

EXHIBIT H

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3
4 MARVEL WORLDWIDE, INC.,)
5 MARVEL CHARACTERS, INC. and)
6 MVL RIGHTS, LLC,)
7 PLAINTIFFS,)

8)
9 VS.) NO. 10-141-CMKF

10)
11 LISA R. KIRBY, BARBARA J. KIRBY,)
12 NEAL L. KIRBY and SUSAN N. KIRBY,)
13 DEFENDANTS.)
14 _____)

15
16 CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER
17 VIDEOTAPED DEPOSITION OF STAN LEE
18 LOS ANGELES, CALIFORNIA
19 MAY 13, 2010

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22 REPORTED BY:
23 CHRISTY A. CANNARIATO, CSR #7954, RPR, CRR, CLR
24 JOB NO.: 30189

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May 13, 2010

9:35 a.m.

Deposition of Stan Lee, taken on behalf of
Plaintiffs, held at the offices of Paul Hastings,
515 South Flower Street, 25th Floor, Los Angeles,
California, before Christy A. Cannariato,
CSR #7954, RPR, CRR.

1 APPEARANCES (Cont'd)

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FOR THE WITNESS:

GANFER & SHORE, LLP

BY: ARTHUR LIEBERMAN, ESQ.

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NEW YORK, NY 10017

REPRESENTING

ALSO PRESENT:

BRENT JORDAN, VIDEOGRAPHER

ELI BARD, MARVEL ENTERTAINMENT

I N D E X

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1 S. LEE

2 it based on what Ditko had done?

3 A. Oh, it would have had to have been based, I
4 think, on what Ditko did because it would have to look
5 like the Spider-Man.

6 Q. The nerdy Spider-Man?

7 A. I would think so. Well, as Spider-Man he
8 didn't look nerdy. He looked nerdy as Peter Parker, yeah.

9 Q. Fair enough. Now, you mentioned that you
10 would have meetings from time to time, I guess, plotting
11 conferences. Do you recall -- and let me mark as -- we'll
12 mark actually two documents, although they're related, an
13 article that was written by a man by the name of Nat
14 Freedland in the New York Herald Tribune dated January
15 9th, 1966.

16 Do you recall the article? I'm going to show
17 you copies of it.

18 Let's mark this as Lee 3.

19 And Lee 4 --

20 (Lee Exhibit 3 marked for identification.)

21 (Lee Exhibit 4 marked for identification.)

22 A. I hate that article.

23 Q. I'm only going to ask you about one part of
24 it.

25 In the reprint there's a reference, and I will

1 S. LEE

2 just read it into the record, that says that, "The
3 plotting conference at the end of this article was for
4 FF No. 55," FF would be the Fantastic Four?

5 A. Right.

6 Q. " -- No. 55 and issued just after the most
7 prolific period of new character creation on the series."

8 I want you to take a look at the end of this
9 article. Either one. Yeah, that's the one.

10 And specifically there is a paragraph that
11 begins right here, Mr. Lee (pointing), that starts.

12 Lee arrives at his plots in sort of ESP
13 sessions with the artists. He inserts the
14 dialogue after the picture layout comes in and
15 then it goes on. Here he is in action at a
16 weekly Friday morning summit meeting with Jack
17 "King" Kirby a veteran comic book artist, a man
18 who created many of the visions of your childhood
19 and mine.

20 Then it goes on for the next several
21 paragraphs just to describe the plotting conference. And
22 you can just take a quick look at that.

23 I want to just ask you whether, in fact, this
24 is consistent with your recollection of how typically
25 plotting conferences would be -- would go back in this

1 S. LEE

2 period in the 1960s.

3 A. Well, pretty much, except this is written by
4 somebody who I don't know why but he must have taken a
5 very unfair dislike to Jack. And it is so derogatory.
6 It's just terrible the way he pictured Jack in this
7 article. I can't tell you how badly I felt.

8 At any rate, this is the way the conferences
9 went. Very often Jack would say more than "mm-hmm." You
10 know, he might contribute something or he might say,
11 "Stan, let's also do this or do that." I mean, we had
12 conversations.

13 But aside from that, yes, we would get
14 together. I would tell Jack the main idea that I wanted,
15 and then we would talk about it, and we'd come up with
16 something.

17 Q. And that was fairly typical of how a plotting
18 conference would go?

19 A. Yeah, in that sense. Yeah.

20 Q. Now, during the period of time that you've
21 been testifying about, did Marvel ever buy work that was
22 created by one of the writers or freelancers on spec as
23 opposed to having the material being part of an assignment
24 that you would give him?

25 A. Not that I remember. Excuse me. You know,

1 S. LEE

2 robot or something. But I felt I'm going to give Johnny
3 Storm that power. He can fly and burst into flame.

4 So we had a guy who can stretch, a girl who
5 could be invisible, a man who was an ugly monster. And
6 again, to go against type, I thought I'd make the ugly
7 monster kind of a funny guy. He's pathetic, but he's also
8 the comedy relief. And he was always arguing and fighting
9 with The Human Torch, who was always trying to give him a
10 hot foot. And he was always trying to grab him and
11 throttle him.

12 They all loved each other, but they never got
13 along well. The more they fought amongst themselves, the
14 more the readers loved it. And that was the way I
15 envisioned them.

16 (Lee Exhibit 7 marked for identification.)

17 Q. Now I'm going to mark as Lee I believe it's 7,
18 the next exhibit.

19 A. There's no little blue thing.

20 Q. I'll get you there. It's a document that's
21 actually a magazine entitled "Alter Ego, the Comic Book
22 Artist Collection."

