010

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**BY E-MAIL AND U.S. MAIL**

Marc Toberoff, Esq.  
Toberoff & Associates  
2049 Century Park East, Suite 2720  
Los Angeles, California 90067

**Re: Marvel Worldwide v. Kirby**

Dear Marc:

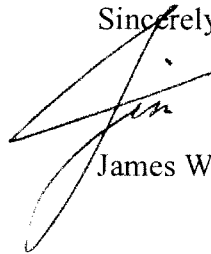
Attached please find a revised version of the Proposed Civil Case Management Plan. As with the prior version we sent you, this draft follows the form attached to Judge McMahon's Order Scheduling an Initial Pretrial Conference. We believe the document should track that form as closely as possible.

As you and I have discussed repeatedly, for a number of reasons, we believe the parties should proceed expeditiously in this case and there is a real need to get this process underway promptly. In an effort to reach agreement, however, we have shifted some of the dates from what we had initially proposed. We are proposing these compromise dates with the understanding and expectation that the depositions of Stan Lee and other elderly witnesses take place as soon as practicable following the exchange of documents – no later than in late April or early May.

Marc Toberoff, Esq.  
February 8, 2010  
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If you disagree with any of the above, please let us know as soon as possible so that we may contact the Court well in advance of the deadline for filing the proposed schedule. I look forward to speaking to you after you have had a chance to review this revised proposal.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Quinn", written over the word "Sincerely,".

James W. Quinn

Encl.

**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 9, 2010

TOBEROFF & ASSOCIATES, P.C.

By: s/Marc Toberoff  
Marc Toberoff (MT 4862)

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