

McMahon, T

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: <u>2/16/11</u>

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.

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

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

Counterclaim-Plaintiffs,

- against-

MARVEL ENTERTAINMENT, INC.,
MARVEL WORLDWIDE, INC.,
MARVEL CHARACTERS, INC., MVL
RIGHTS, LLC, THE WALT DISNEY
COMPANY and DOES 1 through 10,

Counterclaim-Defendants.

STIPULATION & ~~PROPOSED~~ ORDER

1. Whereas, on January 28, 2011, Plaintiffs Marvel Worldwide, Inc., Marvel Characters, Inc. and MVL Rights, LLC, and Counterclaim-Defendants Marvel Entertainment, LLC (sued herein as Marvel Entertainment, Inc.) and The Walt Disney Company (collectively "Marvel") filed and served a motion to strike the jury demand of Defendants Lisa R. Kirby,

Barbara J. Kirby, Neil L. Kirby and Susan J. Kirby (collectively, the "Defendants") with respect to all of Marvel's claims and Defendants' first counterclaim in the action;

2. Whereas, the parties have met and conferred in good faith about Marvel's motion to strike Defendants' jury demand, and Marvel has agreed to withdraw the motion in light of Defendants' agreement to withdraw their demand for a jury with respect to all of Marvel's claims and Defendants' first counterclaim in the action;

3. Whereas Marvel has agreed to waive all claims to any costs or legal fees associated with its motion to strike Defendants' jury demand;

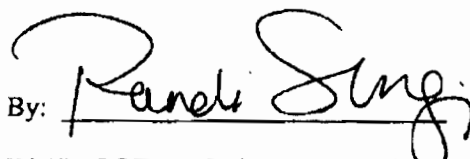
NOW THEREFORE, the parties stipulate and jointly agree and request that the Court order the following:

1. All of Marvel's claims and Defendants' remaining counterclaim in the action will be tried to the Court without a jury.

2. Marvel's January 28, 2011 motion to strike Defendants' jury demand is withdrawn as moot.

3. Marvel waives any and all claims to any costs or legal fees associated with its motion to strike Defendants' jury demand.

Dated: February 15, 2011

By: 

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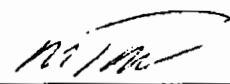
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Defendants*


Dated: February 15, 2011

By:  _____

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Attorneys for Defendants


SO ORDERED:

Colleen McMahon, U.S.D.J.

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