23 And are you familiar with the Alter Ego?

24 A. Oh, yes. It's a well known fanzine.

25 Q. And is a man by the name of Roy Thomas --

1 S. LEE

2 A. Mm-hmm.

3 Q. -- that is I guess involved in publishing the
4 Alter Ego?

5 A. Right.

6 Q. Tell us who Mr. Thomas is.

7 A. Well, Roy Thomas is somebody that I met years
8 ago. He came up to the office for a job as a writer. And
9 unlike a lot of comic book writers, he had been an English
10 teacher in school. Even though he was a fan, that sort of
11 set him a little above the others.

12 And I hired him, and he began to write a lot
13 of our stories. And then when I left to become the
14 publisher, I appointed him as Editor-in-Chief to replace
15 me.

16 Q. And that would have been somewhere around
17 1968?

18 A. I guess.

19 Q. And let me call your attention to an article
20 that starts on page 32 of Stan Lee 7. And specifically
21 this is an article entitled "A Fantastic First," authored
22 by Roy Thomas.

23 And are you familiar with this article?

24 A. I read it years ago.

25 Q. And specifically it's a discussion about the

1 S. LEE

2 creation of the Fantastic Four. And do you recall when
3 you read it did you see anything that was wrong or
4 incorrect in the article?

5 A. I guess not. No.

6 Q. There's a recreation of a note in the article
7 that reads, and it says, "Hi Roy, I found the FF No. 1
8 synopsis."

9 A. Oh, he must have been asking me if I could
10 ever get it for him.

11 Q. And then you go on. And that's your
12 handwritten note? That's your signature?

13 A. Oh, yes.

14 Q. And you recall generally sending him this
15 note?

16 A. Yes.

17 Q. And it goes on to say, "Will mail it off to
18 you on Monday. It's not clear enough to fax." Then it
19 says, "Sorry to say I have no other synopses on file.
20 Never thought to save any. To this day I will never know
21 what made me save FF No. 1 synopsis. I certainly never
22 thought anyone would care about it later on."

23 And then across on the other page there is a
24 document, a recreation of a document that says, "Synopsis
25 the Fantastic Four July '61 No. 1."

1 S. LEE

2 A. Right.

3 Q. And then it says, Story No. 1, Introduction,
4 "Meet the Fantastic Four."

5 Is that the synopsis that you wrote back in
6 1961?

7 A. This is the original synopsis that I wrote,
8 and I gave it to Jack. And of course, after that we
9 discussed it, and we embellished it, and we made little
10 changes. But this was the beginning of it. Yeah.

11 Q. You mentioned in your note to Mr. Thomas that
12 you hadn't saved others because you didn't think anyone
13 would ever -- did you create other synopses from time to
14 time?

15 A. Oh, yeah.

16 Q. In the article on the first page, and I will
17 just read it to you, it says, Mr. Thomas writes,
18 "Actually, this wasn't the first early 60s synopsis of
19 Stan's I'd seen."

20 And it says, "See later part of the article.
21 And when I had gone to work for him in July 1965, I had
22 learned that he was increasingly dispensing with written
23 synopses with Marvel artists, often working merely from
24 brief conversations in person or over the phone."

25 A. That's right.

1 S. LEE

2 Q. And is he referring to what you previously
3 testified how the Marvel method came about?

4 A. Yes. And you see also these artists were so
5 good, and I had worked with them for so long, that I knew
6 what I could expect from them. And I think they knew what
7 I expected, and what I meant when I would give them a few
8 words explaining a story. It's like two comedians who had
9 been a team on stage for a long time, and they could
10 anticipate what each other was going to say. That I
11 couldn't have done this with an artist I just met, you
12 know, that I had never worked with. But I had worked with
13 these people for so long. We knew each other, and we
14 could work where I'd give them a few words, and they could
15 go ahead and come up with the written drawn story.

16 Q. They would know what you wanted?

17 A. Right. And if they did anything a little
18 different, it was usually an improvement, and I would
19 change the dialogue and to suit what they had done.

20 MR. TOBEROFF: I'm sorry. Since I don't have
21 the entire exhibit in front of me, just the article, I'd
22 like to know the date of the magazine this appeared in and
23 the issue number.

24 MR. QUINN: Yeah. Hold on one second. I can
25 tell you that, I think. It's --

1 S. LEE

2 MR. TOBEROFF: If I could just look at Stan's.

3 MR. QUINN: I will tell you. It's Volume 2
4 No. 2, the Summer of 1998.

5 MR. TOBEROFF: Thanks.

6 Q. BY MR. QUINN: Now looking at let's turn the
7 page over to page 34. And I'm going to read a portion of
8 the article that's quoting you. Mr. Thomas writes, "In
9 answer to my earlier query, Stan sent a few comments along
10 with the synopsis."

11 And then he quotes you, "Incidentally, I
12 didn't discuss it with Jack first," referring to the
13 synopsis. "I wrote it first after telling Jack it was for
14 him because I knew he was the best guy to draw it." And
15 you go on, "PS, as you are probably aware, the biggest
16 change that was made after the synopsis was written was I
17 decided to make the thing more sympathetic than originally
18 intended."

19 A. Right.

20 Q. After giving -- "After seeing the way Jack
21 drew him, I felt it was too obvious for such a ugly
22 monstrous looking guy to act in a typically monstrous,
23 menacing way."

