

EXHIBIT I

CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARVEL WORLDWIDE, INC.,)
MARVEL CHARACTERS, INC. and)
MVL RIGHTS, LLC,)
PLAINTIFFS,)

VS.) NO. 10-141-CMKF

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

CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER

VIDEOTAPED DEPOSITION OF STAN LEE

LOS ANGELES, CALIFORNIA

MAY 13, 2010

REPORTED BY:

CHRISTY A. CANNARIATO, CSR #7954, RPR, CRR, CLR

JOB NO.: 30189

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May 13, 2010

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9:35 a.m.

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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.

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1 A P P E A R A N C E S

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3 REPRESENTING THE PLAINTIFFS:

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5 WEIL, GOTSHAL & MANGES, LLP

6 BY: JAMES W. QUINN, ESQ.

7 RANDI W. SINGER, ESQ.

8 767 FIFTH AVENUE

9 NEW YORK, NY 10153

10

11 -AND-

12

13 HAYNES AND BOONE, LLP

14 BY: DAVID FLEISCHER, ESQ.

15 1221 AVENUE OF THE AMERICAS, 26TH FLOOR

16 NEW YORK, NY 10020

17

18

19 REPRESENTING THE DEFENDANTS:

20

21 TOBEROFF & ASSOCIATES, P.C.

22 BY: MARC TOBEROFF, ESQ.

23 2049 CENTURY PARK EAST, SUITE 2720

24 LOS ANGELES, CA 90067

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1 APPEARANCES (Cont'd)

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4 FOR THE WITNESS:

5

6 GANFER & SHORE, LLP

7 BY: ARTHUR LIEBERMAN, ESQ.

8 360 LEXINGTON AVENUE, 14TH FLOOR

9 NEW YORK, NY 10017

10 REPRESENTING

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18 ALSO PRESENT:

19 BRENT JORDAN, VIDEOGRAPHER

20 ELI BARD, MARVEL ENTERTAINMENT

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1 S. LEE

2 DeWitt Clinton High School. And that's about the extent
3 of it.

4 Q. And when did you graduate from DeWitt Clinton
5 High School?

6 A. You know, honest to God, I don't remember the
7 year, but I did graduate.

8 Q. Fair enough. And did you serve in the
9 military?

10 A. Yes. I was in the US Army Signal Corps in
11 World War II.

12 Q. And how long were you in the military?

13 A. Three years.

14 Q. And could you briefly, or as briefly as you
15 can, tell us your employment history after you left DeWitt
16 Clinton High School?

17 A. Well, I had a lot of different jobs. I was --
18 I wrote obituaries for a press service. I was an office
19 boy. I was an usher. I did some advertising for the
20 National Jewish Hospital at Denver. I never knew what I
21 was supposed to be advertising, whether telling people to
22 get sick to go to the hospital, but...

23 And finally I got a job at a place called
24 Timely Comics which published comic books.

25 Q. And approximately when was that? The late

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1 S. LEE

2 1930s, 1940s?

3 A. I think it must have been 1939 or 1940,
4 somewhere around there.

5 Q. And what was your first job responsibility at
6 Timely?

7 A. Well, I was hired by two people, Joe Simon and
8 Jack Kirby, who were producing the comics at that time for
9 this company which was called Timely Comics.

10 Q. And --

11 A. And my job was to really be an assistant. I
12 went down, and I got them their lunch sandwiches for them,
13 and I filled their -- in those days they dipped the
14 brushes in ink and used pencil sharpeners. And I
15 sharpened the pencils. I erased the pages after they were
16 finished. And I did whatever an assistant or an office
17 boy would do.

18 Q. And at that time who was running or owned
19 Timely?

20 A. The company was owned by a man named Martin
21 Goodman.

22 Q. And he was the publisher?

23 A. Yes.

24 Q. And did Timely -- is Timely a predecessor or
25 did Timely eventually become what we now know as Marvel?

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1 S. LEE

2 what it was, or in a script if I felt there was too much
3 dialogue or too little dialogue, it was -- it was up to me
4 to make the stories as good as I could make them.

5 Q. Now, you mentioned that you did perform
6 services not only as an editor but also as a writer.

7 A. Mm-hmm.

8 Q. Did you consider the services you performed as
9 a writer part of your duties as the editor or something
10 additional?

11 A. Well, I never thought of it that way. I was
12 the Editor. I was the Art Director. And I was also a
13 staff writer.

14 Q. And how were you paid in connection with the
15 work that you did?

16 A. How was I paid?

17 Q. How were you paid in connection with the work
18 as Editor and as a writer?

19 A. I received a salary which paid me as Editor
20 and Art Director, but I got paid on a freelance basis for
21 the stories that I wrote.

22 Q. And when you say you were paid on a freelance
23 basis, how were you paid? On what basis?

24 A. The same as every other writer. I was paid
25 per page, so much money per page of script.

1 S. LEE

2 I said sometimes I can't remember. And he said, "Stan,
3 don't you remember? Sometimes if somebody wanted a job as
4 an inker at our place," and an inker is somebody who goes
5 over the pencil drawings with ink so that they can be
6 reproduced better at the engraver, he said, "If we wanted
7 to test an inker to see how good he'd be, we would take
8 one of the pages of Jack's that you hadn't used and ask
9 the inker to ink over them as samples."

10 And I had forgotten about that, but John
11 Romita -- we were talking about that. It was a few years
12 ago he told me that.

13 Q. And when you had that conversation with Mr.
14 Romita, did that refresh your recollection that you had
15 from time to time rejected pages from Jack Kirby?

16 A. Yeah. Actually probably less from Kirby than
17 anybody else, because he was so good. But I had -- there
18 were times when things had to be rejected for a myriad
19 reasons.

20 (Lee Exhibit 1 marked for identification.)

21 Q. Let me mark as Lee Exhibit 1 an affidavit,
22 it's a document entitled "Affidavit of Stan Lee," and ask
23 you to take a look at that.

24 MR. TOBEROFF: I would like to make a standing
25 objection, if you will agree, otherwise I have to make it

1 S. LEE

2 Q. Could you tell us how the Silver Surfer came
3 about?

4 A. Right. I wanted to have a villain called
5 Galactus. We had so many villains who were so powerful.
6 I was looking for somebody who would be more powerful than
7 any. So I figured somebody who is a demigod who rides
8 around in space and destroys planets.

9 I told Jack about it and told him how I wanted
10 the story to go generally. And Jack went home, and he
11 drew it. And he drew a wonderful version. But when I
12 looked at the artwork, I saw there was some nutty looking
13 naked guy on a flying surfboard.

14 And I said, "Who is this?"

15 And he said -- well, I don't remember whether
16 he called him the surfer or not. He may have called him
17 the surfer. But he said, "I thought that anybody as
18 powerful as Galactus who could destroy planets should have
19 somebody who goes ahead of him, a herald who finds the
20 planets for him. And I thought it would be good to have
21 that guy on a flying surfboard."

22 I said, "That's wonderful." I loved it. And
23 I decided to call him The Silver Surfer, which I thought
24 sounded dramatic.

25 But that was all. He was supposed to be a