

# EXHIBIT 6

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

MARVEL WORLDWIDE, INC., )  
MARVEL CHARACTERS, INC. and )  
MVL RIGHTS, LLC, )

PLAINTIFFS, )  
)

vs. ) No. 10-141-CMKF

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

\_\_\_\_\_ )

VIDEOTAPED DEPOSITION OF LISA KIRBY  
Los Angeles, California  
Thursday, July 1, 2010

Reported by:  
SUSAN A. SULLIVAN, CSR #3522, RPR, CRR  
JOB NO. 31596

1 A I'm his youngest daughter.

2 Q What is your birth date?

3 A 9/7/1960.

4 Q Did you have occasion to speak with your  
5 brother Neal within the last 24 hours?

6 A No, I have not.

7 Q When was the last time you spoke to Neal?

8 A I'd say a week ago. About a week ago.

9 Q Did you discuss this lawsuit with your  
10 brother at that time?

11 A I don't recall.

12 Q I'm sorry, I didn't hear your answer.

13 A No, I'm -- I don't recall what we spoke  
14 about at that time.

15 Q Have you ever spoken with your brother  
16 about this lawsuit?

17 A Occasionally.

18 Q And have you ever spoken with him about  
19 this lawsuit outside the presence of Mr. Toberoff or  
20 some member of his law firm?

21 A Yes, I have. Yes, I have.

22 Q When is the first time --

23 MR. TOBEROFF: Speak a little louder.

24 A I'm sorry.

25 Q When for the first time do you have a

1 house?

2 A At first I think a lot of people came over  
3 to our house. He was a fan and wanted to meet my  
4 father. I believe that's probably what started their  
5 friendship.

6 Q Did there come a time when he was paid by  
7 your father?

8 A I recall him doing work for my father. As  
9 far as payment, I would not be able to give you  
10 specifics on that, I don't recall that. I was young  
11 at the time so --

12 Q Do you know what work he was doing for your  
13 father?

14 A I would not recall that, no.

15 Q Did you ever discuss with Mr. Evanier any  
16 work that he did in cataloguing any of the artwork  
17 that your father owned and possessed prior to his  
18 death?

19 A I do not recall speaking with Mark about  
20 that.

21 Q When was the last time that you spoke to  
22 Mark Evanier? Evanier, excuse me.

23 A I think possibly before the last comic  
24 convention. Usually I speak to him then. I would  
25 say it was almost a year ago. Probably eight months

1 other than what you have testified about?

2 A Not at this time, no, not specifically.

3 Q Are you aware of something that would  
4 refresh your recollection about the substance of what  
5 was said?

6 A Can you clarify that for me, I'm sorry?

7 Q Did you make any notes of the conversation,  
8 was there any followup correspondence between the two  
9 of you?

10 A From what I remember, I might have -- I  
11 remember speaking to his daughter one time  
12 afterwards.

13 Q What was the subject of that discussion?

14 A Again, I was thanking her for talking to  
15 her father and just went over again what we discussed  
16 about his support in helping my father receiving  
17 credit for his work.

18 Q Was there some aspect of your father's work  
19 that he had not received adequate credit as far as  
20 you were concerned that triggered your discussion  
21 with Mr. Adams?

22 A I feel my father did not receive enough  
23 credit for his work, yes.

24 Q And was there any specific instance that  
25 triggered your discussion with Mr. Adams?

1           A       Specific instance. I would have to say not  
2 a specific instance, it was just general knowledge.

3           Q       General knowledge about what?

4           A       About my father not receiving proper credit  
5 for the work that he has done.

6           Q       And why did you contact Neal Adams?

7           MR. TOBEROFF: Misstates testimony.

8           You can answer.

9           A       The family, we had heard that he was a big  
10 supporter of my father's legacy and that he would be,  
11 you know, a good person for us to talk to.

12          Q       And how many times have you spoken with Mr.  
13 Adams?

14          A       From what I recall, I believe I met him, I  
15 spoke to him at one time in San Diego. That's from  
16 my recollection.