24 Do you recall sending that note to Mr. Thomas?

25 A. Yes.

1 S. LEE

2 Q. And what were you referring to?

3 A. Well, I was referring to what I mentioned
4 before. I would very often give a writer a synopsis or an
5 oral synopsis what I wanted, and then later when the story
6 was penciled, I would look at it and say, well, maybe we
7 should change this or maybe make this character a little
8 more that way. And as I mentioned with The Thing, when I
9 saw the way he looked, I thought it would be dull. We got
10 a guy who looks like a monster. If he just acts like a
11 monster, a dumb monster, it would be more interesting to
12 give him a real personality. And actually the guy -- some
13 of you were too young to know him, but I thought of Jimmy
14 Durante, an old comedian.

15 Q. Sadly, I'm not too young to know him.

16 A. I tried to have the thing talk a little like
17 Jimmy Durante, have that kind of an explosive personality.
18 So...

19 Q. The article on the next page, there's several
20 numbered paragraphs. And No. 5 talks about, and I will
21 just read it into the record:

22 Re the idea of Sue remaining permanently
23 invisible and having to wear a humanoid face mask
24 to be seen, well, Stan's note at the end of that
25 paragraph indicates that he was already

1 S. LEE

2 rethinking that bit. He asked Jack to talk with
3 him about it because "maybe we'll change this
4 gimmick somewhat." Since the writer, editor, and
5 artist probably discussed this point before Jack
6 started drawing any number of other changes,
7 including the notion of starting with a
8 multi-page action sequence may have been
9 suggested, then, as well by either man. In any
10 event, Sue gained control of her invisibility
11 almost at once.

12 A. That's right.

13 Q. What were you referring to there?

14 A. Well, I think either Jack or I or both of us,
15 I don't know, must have thought at some point that she'd
16 always be invisible, and she'd have to wear a mask or
17 something so people would see her.

18 Q. Right.

19 A. And whether it was my idea or not, as I
20 thought about it, I thought, that's a lousy idea. So we
21 decided to change it where she could look like a normal
22 person and make herself invisible at will or make herself
23 normal at will.

24 Q. And who in this process had the ultimate
25 decision to decide how that was going to come about?

1 S. LEE

2 A. Well, I did. I was the editor.

3 Q. And turning over to the next page of the
4 article, up on the actually the crossover page 37, there's
5 another document that's recreated that says, Synopsis for
6 Fantastic -- Synopsis for Fantastic Four No. 8 "Prisoners
7 of Puppetmaster."

8 Do you recognize that as another of the
9 synopses you created in connection with Fantastic Four?

10 A. I hadn't read that for so many years, but,
11 yeah, that seems to be mine. I didn't even know this was
12 in here. Wow. Yeah. See, instead of telling him page by
13 page, I would say, Devote five pages to this, five pages
14 to that, and three pages to that. Yeah.

15 Q. That was typical of how you were working
16 utilizing the Marvel method?

17 A. Yeah. Sometimes I wouldn't even be this
18 specific. And I wouldn't have cared if Jack devoted,
19 let's say, six pages to this and he changed that to three
20 pages. Just so he got the idea what I had this mind. But
21 he was good at making his own changes, and very often he'd
22 improve them. But, yeah, this is mine.

23 Q. Let's go to another character, The Silver
24 Surfer.

25 A. Oh, yeah.

1 S. LEE

2 A. But we left out Thor for some reason. I
3 didn't remember Thor.

4 Q. Well, you've testified about Thor here.
5 That's probably good enough.

6 THE VIDEOGRAPHER: I'm sorry, we're getting
7 some audio interference. Off video real quick.

8 MR. QUINN: Yes.

9 THE VIDEOGRAPHER: Off video at 12:14 p.m.

10 (Recess.)

11 THE VIDEOGRAPHER: Back on video at 1:36 p.m.

12 Q. BY MR. QUINN: Good afternoon, Mr. Lee.

13 A. Good afternoon.

14 (Lee Exhibit 9 marked for identification.)

15 (Lee Exhibit 10 marked for identification.)

16 Q. We're going to mark, actually we have marked,
17 a couple more exhibits.

18 As Lee Exhibit 9 we've marked some excerpts
19 from audio and video clips that you're involved in, and
20 we're going to be going to be listening and watching.

21 And Lee 10, a compendium of labels from the
22 University of Wyoming American Heritage Center which
23 labels various of these audio and videos indicating their
24 dates and when they were done and with whom.

25 Now, and I believe did we give copies to Mr.

1 S. LEE

2 Toberoff? That's what those are.

3 Now, Mr. Lee, you have given a lot of
4 interviews over the years on the subject matter of the
5 comic book industry?

6 A. Yes.

7 Q. And also many speeches?

8 A. Yes.

9 Q. And you've been involved in seminars?

10 A. Yes.

11 MR. TOBEROFF: Excuse me, if I can interrupt.
12 This disk which says Stanley Deposition, is this from the
13 University of Wyoming?

14 MR. QUINN: I believe the materials that are
15 on that disk or most of them were from the University of
16 Wyoming.

17 MR. TOBEROFF: Okay. And this is 10?

18 MR. QUINN: That's 9. The labels are 10.

19 MR. TOBEROFF: Okay.

20 Q. BY MR. QUINN: And were some or many of those
21 interviews and speeches and seminars recorded visually or
22 sometimes on audio?

23 A. Some were. Yes.

24 Q. And did there come a time when you donated
25 copies of these videos and recordings to the University of

1 S. LEE

2 Wyoming?

3 A. Yes. I had so much around the house I didn't
4 know what to do with it, and they offered to keep my
5 effects and archive what they have.

