

EXHIBIT 61

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

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

6 PLAINTIFFS,)

7 vs.)

No. 10-141-CMKF)

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

9 DEFENDANTS.)
10 _____)

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14 VIDEOTAPED DEPOSITION OF NEAL KIRBY
15 Los Angeles, California
16 Wednesday, June 30, 2010
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23 Reported by:
24 SUSAN A. SULLIVAN, CSR #3522, RPR, CRR
25 JOB NO. 31595

1 Q Do you recall witnessing him returning home
2 with work that he had brought to Marvel that for one
3 reason or another had to be reworked or rejected?

4 MR. TOBEROFF: Asked and answered.

5 A No, I don't recall.

6 Q Are you familiar with the course of your
7 father's career prior to 1953?

8 A I'm somewhat familiar.

9 Q As best you can would you relate what you
10 know about your father's career actually prior to
11 1958 which is the first year in which the work at
12 issue here was created.

13 MR. TOBEROFF: Objection; calls for a
14 narrative.

15 A If there's some specific publisher or a
16 story or a subject that's got a book this thick so --

17 Q Basically what I'm asking is whether you
18 are familiar with his employment or the publishers he
19 worked for prior to 1958 or the years he worked for
20 those publishers.

21 MR. TOBEROFF: Assumes facts not in
22 evidence.

23 A I'm aware of some of the publishers. As to
24 some of the specific dates as to when he worked for
25 whom, I probably could not tell you that.

1 conversation arose.

2 Q Do you know if he ever drew panels other
3 than for the cover for a Spider-Man book?

4 A I don't recall.

5 Q Do you know who --

6 A Actually, if I could just interrupt you --

7 Q Sure.

8 A -- I believe, I was trying to think, going
9 back a lot of years again, I think he did do some
10 pages initially for Spider-Man and I believe he
11 either came home with them or -- because I know, I
12 seem to recall some kind of family discussion about
13 that again along those lines of, you know, doing some
14 pages and not being compensated for it. As to
15 whether it was, you know, the first book or not, I
16 don't recall, but I do recall something about the
17 pages for Spider-Man.

18 Q Is your recollection from your being aware
19 of that at the time it happened or from discussions
20 you might have had with your father or others after
21 the fact?

22 A Well, from discussions with my father, yes.

23 MR. TOBEROFF: His question was do you
24 recall --

25 Q My question was were the discussions you