17          Q       That was several years ago?

18          A       It was, yeah.

19          Q       And you haven't spoken with him since?

20          A       Not since. Not that I can recall at this  
21 moment, no.

22          Q       Have you corresponded with him since?

23          A       Not that I can recall.

24          Q       Do you know John Remedas, Sr.?

25          A       I do not know him, no.

1 or interviewers?

2 MR. TOBEROFF: Compound.

3 A About my father's rights to the characters.  
4 Can you clarify? I mean, specifically --

5 Q I will break it down for you.

6 A Okay. I'd appreciate that.

7 Q Do you have any information from your  
8 firsthand observations about the circumstances of any  
9 characters your father created for Marvel?

10 A I don't believe I spoke, did any interviews  
11 as far as, you know, specific, as far as his rights  
12 to specific characters were concerned.

13 Q I don't think you listened to my question.

14 A Okay, sir.

15 Q My question was do you have any information  
16 from your firsthand observations about the  
17 circumstances of any characters your father created  
18 for Marvel.

19 A No, I don't recall that, no. I don't know  
20 if I even understand your question, I'm sorry.

21 Q Then you should ask me.

22 A I'm sorry, I'm a little nervous, I  
23 apologize.

24 Q Did you see your father at work --

25 A On occasion.

1 Q -- on any characters that you understood  
2 were being drawn for Marvel?

3 A Oh, my father's work at home. Yes, I have  
4 seen my father work.

5 Q Did you see him work on characters  
6 published by Marvel?

7 A I was very young at the time, during this  
8 timeframe, and I would go into his studio from time  
9 to time so I can't recall like specifically yes, I  
10 saw him working on -- because I was a young person so  
11 it is hard to recall that.

12 Q So is your answer that you don't have any  
13 recollection of being able to distinguish between  
14 what characters your father was working on when you  
15 observed him at work?

16 A I have recollection of my father working in  
17 general.

18 Q But sitting here today is it fair to say  
19 that you don't recall specific characters that your  
20 father was working on at the time you saw him at  
21 work?

22 A It is too far back to remember, I'm going  
23 to say, I'm going to stick to I remember my father  
24 working at home. I cannot remember him specifically  
25 working on --



1 Q Any particular characters.

2 A -- particular characters, yes, at this  
3 time.

4 Q Are you aware of any documents that might  
5 refresh your recollection with regard to what you  
6 observed when your father was at work?

7 A That would refresh my memory?

8 Q Yes.

9 A I can't recall, you know, sitting here at  
10 this time.

11 Q Do you recall having any discussions with  
12 your father at the time he was at work drawing  
13 characters about what he was doing?

14 A I would discuss, yes, I would go in there  
15 and speak with my dad.

16 Q Let's break down the time.

17 A Okay.

18 Q Do you have a recollection of witnessing  
19 your father at work on Long Island in East Williston?

20 A I was very young at the time so I do have  
21 some recollection. It would be vague but I do  
22 remember a little bit.

23 Q Do you remember any discussions you had  
24 with your father while he was working in East  
25 Williston?

1           A       In East Williston? It is a long time ago.  
2 This is before I was eight years old so I'm trying to  
3 think.

4           Q       If you don't have a recollection it  
5 wouldn't be surprising for a child of that age.

6           A       Okay.

7           Q       But if you do, I want to hear it.

8           A       I remember him working in his studio but  
9 not on what he was specifically working on.

10          Q       Do you recall having any discussions with  
11 your father at that time about what he was working  
12 on?

13          A       No, sir, I don't recall.

14          Q       Do you recall any recollection of your  
15 father discussing his work for Marvel when you were  
16 living in East Williston with him?

17          A       Oh, I don't recall, no.

18          Q       Did you and your father have any  
19 discussions with his work for Marvel in later years  
20 when you became a little bit older?