6 Q. And was there a particular reason why you
7 chose the University of Wyoming?

8 A. Silly. If I had thought about it, I would
9 have gone to a closer college. But they told me that Jack
10 Benny had his archive there, and they would put mine next
11 to his. And I was a big fan of Jack Benny's, and I
12 figured if they have him, it must be a good archive.

13 Q. Now, what I would like to do is play some
14 audio and video for you and ask you some questions about
15 these particular excerpts.

16 I believe according to the Wyoming archives in
17 1966 you were interviewed by a man by the name of Jim
18 Saunders on his Gabfest program on the radio. And I want
19 to play an excerpt from that audio, and we'll have some
20 questions about that.

21 (Audio recording playing.)

22 Q. Now, was that your voice?

23 A. It seems to be. Yes.

24 Q. And was you describing -- what you told us was
25 essentially the Marvel method in that recording?

1 S. LEE

2 A. I have to be honest. I couldn't hear it very
3 clearly, but I'm always talking about the Marvel method.

4 Q. And what you did here, is that consistent with
5 your recollection?

6 A. Yeah. Yes.

7 MR. TOBEROFF: Could I just ask you? Are you
8 going to -- the copies here, Lee 10, you've given me
9 copies of audio disks or video disks with labels, the
10 packaging, packaging for the disk with a label. This is
11 how it appears at the University of Wyoming?

12 MR. QUINN: These labels (indicating)?

13 MR. TOBEROFF: Yeah.

14 MR. QUINN: Yes.

15 MR. TOBEROFF: And are you -- you played an
16 excerpt from the first one in this package you've given me
17 Barry Gray January 31st, 1966. Is that what you just
18 played?

19 MR. QUINN: I think we just played one from
20 1966, a different one. It was identified on the record,
21 Gabfest.

22 MR. TOBEROFF: So are you going to be
23 producing the whole interview from which you just played
24 this tiny excerpt?

25 MR. QUINN: Yes, we would be producing that.

1 S. LEE

2 MR. TOBEROFF: Are you going to supply that to
3 me today?

4 MR. QUINN: I don't think we have it all here
5 today, but we will get it to you promptly.

6 MR. TOBEROFF: Okay.

7 MR. LIEBERMAN: You have to sit where you can
8 hear it.

9 THE WITNESS: Yeah, I should. I will move
10 over there next time.

11 MR. TOBEROFF: And Court Reporter, are you
12 taking down the audio?

13 THE REPORTER: No. Mr. Quinn said he didn't
14 need me to.

15 MR. TOBEROFF: I think the court reporter
16 should take down the audio because, you know, the disks
17 you're supplying me with on the deposition to make the
18 deposition understandable I think she should take down the
19 audio that he's responding to.

20 MR. QUINN: It's not a problem one way or the
21 other, but it is on the disk. So you can play it, and you
22 will hear it.

23 MR. FLEISCHER: It's not customary to have
24 her --

25 MR. TOBEROFF: Yes, but to have a --

1 S. LEE

2 MR. QUINN: It's not. I think Mr. Fleischer
3 is correct; it is not customary to do that.

4 But if you're able to take it down, do the
5 best you can. But that disk is the actual record. It is,
6 in fact, an exhibit to the deposition. So she may or may
7 not get it correctly given the fact that it's going to be
8 difficult to hear.

9 MR. TOBEROFF: I guess my question is the
10 exhibit to the deposition is going to be that short little
11 part of the interview that you just played or is it going
12 to be the entire interview?

13 MR. QUINN: To the deposition? The exhibit is
14 going to be what we have marked as the exhibit, which is
15 the excerpts.

16 MR. TOBEROFF: Okay.

17 Q. BY MR. QUINN: Okay. Now, hopefully we'll
18 have that and you'll hear it a little bit better. We have
19 another excerpt. And this one I want to make sure that
20 you can hear.

21 This is, according to the University of
22 Wyoming archives, an interview you gave to a Mr. Mike
23 O'Dell, WBAI-FM New York radio in March of 1967, you and
24 also Jack Kirby.

25 Do you recall from time to time that you gave

1 S. LEE

2 interviews with both yourself and on some occasions Mr.
3 Kirby?

4 A. Yes.

5 Q. Can we play that and let's make sure it's loud
6 enough.

7 (Audio playing. Reported as follows:)

8
9 UNIDENTIFIED VOICE: Mr. Lee and Mr. Kirby
10 are going to be asked some questions about their
11 superheroes. And I guess the first one would be
12 addressed to Stan Lee, and it's the title of this
13 program. Stan will success spoil Spider-Man?
14 Now that Captain America is back in the fight is
15 there going to be talk about sending --

16
17 THE REPORTER: I'm sorry, I can't take that.

18 Q. Did you hear that clearly?

19 A. I couldn't make out what the question was. I
20 could make out --

21 Q. Let's play it again.

22 A. Maybe if it is a little lower. See, my
23 problem is I have a hearing problem. I can hear, but
24 sometimes if the speech isn't clear, I can't make out the
25 words. It sounds like blah, blah, blah. You know what I

1 S. LEE

2 mean?

3 Q. Yep. I know What you mean exactly.

4 MR. TOBEROFF: That sounds that for us also.

5 MR. QUINN: Let's play it again.

6 (Audio playing. Reported as follows:)

7

8 UNIDENTIFIED VOICE: Mr. Lee and Mr. Kirby
9 are going to be asked some questions about their
10 superheroes. And I guess the first one would be
11 addressed to Stan Lee, and it's the title of this
12 program. Stan will success spoil Spider-Man?

