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

[Hon. Colleen McMahon]

[ECF Case]

**NOTICE OF DEFENDANTS' MOTION TO DISMISS FOR LACK OF  
PERSONAL JURISDICTION AND FAILURE TO  
JOIN INDISPENSABLE PARTIES**

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in Support of Defendants' Motion to Dismiss, the Declarations of Marc Toberoff, Lisa R. Kirby and Neal L. Kirby, 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 dismissing the Complaint herein pursuant to Rules 12(b)(2), 12(b)(7) and 19 of the Federal Rules of Civil Procedure.

PLEASE TAKE FURTHER NOTICE that opposing affidavits and memoranda of law, if any, must be served upon the undersigned within two weeks and must be filed with the Court in accordance with applicable rules, including the Individual Practices of Judge McMahon. Unless such affidavits and memoranda of law are timely served and filed, the relief sought herein may be granted.

Dated: New York, New York  
March 9, 2010

TOBEROFF & ASSOCIATES, P.C.

By: s/Marc Toberoff  
Marc Toberoff (MT 4862)

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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: March 9, 2010

TOBEROFF & ASSOCIATES, P.C.

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