

EXHIBIT 58

1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK
4

5 MARVEL WORLDWIDE, INC.,)
MARVEL CHARACTERS, INC. and)
6 MVL RIGHTS, LLC,)
) No. 10-141-CMKF

7 Plaintiffs,)
)

8 vs.)
)

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

11 Defendants.)
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17 CONFIDENTIAL VIDEOTAPED DEPOSITION OF
18 JOHN V. ROMITA
19 Garden City, New York
20 Thursday, October 21, 2010
21

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23 Reported by:
24 KRISTIN KOCH, RPR, RMR, CRR, CLR
25 JOB NO. 34124

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2 THE VIDEOGRAPHER: The time is
3 4:28 p.m. and we are going off the record.

4 (Recess was taken from 4:28 to
5 4:35.)

6 THE VIDEOGRAPHER: The time is
7 4:35 p.m. and we are going back on the
8 record.

9 BY MR. TOBEROFF:

10 Q. I am going to ask you some questions
11 now just for further elaboration about some of
12 the things you testified to when Miss Singer
13 was asking you questions earlier today.

14 You were referring to the freelance
15 work you did for Marvel in the '50s. You
16 mentioned that you would turn in a voucher and
17 then you would get paid sometime after you
18 turned in the voucher, approximately every two
19 weeks or so. Is that correct?

20 A. It varied, yeah.

21 Q. And did you turn the voucher in
22 after you turned the work in?

23 A. At the time I finished the work, I
24 would put the voucher in as soon as I could.

25 Q. So after you delivered the finished

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2 work to Timely, we will call it, Atlas or
3 Timely, you would then when you had the time
4 fill out a voucher, you would submit the
5 voucher, and in approximately two weeks or so
6 you would get paid after you submitted a
7 voucher?

8 A. Generally.

9 Q. You also referred to -- speaking now
10 about the work in the '50s, not about your work
11 for Marvel after you started in 1965, in the
12 '50s you mentioned that Stan wrote scripts and
13 that you would draw based on the scripts.

14 Did this occur throughout the '50s
15 where you worked there or more in the earlier
16 part of the '50s; do you remember?

17 MS. SINGER: Objection.

18 A. I had a limited amount of time while
19 I was in the service. '52 and part of '53 I
20 did some Captain America stuff, very limited.
21 '54, '55 and '56 I was working on westerns and
22 war stories or westerns only, mostly westerns,
23 and I was working fairly steadily until things
24 started to slow down and they started pulling
25 their horns and cut back.