13

14 THE WITNESS: That's what I didn't -- Stan
15 what?

16 MR. QUINN: "Will success spoil Spider-Man?"

17 THE WITNESS: Oh, will success spoil
18 spider-man.

19 MR. QUINN: Then there's a question directed
20 to Mr. Kirby. Play that.

21 (Audio recording playing.)

22 THE REPORTER: I can't report that.

23 Q. BY MR. QUINN: Now, what I want to ask you is:
24 Whose voice was that that we just heard?

25 A. That was Jack Kirby's very distinctive voice.

1 S. LEE

2 Q. And when Mr. Kirby said in that interview we
3 just heard that "The editor always has the last word on
4 that," is that -- you agree with that?

5 A. Was he referring to the question, Would
6 success spoiled Spider-Man?

7 Q. No, he was referring to whether Captain
8 America was going to be sent to Viet Nam.

9 A. I didn't hear that. Well, yes. I -- if
10 Captain America had been in this country, and one of the
11 writers decided, hey, I think I'd like to send him to Viet
12 Nam and let him be part of the Vietnamese war or whatever,
13 then I would have had to say okay. Or I might have said
14 to the writer, no, I'd rather keep him here.

15 Q. So you agree with Mr. Kirby that the editor
16 always has the last word on that?

17 A. Yes.

18 MR. TOBEROFF: Counsel, are you going to be
19 providing me at this deposition with a copy of these
20 excerpts?

21 MR. QUINN: You have a copy of the excerpts in
22 your hand.

23 MR. TOBEROFF: They're all --

24 MR. QUINN: We're going to listen to them all
25 together.

1 S. LEE

2 MR. TOBEROFF: No, I'm talking about --

3 MS. SINGER: They're all on that disk.

4 MR. TOBEROFF: This is the Stanley deposition
5 and the audios on this disk?

6 MS. SINGER: It's the clip from the Stanley
7 deposition. It's all the audio and video.

8 MR. TOBEROFF: That was unclear to me. Thank
9 you.

10 MR. QUINN: Okay. The next excerpt, according
11 to the archives in Wyoming, involves questions that were
12 being posed by an unknown French man to you. And let's
13 play that. And I'm going to ask you some questions about
14 that.

15
16 UNIDENTIFIED VOICE: Again on this interview
17 from this guy in France, my method for the
18 construction of the script consists of discussing
19 the story with the artist and having the artist
20 do the penciled artwork on his own, drawing
21 whatever he wants so long as it tells the story
22 we've discussed.

23 I then would put in the dialogue and the
24 captions and indicate where the dialogue and the
25 captions -- where the dialogue balloons are to be

1 S. LEE

2 placed and where the captions go. And then the
3 script goes to the inker. It's lettered, of
4 course. And I have it proofread and that's it.
5 I proofread it myself really if it's my own
6 story.

7
8 THE WITNESS: Wow.

9 Q. BY MR. QUINN: Is that consistent -- that's
10 your voice, isn't it?

11 A. What I could hear sounded right, the dialogue
12 and the captions. And it goes to the -- yeah, that was
13 me.

14 Q. And that was the method you used?

15 A. Yeah.

16 Q. Let's go to the next excerpt, this one from
17 the archives is marked as NYU-TV and dated March 16th,
18 1972.

19 (Audio recording playing. Reported as
20 follows:)

21
22 UNIDENTIFIED PERSON: Good morning. I
23 wonder if you could tell us who you are and what
24 you do, for people that don't know.

25 STAN LEE: My name is Stan Lee, and I

1 S. LEE

2 produce comic books. There are 50 million
3 reasons why we change artists. Sometimes we do
4 it because the book isn't selling well to hype up
5 sales. Sometimes we do it because an artist is
6 simply tired of the job. He says, if you don't
7 take me off this thing, I will go out of my
8 skull, and I want to do something else.

9 Sometimes we do it it's like falling
10 dominos. An artist is late or is sick, and his
11 book is late, so we have to take an artist off
12 this strip to do that book quickly to make the
13 printing date. So we have to take another artist
14 off this book to do this book which this artist
15 came off. Now we have to take an artist off this
16 book to do this book, and it goes right down the
17 line.

18

19 Q. BY MR. QUINN: Again, is that your voice we
20 just heard?

21 A. Yeah, that was definitely me.

22 Q. And is that consistent with your recollection
23 as to how you dealt with artists during that period of
24 time?

25 A. Well, I caught the falling dominos part. I

1 S. LEE

2 really couldn't understand what came ahead of it, but the
3 falling dominos was correct.

4 Q. And what do you recollect about the falling
5 dominos?

6 A. Well, it was like if an artist couldn't do one
7 book, you had to take another artist and give him that
8 book, but then that artist had to be replaced on his book
9 by another artist. And you had to keep shuffling them
10 around.

11 Q. And who was in charge of shuffling them
12 around?

13 A. Well, I was.

14 Q. Now we have a video. This one is dated --

15 A. That might be easier to hear.

16 Q. We can hope. This one is dated from January
17 12th, 2000. And according to the archives in Wyoming,
18 University of Wyoming, it is an interview video that was
19 done and distributed by the, I guess, Disney Feature
20 Animation.

21 Why don't we play this one.

22 (Video recording playing. Reported as
23 follows:)

24

25 STAN LEE: Years later, Jack came back. I

1 S. LEE

2 don't remember, I guess it was in the 50s. And
3 it was great. And I would write scripts, and
4 Jack would do the artwork.

