

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 N. KIRBY, :
 :
 Defendants. :
 -----X

Civil Action No. 10 Civ. 141 (CM) (KNF)

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 :
 LISA R. KIRBY, BARBARA J. KIRBY, :
 NEAL L. KIRBY and SUSAN N. KIRBY, :
 :
 Counterclaimants, :
 :
 - against- :
 :
 MARVEL ENTERTAINMENT, INC., :
 MARVEL WORLDWIDE, INC., :
 MARVEL CHARACTERS, INC., :
 MVL RIGHTS, LLC, :
 THE WALT DISNEY COMPANY, :
 and DOES 1 through 10, :
 :
 Counterclaim-Defendants. :
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NOTICE OF MOTION FOR SUMMARY JUDGMENT

PLEASE TAKE NOTICE that upon the annexed Memorandum of Law and accompanying Local Rule 56.1 Statement of Material Facts As To Which There Is No Genuine Issue To Be Tried and the Declarations of Randi W. Singer and Eli Bard, dated February 18, 2011, and the exhibits thereto, Plaintiffs and Counterclaim-Defendants Marvel Worldwide, Inc.,

Marvel Characters, Inc. and MVL Rights, LLC, Marvel Entertainment, LLC (sued herein as Marvel Entertainment, Inc.) and The Walt Disney Company hereby move the Court, before the Honorable Colleen McMahon, United States District Judge, United States District Court for the Southern District of New York, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York for an order pursuant to Rule 56(c) of the Federal Rules of Civil Procedure for summary judgment as to the cause of action of Plaintiffs' complaint and as to Defendants' sole remaining counterclaim, and for such other and further relief as this Court may deem just and proper.

Dated: February 25, 2011

By: /s/ James W. Quinn

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