21          A       I would discuss my father's work with him,  
22 yes, later on.

23          Q       What do you recall your father and you  
24 discussing as far as characters he created for  
25 Marvel?

1           A     I would go into his studio and talk  
2 about -- he would describe to me how he worked and --

3           Q     Do you recall any discussions specifically  
4 that related to drawings your father did that were  
5 published by Marvel?

6           A     We had a discussion on, that I can recall,  
7 we talked about characters, of Fantastic Four, you  
8 know, Galactus, that type of --

9           Q     What do you remember your father saying  
10 about either the Fantastic Four or Galactus?

11          A     Well, he would describe to me his stories,  
12 the storyline, and you know, what the characters were  
13 doing and more that type thing.

14          Q     Did your father ever talk to you about any  
15 meetings that he had had or discussions he had with  
16 Stan Lee or anyone at Marvel about the work that he  
17 did with Marvel?

18          A     Oh, no, not that I can recall.

19          Q     Did your father ever discuss with you the  
20 process by which works he drew that were published by  
21 Marvel came about?

22                   MR. TOBEROFF: Vague.

23          A     I -- he described to me his process, you  
24 know, on how he worked on characters.

25          Q     And when did he do that?

1 Q I think you testified that the last time  
2 you recall meeting with Mr. Evanier was about a year  
3 ago, correct?

4 A Correct, yes. He is not someone I see on a  
5 regular basis.

6 Q Do you have any specific recollection of  
7 any discussions you had with Mr. Evanier concerning  
8 your father's work?

9 MR. TOBEROFF: Didn't we already go through  
10 all of this? Asked and answered.

11 A I don't recall at this point, just what I  
12 previously explained.

13 Q Do you know the names of any characters  
14 your father created or co-created after 1970?

15 A After 1970? I can't give you specific  
16 characters he created during the seventies, I can't  
17 recall --

18 MR. TOBEROFF: The question is after the  
19 1970s, not during the seventies.

20 A Oh, after 1970s, I can, you know, I recall  
21 him creating like the Topps characters and Captain  
22 Victory. When I was younger I don't have a  
23 recollection of exactly what he was creating.

24 MR. TOBEROFF: He is not asking you when  
25 you were younger, he is saying just -- just slow

1 aware of why he left?

2 A I don't recall that at the time, no.

3 Q Do you have a recollection of your father  
4 leaving Marvel?

5 A I have a slight recollection, yeah.

6 Q Do you remember having any discussions with  
7 him or your mother at that time?

8 A At that time, no.

9 Q Later did you have any discussions --

10 A I don't recall discussions.

11 Q -- with either your father or mother?

12 A I don't recall at this time.

13 Q Do you have any knowledge of the  
14 circumstances under which the Spider-Man character  
15 was created?

16 MR. TOBEROFF: Vague.

17 You can answer.

18 A I know a little bit about Spider-Man but I  
19 don't know a lot of general history about the  
20 character itself.

21 Q Did your father or mother ever discuss the  
22 Spider-Man character with you?

23 A Not that I can recall, no.

24 Q Did you ever hear your -- do you have an  
25 understanding of whether or not your father made any

1 contribution to the Spider-Man character?

2 A From what I understand, I believe he worked  
3 on some pages and a cover, an idea, concept,  
4 possibly, you know. I don't have any real specific  
5 information on the Spider-Man character.

6 Q How did you obtain the information that  
7 you've just described concerning Spider-Man?

8 A From what I read, interviews and whatnot.

9 Q Did you ever hear your mother disclaim your  
10 father's involvement in the creation of the  
11 Spider-Man character?

12 A I don't recall my mother speaking to me  
13 about Spider-Man.

14 Q Do you recall ever giving a statement to a  
15 reporter concerning your mother's disclaimer of your  
16 father's contribution to Spider-Man?

17 A I really don't recall speaking to anyone  
18 about Spider-Man.

19 MR. FLEISCHER: Let me mark for  
20 identification Kirby Exhibit 2.

21 (Lisa Kirby Exhibit 2, a document, marked  
22 for identification, as of this date.)