5 But then, we were such a small company. I
6 was doing most of the writing, most of the books.
7 And let's say I would be writing a story for Jack
8 and one of the other artists. Steve Ditko might
9 walk in or John Buscema or Romita or somebody,
10 and they needed a script. Now, these guys were
11 all freelancers. And if I didn't have a script
12 for them, they weren't getting paid. They were
13 standing around with nothing to do.

14 So I hadn't finished typing the script for
15 Kirby, and here is Romita who needs a script. So
16 I said, "Look, John. I can't stop what I'm
17 doing, but here's the story that I would like you
18 to do. I will tell it to you. You draw it any
19 way you want. I will put in the dialogue and the
20 captions later." And he did.

21 Then Ditko would walk in, and I would say
22 that to him, and Gil Kane, and whoever they were.

23 Now, it was done originally in order to save
24 time. It was sort of an emergency situation, but
25 I found we're getting better stories and artwork

1 S. LEE

2 that way. Because instead of me writing Panel 1,
3 closeup, blah blah blah; Panel 2 a longshot from
4 up above or whatever, I was leaving it to the
5 artist.

6 And I was very lucky, because I had the kind
7 of artists who were great visual storytellers,
8 and I'm sure that they dreamed up shots that I
9 never would have even thought of. So when I got
10 the artwork back from them, it was beautiful,
11 because they had the freedom to tell the story in
12 their own way visually.

13 Also, it was easier for me then to write the
14 dialogue, because as you can imagine, if you're
15 typing and looking at a blank sheet of paper,
16 you're imagining what the people would say. And
17 you're imagining how they would look in the
18 drawing.

19 But when you have the drawing in front of
20 you, and when you see somebody drawn like,
21 aagghh! (indicating), you know, you write
22 "Aagghh!" It makes it so obvious.

23 And what started as an emergency situation,
24 it turned out, I thought, to be the best way to
25 do the stories. And that, after awhile, became

1 S. LEE

2 known as the Marvel Method.

3 And Jack Kirby and I would, let's say when
4 we did the Fantastic Four, I first wrote a
5 synopsis of what I thought the Fantastic Four
6 should be, who the characters should be, what
7 their personalities were. And I gave it to Jack,
8 and then I told him what I thought the first
9 story should be, how to open it, who the villain
10 should be, and how we would end it. And that was
11 all. Jack went home and drew the whole thing. I
12 put the dialogue in.

13 And it turned out to be quite successful,
14 and we worked that way for years.

15
16 Q. BY MR. QUINN: Now, did I correctly recognize
17 that to be a slightly younger version of you?

18 A. Yes. Yes, I do.

19 Q. Sorry, I didn't have my microphone on.
20 That was you up there on the screen we just
21 saw?

22 A. Yes, it was.

23 Q. Couple years ago?

24 A. Mm-hmm.

25 Q. You haven't changed much. And what you were

1 S. LEE

2 describing there was essentially the Marvel method?

3 A. Yes.

4 Q. And that what was -- and the Jack that was
5 being referred to repeatedly was Jack Kirby?

6 A. Jack Kirby. Always.

7 Q. Let me just play two more, couple of more
8 clips or another clip from that same interview.

9 (Video recording playing. Reported as
10 follows:)

11

12 STAN LEE: What input did I have in the
13 visual development of the Marvel characters?

14 Well, I had a lot of input in one sense. When I
15 created the characters and the idea for the
16 story, I would tell the artist how I wanted him
17 to look.

18

19 Q. BY MR. QUINN: Now, is that consistent with
20 your recollection of how you operated back in the 50s and
21 60s?

22 A. Yes.

23 Q. And one more clip from that same interview.

24 (Videorecording playing. Reported as
25 follows:)

1 S. LEE

2

3 STAN LEE: I never owned these
4 characters. I did them as a work for hire. So
5 the company owned the characters.

6

7 Q. BY MR. QUINN: And that's still consistent
8 with what you believe today?

9 A. Yes.

10 (Lee Exhibit 12 marked for identification.)

11 Q. Now, I want to mark, and I think we may have
12 already marked it this one -- I don't think we have a copy
13 of, but I'm only going to ask you a couple of questions --
14 as Exhibit 12. It's a book entitled, "Origins of Marvel
15 Comics," by Stan Lee.

16 And could you tell us what that book is?

17 A. At some time in the past Simon & Schuster
18 wanted to do a book about Marvel, and they asked me to
19 write it. And they wanted to know how I came up with the
20 ideas for the various characters, what the origins were of
21 the characters. So I turned out this book, and they sold
22 it.

23 It did very well, actually. They asked for a
24 sequel. I did "Son of Origins of Marvel." Then I did one
25 about the villains called, "Bring on the Bad Guys." And

1 S. LEE

2 believe, or the excerpts that we're going to refer to, mr.
3 Toberoff.

4 You can certainly utilize the one that's
5 marked if you would like with regard to "The Origins of
6 Marvel Comics," since I'm not going to ask him any
7 questions about it beyond his identifying it.

8 Q. BY MR. QUINN: Let's take a look, if you
9 would, at page 137.

10 A. Which book?

11 Q. Of the red book right there, the one that has
12 your picture on the cover.

13 First of all, tell me what this book is.

14 A. Oh, I have a fan whose been writing to me a
15 lot who is a professor at some Canadian college. And one
16 day he asked if I would mind if he did a book. He
17 collected a lot of interviews I'd done, and would I mind
18 if he put some of those interviews in book form, because
19 he's expect -- as part of his job at the college, he's
20 supposed to do books every so often. And he chose this
21 subject. And I said, Sure, you know, be my guest. And
22 this is the book he did.

