

# EXHIBIT K

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

3 Case No. 10-141-CMKF  
4

5 MARVEL WORLDWIDE, INC.,  
6 MARVEL CHARACTERS, INC., and  
7 MVL RIGHTS, LLC,  
8 Plaintiffs,

9 VS.

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

15 Volume II

16 Videotape Deposition of:

17 Roy Thomas

18 Wednesday, October 27, 2010

19 Orangeburg, South Carolina  
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APPEARANCES:

FOR THE PLAINTIFFS:

MARVEL WORLDWIDE, INC., MARVEL CHARACTERS,  
IN.C, and MVL RIGHTS, LLC

BY: JODI AILEEN KLEINICK  
PAUL HASTINGS JANOFSKY & WALKER  
75 East 55 Street  
New York, NY 10022

-AND-

ELI BARD  
VICE PRESIDENT, DEPUTY GENERAL COUNSEL  
MARVEL ENTERTAINMENT, INC.  
417 Fifth Avenue  
New York, NY 10016

(Appearances continued:)

1 FOR THE DEFENDANTS:

2 LISA R. KIRBY, BARBARA J. KIRBY,

3 NEAL L. KIRBY and SUSAN N. KIRBY

4 BY: MARC TOBEROFF

5 TOBEROFF & ASSOCIATES

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2 MS. KLEINICK: Objection; states  
3 facts not in evidence.

4 A. I haven't any knowledge of that.  
5 It would have, you know, surprised  
6 me; but if he did, he probably misspoke.

7 Q. Is it your understanding that at  
8 Marvel, artists were -- part of their duties  
9 were to plot the stories through the -- through  
10 their artwork and through notes in the margins  
11 and suggested dialogue?

12 MS. KLEINICK: Objection.

13 A. We didn't use that, you know, think  
14 about that much or use that term then.

15 But as I look back on it, and over  
16 the years and analyze it, I realize they  
17 were -- I would say co-plotting the stories. I  
18 would not say plotting.

19 When you are given a story idea,  
20 even if it is a few sentence, quite often, and  
21 certainly if it was more, as it was in many  
22 cases, you're certainly not plotting the story,  
23 you were co-plotting.

24 Q. Starting at the time you started --  
25 well, whether or not they were co-plotting or

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2 same thing.

3 So I don't pay any attention or  
4 didn't take any great recollection of it.

5 Q. Was it your understanding that by  
6 signing the checks, you were acknowledging that  
7 you were signing to Marvel all right, title and  
8 interest in your work?

9 MS. KLEINICK: Objection.

10 A. Yes, I did.

11 Q. Were they putting legends on your  
12 freelance checks when you became editor-in-  
13 chief in 1972?

14 A. I have no recollection at all.

15 That language was written in the  
16 contract.

17 So I wouldn't have paid any  
18 attention to remember whether it was or not.

19 Q. When you began work with Marvel in  
20 1965, which comic book titles did you write  
21 for?

22 A. The first thing I did over the  
23 weekend, after Stan hired me, was a -- to do  
24 the dialogue for an already drawn and plotted  
25 comic called: Modeling With Millie, which was

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2 time, art was either returned to the -- to an  
3 individual artist as an exception or perhaps  
4 given away to fans at other companies.

5 And so they felt they should get it  
6 back in order to be able to sell it or either  
7 keep it themselves, if they wanted to, or sell  
8 it if they wanted to make a little extra  
9 income.

10 And our purpose, as much as  
11 anything, was to get goodwill from the artists  
12 and maybe give them a chance to make a little  
13 extra income.

14 Q. Was there an issue at that time  
15 about sales to -- the payment of sales tax in  
16 connection with Marvel's artwork?

17 A. I remember at some stage various  
18 artists coming up with -- talking about adding  
19 sales tax and bringing that up.

20 Maybe they had talked to attorneys  
21 about it. But I don't remember Stan and me  
22 talking about it.

23 Q. But you were part of Marvel's  
24 management at that time, correct?

25 A. Yes.