

TOBEROFF & ASSOCIATES, P.C.

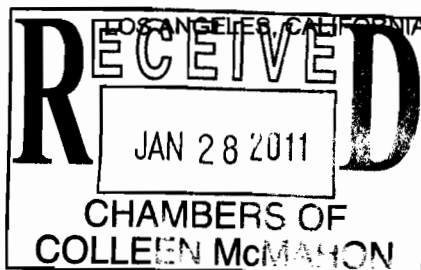
A PROFESSIONAL CORPORATION

2049 CENTURY PARK EAST, SUITE 2720

LOS ANGELES, CALIFORNIA 90067

MARC TOBEROFF*
NICHOLAS C. WILLIAMSON
KEITH G. ADAMS
JEFFREY R. RHOADS

* Also admitted in New York



USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 1/31/11

TELEPHONE
(310) 248-3333
FACSIMILE
(310) 248-3101
mtoberoff@ipwla.com

January 28, 2011

Via Facsimile to (212) 805-6326

Hon. Colleen McMahon, U.S.D.J.
Courtroom 14C
U.S. District Court, Southern District of New York
500 Pearl Street
New York, NY 10017-1312

1/31/2011
OK
an

MEMO FORWARDED

Re: Marvel Worldwide, Inc., et al. v. Lisa R. Kirby, et al., Case No. 10-141 (CM) (KF)

Dear Judge McMahon:

Pursuant to paragraph 1(E) of this Court's Individual Practices, we write on behalf of defendants, Lisa R. Kirby, Barbara J. Kirby, Neal L. Kirby and Susan M. Kirby, in the above-referenced action, to respectfully request a brief, two-week extension of the February 11, 2011 deadline for the parties to file summary judgment motions set forth in the April 19, 2010 Civil Case Management Plan, as defendants' counsel unexpectedly have to move their law offices during this period.

There has been no previous request to this Court for this extension, and plaintiffs do not oppose this request.

Our firm's office lease was originally set to expire on February 1, 2011. Due to our deadlines in this and other cases, we secured a three-month extension of the lease, until May 1, 2011. However, when it came time to sign the extension earlier this week, the building management suddenly refused to execute it, informing us that they had just rented the entire floor. As a result, we are now forced to vacate the premises and move our firm by next Friday, February 4, 2011.

Due to this unforeseen circumstance, we will have difficulty completing our summary judgment motion by the February 11, 2011 deadline, as the firm unexpectedly must secure new office space, make the necessary arrangements, and move during the period when we had planned to prepare the motion. The brief extension will allow us to expeditiously resolve this problem.

As required, attached please find a proposed Revised Scheduling Order reflecting this requested briefing schedule (see paragraph 9).

TOBEROFF & ASSOCIATES, P.C.

January 28, 2011

Re: *Marvel Worldwide, Inc. v. Kirby et al.*

Page: 2 of 2

We appreciate the Court's consideration of this matter.

Very truly yours,



Marc Toberoff

cc: Randi Singer, attorney for plaintiffs Marvel Worldwide, Inc. et al. (*via facsimile*)
David Fleischer, attorney for plaintiffs Marvel Worldwide, Inc. et al. (*via facsimile*)