23 Q. So this is a compendium of interviews that you
24 gave over the course of I believe about 30 years? Because
25 it covers --

1 S. LEE

2 A. Yeah.

3 Q. -- from 1972 to the late 90s.

4 A. I never really looked at the years, but, yes,
5 he took various things that he could find from my
6 interviews and put them in a book.

7 Q. Okay. And let's look at I believe so we have
8 that for the record this was a book that shows it has a
9 copyright of 2007. Is that about when he --

10 A. Yeah, I guess so.

11 Q. -- when it was distributed? Okay. Could you
12 take a look at page 137 of this book.

13 A. Right.

14 Q. And this is an interview according to page 134
15 that you gave to Roy Thomas in 1998. You've already told
16 us who Mr. Thomas is.

17 And I want you to refer specifically to
18 towards the bottom of page 137. I'm just going to read an
19 excerpt from what you are answering. Mr. Thomas has asked
20 you:

21 That would have been in very late '40 or
22 early '41 in terms of when the issues left the
23 office. Less than a year later, you became the
24 temporary Editor. That lasted for decades.

25 Now skipping ahead to 1961, the story has

1 S. LEE

2 often been told of this infamous legendary golf
3 game with Martin Goodman and DC President Jack
4 Liebowitz in which Mr. Liebowitz bragged about
5 the sales of Justice League of America. And
6 Goodman came back and told you to start a
7 superhero book.

8 Was that story really true?

9 A. Yes, as far as I know it was. He told me he
10 had been playing golf with -- I think it was Jack
11 Leibowitz. Somebody who was high up at DC. And they told
12 him that the Justice League was a big-selling book. So he
13 came and said, Let's do one like it with a lot of heroes.

14 Q. And you answer here:

15 That's absolutely true. He came in to see
16 me one day and said, "I've been playing golf with
17 Jack Leibowitz." They were pretty friendly. And
18 he said, "Jack was telling me that the Justice
19 League is selling very well and why don't you do
20 a book about a group of superheroes. That's how
21 we happened to do the Fantastic Four.

22 A. That's right.

23 Q. And that's consistent with your recollection
24 and your prior testimony?

25 A. Yes.

1 S. LEE

2 Q. Now, could we now play from the University of
3 Wyoming archives a portion of a talk according to the
4 archives you gave at the Atlanta Fantasy Fair on July
5 26th, 1984. I'm going to show you a clip from that.

6 (Video recording playing. Reported as
7 follows:)

8
9 STAN LEE: Martin came to me one day. He
10 said, "You know, Stan, I was looking for sales
11 figures, and DC has a book called" -- I never can
12 remember is it Justice League or Justice Society,
13 but whatever it was. He said, "It's selling
14 pretty well. Maybe there's a market for a team
15 of superheroes. Why don't you come up with one."

16 And I said okay. But I didn't want just
17 another DC type, you know, of a team of
18 superheroes. Not that there's anything wrong
19 with what they did. So I had to do a team
20 because that's what the publisher wanted, but I
21 had to try to figure out a way to do it
22 differently.

23 And I figured, okay, what can we do that's
24 different. Let's make a team that doesn't always
25 get along well together. They fight amongst

1 S. LEE

2 themselves. Let's have the girl be the fiancée
3 of the hero, so it's not a case of she doesn't
4 know his identity or anything. They're about to
5 get married, and in a later issue we'll have them
6 get married and have a kid and all that. And
7 let's make one of the heroes an ugly guy, and
8 that'd be a good thing.

9 And then I thought it would be really great
10 to take a character from the 1930s and bring him
11 back again. That would be Human Torch, whom I
12 had always loved. But I decided to make him a
13 teenager, which I had always hated, but I figured
14 I'll make him act like a real teenager. He's
15 rotten and nasty and fights with The Thing.

16

17 A. Boy, I was good.

18 Q. That was you up there in that video?

19 A. It sure was.

20 Q. And who was the other guy?

21 A. I don't know.

22 Q. Was it Jim Shooter?

23 A. Mm?

24 Q. Was it Jim Shooter?

25 A. It could have been. I was looking at me.

1 S. LEE

2 Q. Could you identify or tell us who Jim
3 Shooter --

4 A. Jim Shooter was -- at some point he became
5 Editor-in-Chief of Marvel, and he was there for a few
6 years. I forget the exact years. Way after Roy Thomas.

7 Q. Sometime after Roy Thomas?

8 A. Right. He was more recently the
9 Editor-in-Chief.

10 Q. And looking at that video excerpt again,
11 that's consistent with your recollection as to how the
12 Fantastic Four was created?

13 A. Yes.

14 Q. Next we have a video. I guess, I think it's
15 from the same interview we saw before. This is the Disney
16 Feature Animation interview, January 12th, 2000. And this
17 one relates to the Silver Surfer.

18 Can we play Silver Surfer.

19 (Video recording playing. Reported as
20 follows:)

21

22 STAN LEE: I remember saying to Jack, I want
23 to get a villain who is more powerful than any
24 other. Let's call him Galactus, and let's make
25 him a demigod. Because we already had Dr. Doom,

1 S. LEE

2 who was the king of his own country. How can you
3 be bigger than that? So we came up with
4 Galactus.

5 Okay. Now, I gave Jack a rough idea of the
6 story. He drew it and gave to me. And when I
7 looked at the artwork, there is some naked nut on
8 a flying surfboard that I didn't (laughter.) I
9 didn't know anything about him.

