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Attorneys for Defendants Lisa R. Kirby, Barbara J. Kirby, Neal L. Kirby and Susan M. Kirby

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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

Plaintiffs,

-against-

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

Defendants.

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

Counterclaimants,

-against-

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

Counterclaim-Defendants.

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Civil Action No. 10-141 (CM) (KF)

**NOTICE OF DEFENDANTS'  
MOTION FOR SUMMARY  
JUDGMENT**

[Hon. Colleen McMahon]

[ECF Case]

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in Support of Defendants' Motion For Summary Judgment, the Declarations of Marc Toberoff, Mark Evanier, John Morrow, and the exhibits annexed thereto; and on all prior proceedings and matters of record in this case, defendants Lisa R. Kirby, Barbara J. Kirby, Neal L. Kirby and Susan M. Kirby, shall move before the Honorable Colleen McMahon, United States District Judge, in Courtroom 14C of the United States District Court for the Southern District of New York, 500 Pearl Street, New York, New York, 10007, for an order pursuant to Rule 56 of the Federal Rules of Civil Procedure for summary judgment as to the cause of action of plaintiffs' complaint, and for such other and further relief as this Court may deem just and proper.

Dated: February 25, 2011

Respectfully submitted,  
TOBEROFF & ASSOCIATES, P.C.

/s/ Marc Toberoff

Marc Toberoff (MT 4862)

Attorneys for defendants  
Lisa R. Kirby, Barbara J. Kirby, Neal L.  
Kirby and Susan M. Kirby

**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: February 25, 2011

TOBEROFF & ASSOCIATES, P.C.

/s/ Marc Toberoff

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Marc Toberoff (MT 4862)

Attorneys for defendants

Lisa R. Kirby, Barbara J. Kirby, Neal L. Kirby and Susan M. Kirby