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BY FACSIMILE

Honorable Colleen McMahon
District Judge
United States District Court
for the Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, New York 10007

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

Dear Judge McMahon:

We represent Plaintiffs Marvel Worldwide, Inc., et al., in the above-referenced action. Pursuant to the Order Scheduling an Initial Pretrial Conference ("Order"), Plaintiffs have conferred with Defendants in an attempt to reach agreement regarding the Civil Case Management Plan, including discovery deadlines. Despite those efforts, the parties have been unable to reach agreement.

Based on Your Honor's direction, as stated in the Order, that all discovery be completed within six months of the Order, Plaintiffs originally proposed that discovery be completed within that time period, with summary judgment briefing scheduled for shortly thereafter. The need for an expeditious discovery period is particularly necessary here because the case concerns events that took place in the 1950s and 1960s, and the key fact witnesses are of an advanced age. In order to facilitate and expedite the depositions of these witnesses, Plaintiffs proposed an exchange of Rule 34 document requests by the parties promptly after the exchange of Rule 26(a) disclosures,

*2/19/2010
Since you can't agree,
Come in for
a conference
as scheduled -
do not send
me any
defaults
letters*

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with responses to such requests due four weeks thereafter (i.e., on April 9). This schedule would allow all parties to prepare for and conduct depositions of the witnesses of advanced age by late April.

Defendants responded that they desired nine months to complete discovery. Although Plaintiffs expressed a willingness to reach a compromise and offered Defendants a further proposal, Defendants have not moved from their original nine-month discovery period or agreed to expedite completion of the depositions of the witnesses advanced in age. A copy of Plaintiffs' original proposed case management plan is attached.

In light of the inability to reach agreement on this matter, Plaintiffs respectfully request a conference with Your Honor so that this case may proceed as expeditiously as possible. While the Order currently provides for a conference on April 16, 2010, Plaintiffs respectfully request that a conference be held on a date at Your Honor's earliest convenience in advance of April 16.

Respectfully submitted,



James W. Quinn

Enclosure
cc: All counsel