10 I said, "Who is this?" So this is what made
11 the work fun. I never knew what to expect.

12 So Jack said, "Well, I figure anybody as
13 powerful as Galactus who wants to destroy planets
14 ought to have a herald who goes ahead of him and
15 finds the planets." I thought that was a great
16 idea. So normally Galactus would have just been
17 a herald -- I mean, the Silver Surfer would say,
18 Hey, Galactus, there's a planet. Go get it, you
19 know. But there was something about the way that
20 Jack drew the Silver Surfer in the artwork. He
21 had a certain nobility. He was so great looking.

22 And I said you know, Jack, let's really --
23 because Jack figured we'd only use him once and
24 throw him away. I said, "I like this guy. Let's
25 use him."

1 S. LEE

2 And little by little we started putting him
3 in the stories. And the next thing I knew I have
4 him philosophizing and moralizing and all the
5 corny bits of philosophy that I might have liked
6 to find a way to get across started coming out of
7 the Silver Surfer's mouth.

8 Q. And once again, that's you up there --

9 A. It certainly is.

10 Q. -- on the screen? And that's consistent with
11 your recollection as to how Silver Surfer came about?

12 A. Yes.

13 Q. Let's go -- let's look back at this book
14 again, the book which is "Stan Lee: Conversations," and
15 focus on page 96. Now, this is from an interview that you
16 gave to, according to page 85, an interview with Stan Lee
17 by Leonard Pitts in 1981.

18 And this was one of the many interviews that
19 you gave during this period of time?

20 A. Mm-hmm.

21 Q. Let's look at page 96. And in the middle of
22 the page Pitts is asking you about Spider-Man. And you
23 say:

24 I remember when I was a kid 10 years old.
25 There was a pulp magazine called "The Spider,

1 S. LEE

2 Master of Men." And I always thought that title
3 was so dramatic. He was nothing like Spider-Man.
4 He was just a detective who wore a mask, and he
5 went around punching people. He wore a ring with
6 a spider insignia so when he punched somebody it
7 would leave a little mark of a spider on the
8 person. And I figured, gee, why not call the
9 guy, my guy, Spider-Man.

10
11 And Pitts asked you, "Although Spider-Man is
12 arguably the most popular single superhero in comics,
13 legend has it that your publisher, Martin Goodman, took a
14 lot of convincing when you wanted to try the character
15 out."

16 And you say: "He said it was the worst idea
17 he ever heard. He said people hate spiders, and it
18 sounded too much like Superman, the idea of someone
19 sticking to the wall and stuff. He called it grotesque."

20 And do you recall that interview, and is that
21 consistent with your recollection of the development of
22 Spider-Man?

23 A. Yes, it is.

24 Q. We have another track that according to the
25 University of Wyoming archives is a lecture that you gave

1 S. LEE

2 at Virginia Tech. You'd get around back in those days.

3 A. Yeah, I did.

4 Q. A lecture that you gave at Virginia Tech on
5 November 15th, 1977. And I'd like to play that one for
6 you as well.

7 (Video recording playing. Reported as
8 follows:)

9

10 STAN LEE: One reason was as a kid I had
11 loved a pulp magazine named The Spider. I was
12 very young and probably very stupid. And to me,
13 the most dramatic thing I could think of the
14 cover of this magazine, the series of magazines,
15 was like The Shadow but not as famous.

16 It said The Spider, and underneath it,
17 Master of Men. Somehow to me at the age of nine
18 The Spider, Master of Men. Oh, I would love to
19 be -- who wouldn't want to be a Master of Men?
20 And he had a ring, and he would punch a bad guy
21 in the face. And it had a little spider thing on
22 the ring, and it would leave a spider mark on the
23 guy's jaw.

24 I mean, you know, next to Shakespeare...

25 So when I was looking around for a

1 S. LEE

2 character, I felt, gee, I've always kind of liked
3 The Spider. Why don't I get a guy and call him
4 Spider-Man.

5 So I presented that to my publisher, who as
6 you may have gathered by now is a model of
7 erudition. And he said, "Nah, nobody likes
8 spiders. That's no good."

9 So I said, "Well, it's not a case of people
10 liking spiders. Remember there used to be a
11 Green Hornet. I don't think people are turned on
12 to hornets."

13 "Nah, I don't like it. Forget it."

14 Anyway, I couldn't get him to advance the
15 funds to put out this book. So finally we
16 introduced Spider-Man in another magazine called
17 Amazing Adult Stories, which we were going to
18 kill. The book was dying. And at the last issue
19 of that book when we were about to kill it off,
20 just to get it out of my system, I threw the
21 Spider-Man story in.

22 We got our sales figures later, and it was
23 the best-selling book we had ever had. We made
24 it into a series. And a few months later my
25 publisher came to me and he said, "You know,

1 S. LEE

2 Stan? Spider-Man, the best idea I ever had."

3 That was it.

4 Q. BY MR. QUINN: Again, that was you talking
5 about the origins of Spider-man?

6 A. That's right.

7 Q. And that's consistent with your recollection
8 as to how Spider-Man came about?

9 A. More or less. Yeah.

10 Q. Let's talk about The Hulk. You have an
11 excerpt, according to the University of Wyoming archives,
12 of a speech that you gave at the L.A. Festival of Books in
13 May of 1998. And this particular part focuses on creation
14 of The Hulk.

15 (Video recording playing. Reported as
16 follows:)

17

18 STAN LEE: My publisher, at that time I
19 worked for a publisher, and he said, "Hey, come
20 up with something else." So I was trying to
21 think what could be different than a guy who
22 bursts into flame and flies, an invisible
23 woman, an orange skin (unintelligible), and a guy
24 who stretches.

25 And I remembered I had always loved the