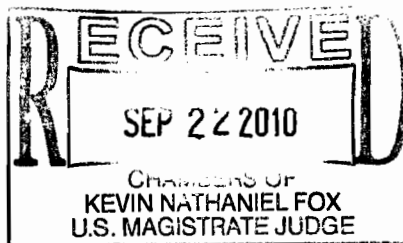


Weil, Gotshal & Manges LLP

767 Fifth Avenue
 New York, NY 10153-0119
 +1 212 310 8000 tel
 +1 212 310 8007 fax

MEMORANDUM

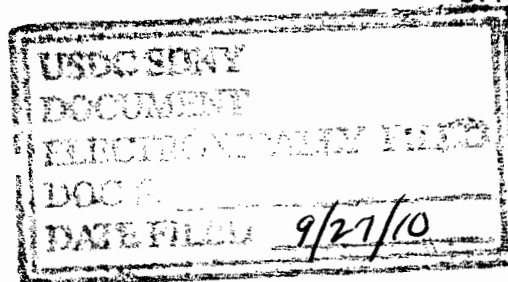
Randi W. Singer
 212.310.8152
 randi.singer@weil.com



September 22, 2010

BY FACSIMILE

Honorable Kevin N. Fox
 United States Magistrate Judge
 for the Southern District of New York
 Daniel Patrick Moynihan
 United States Courthouse
 500 Pearl Street
 New York, New York 10007



Re: **Marvel World Wide, Inc., et al. v. Lisa R. Kirby, et al., 10 Civ. 141 (CM) (KNF)**

Dear Judge Fox:

On behalf of Plaintiffs Marvel Worldwide, Inc., et al. ("Marvel") and Mr. John Romita, Sr., we write in furtherance of the telephonic discovery conference held this afternoon in the above-captioned matter. During that conference, the Court ordered that (subject to Mr. Romita's availability) the deposition of third-party witness Mr. John Romita, Sr. be held on October 6 and 7, 2010 near his home in Garden City, New York. We have now spoken with Mr. Romita and, unfortunately, he is not available on those dates. He is, however, available on Thursday, October 21 and Friday, October 22, which are among the available dates set forth in Mr. Toberoff's September 21, 2010 letter to the Court and after Mr. Toberoff's October 18 hearing scheduled in his other matter.

In addition, Plaintiffs have noticed the deposition of Mr. Roy Thomas, another third-party witness for October 26 and 27, 2010. During the conference, Mr. Toberoff represented to the Court that he did not have a conflict with this deposition and therefore, we have advised Mr. Thomas that his deposition has been confirmed for those dates at the Holiday Inn Express, located at 118 Sleep Inn Road, Orangeburg, SC.

Accordingly, we respectfully request that the Court order that the deposition of John Romita, Sr. take place at 9:30 am on October 21 and, if necessary, continue on October 22, 2010 at The Garden City Hotel, 45 Seventh Street, Garden City, NY 11530.

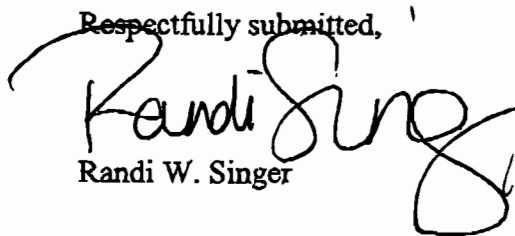
9/27/10
 Application granted.
 SO ORDERED:
 Kevin Nathaniel Fox
 KEVIN NATHANIEL FOX, U.S.M.J.

Hon. Kevin N. Fox
September 20, 2010
Page 2

Weil, Gotshal & Manges LLP

We appreciate the Court's attention to this matter.

Respectfully submitted,

A handwritten signature in black ink that reads "Randi Singer". The signature is written in a cursive, flowing style. The first name "Randi" is written in a larger, more prominent script, and "Singer" follows in a similar but slightly smaller script. The signature is positioned to the right of the typed name.

Randi W. Singer

cc: Marc Toberoff, Esq. (by fax and email)
David Fleischer, Esq. (by fax and email)
Jodi A. Kleinick, Esq. (by fax and email)