23 MR. FLEISCHER: Marc, do you have the  
24 exhibits? We marked this yesterday. Maybe we  
25 didn't. Here is a copy. There's a notation I

1 to answer the question.

2 A Okay.

3 MR. TOBEROFF: He is not asking you in  
4 general about Spider-Man, he is asking you about  
5 a specific question.

6 A Okay.

7 Q The specific question is do you have any  
8 basis for believe that the statement attributed to  
9 you was inaccurate.

10 A I do not at this time feel that this is  
11 accurate.

12 Q And what is the basis for your feeling that  
13 it is not accurate?

14 A Because I don't recall having discussions  
15 about Spider-Man with my parents. I don't recall  
16 that at this moment.

17 Q Do you recall ever discussing the origins  
18 of Spider-Man with any reporter or anyone in 2009?

19 A I can't recall that at this time, no.

20 Q Do you have any knowledge concerning the  
21 creation of The Incredible Hulk character?

22 A I do not have knowledge of The Incredible  
23 Hulk that I can recall right now.

24 Q Do you have any recollection of your father  
25 discussing that character with you?

1           A     I don't have recollection of my father  
2 discussing the Hulk with me, no.

3           Q     Do you have any knowledge about the Thor  
4 character?

5                     MR. TOBEROFF:  Vague.

6           A     I have knowledge of the Thor character.

7           Q     Do you have any knowledge about the  
8 creation of the Thor character as published by  
9 Marvel?

10          A     I have some, you know, vague understanding  
11 of the Thor character.

12          Q     How did you come by that understanding?

13          A     Just by how my father worked and what he  
14 was working on, reading the story, and how he --

15          Q     Do you have a recollection of discussing  
16 the Thor character's creation with your father?

17          A     No, I did not discuss the Thor character.  
18 I don't recall discussing it with my father, the  
19 creation of Thor.

20          Q     I take it you have no recollection of  
21 witnessing your father drawing the Thor character in  
22 East Williston.

23          A     I would not have recollection of that.

24          Q     Do you have any knowledge concerning the  
25 creation of the Ant-Man character?



1 A I really -- I do not have knowledge.

2 Q Did your father ever discuss that character  
3 with you?

4 A Not that I can recall.

5 Q Do you have any knowledge or information  
6 concerning the creation of any XMen characters?

7 A Not that I can recall my father discussing  
8 with me.

9 Are you asking if he discussed the  
10 characters with me, are we still --

11 Q Yes.

12 A He did not discuss the character of XMen  
13 with me.

14 Q And you have no recollection of your father  
15 drawing any XMen characters in East Williston?

16 A I don't, no, sir.

17 Q Do you recall discussing or do you have any  
18 information concerning the creation of The Fantastic  
19 Four characters?

20 A I do have some recollection of my father  
21 talking about the characters of Fantastic Four.

22 Q What do you recall your father saying about  
23 that?

24 A We discussed, you know, The Thing, you  
25 know, because at the time he -- it was kind of a

1 with your husband?

2 A Yes, possibly, possibly.

3 Q Did he ever discuss with you the Nick Fury  
4 character?

5 A I don't recall him discussing Nick Fury  
6 with me.

7 Q Are you familiar with that character?

8 A Very vaguely.

9 Q Did he ever discuss with you Wolverine?

10 A I don't remember him ever discussing  
11 Wolverine with me.

12 Q Did he ever discuss Professor Xavier?

13 A I don't recall him discussing that.

14 Q Are you familiar with a character called  
15 Rawhide Kid?

16 A I am familiar with Rawhide Kid.

17 Q Do you have any knowledge or information  
18 concerning circumstances under which that character  
19 was created?

20 A I can't, no, I don't recall.

21 Q Did your father ever talk to you about  
22 Rawhide Kid?

23 A I don't recall my father discussing Rawhide  
24 Kid with me.

25 Q Do you have an understanding of the claims