

EXHIBIT 6

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
3

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

7 vs.) No. 10-141-CMKF
)

8 LISA R. KIRBY, BARBARA J. KIRBY,)
NEAL L. KIRBY and SUSAN N. KIRBY,)
9)
DEFENDANTS.)

10 _____)
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14 VIDEOTAPED DEPOSITION OF LISA KIRBY
15 Los Angeles, California
16 Thursday, July 1, 2010
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23 Reported by:
24 SUSAN A. SULLIVAN, CSR #3522, RPR, CRR
25 JOB NO. 31596

1 A I'm his youngest daughter.

2 Q What is your birth date?

3 A 9/7/1960.

4 Q Did you have occasion to speak with your
5 brother Neal within the last 24 hours?

6 A No, I have not.

7 Q When was the last time you spoke to Neal?

8 A I'd say a week ago. About a week ago.

9 Q Did you discuss this lawsuit with your
10 brother at that time?

11 A I don't recall.

12 Q I'm sorry, I didn't hear your answer.

13 A No, I'm -- I don't recall what we spoke
14 about at that time.

15 Q Have you ever spoken with your brother
16 about this lawsuit?

17 A Occasionally.

18 Q And have you ever spoken with him about
19 this lawsuit outside the presence of Mr. Toberoff or
20 some member of his law firm?

21 A Yes, I have. Yes, I have.

22 Q When is the first time --

23 MR. TOBEROFF: Speak a little louder.

24 A I'm sorry.

25 Q When for the first time do you have a

1 house?

2 A At first I think a lot of people came over
3 to our house. He was a fan and wanted to meet my
4 father. I believe that's probably what started their
5 friendship.

6 Q Did there come a time when he was paid by
7 your father?

8 A I recall him doing work for my father. As
9 far as payment, I would not be able to give you
10 specifics on that, I don't recall that. I was young
11 at the time so --

12 Q Do you know what work he was doing for your
13 father?

14 A I would not recall that, no.

15 Q Did you ever discuss with Mr. Evanier any
16 work that he did in cataloguing any of the artwork
17 that your father owned and possessed prior to his
18 death?

19 A I do not recall speaking with Mark about
20 that.

21 Q When was the last time that you spoke to
22 Mark Evanier? Evanier, excuse me.

23 A I think possibly before the last comic
24 convention. Usually I speak to him then. I would
25 say it was almost a year ago. Probably eight months

1 other than what you have testified about?

2 A Not at this time, no, not specifically.

3 Q Are you aware of something that would
4 refresh your recollection about the substance of what
5 was said?

6 A Can you clarify that for me, I'm sorry?

7 Q Did you make any notes of the conversation,
8 was there any followup correspondence between the two
9 of you?

10 A From what I remember, I might have -- I
11 remember speaking to his daughter one time
12 afterwards.

13 Q What was the subject of that discussion?

14 A Again, I was thanking her for talking to
15 her father and just went over again what we discussed
16 about his support in helping my father receiving
17 credit for his work.

18 Q Was there some aspect of your father's work
19 that he had not received adequate credit as far as
20 you were concerned that triggered your discussion
21 with Mr. Adams?

22 A I feel my father did not receive enough
23 credit for his work, yes.

24 Q And was there any specific instance that
25 triggered your discussion with Mr. Adams?

1 A Specific instance. I would have to say not
2 a specific instance, it was just general knowledge.

3 Q General knowledge about what?

4 A About my father not receiving proper credit
5 for the work that he has done.

6 Q And why did you contact Neal Adams?

7 MR. TOBEROFF: Misstates testimony.

8 You can answer.

9 A The family, we had heard that he was a big
10 supporter of my father's legacy and that he would be,
11 you know, a good person for us to talk to.

12 Q And how many times have you spoken with Mr.
13 Adams?

14 A From what I recall, I believe I met him, I
15 spoke to him at one time in San Diego. That's from
16 my recollection.

17 Q That was several years ago?

18 A It was, yeah.

19 Q And you haven't spoken with him since?

20 A Not since. Not that I can recall at this
21 moment, no.

22 Q Have you corresponded with him since?

23 A Not that I can recall.

24 Q Do you know John Remedas, Sr.?

25 A I do not know him, no.

1 or interviewers?

2 MR. TOBEROFF: Compound.

3 A About my father's rights to the characters.
4 Can you clarify? I mean, specifically --

5 Q I will break it down for you.

6 A Okay. I'd appreciate that.

7 Q Do you have any information from your
8 firsthand observations about the circumstances of any
9 characters your father created for Marvel?

10 A I don't believe I spoke, did any interviews
11 as far as, you know, specific, as far as his rights
12 to specific characters were concerned.

13 Q I don't think you listened to my question.

14 A Okay, sir.

15 Q My question was do you have any information
16 from your firsthand observations about the
17 circumstances of any characters your father created
18 for Marvel.

19 A No, I don't recall that, no. I don't know
20 if I even understand your question, I'm sorry.

21 Q Then you should ask me.

22 A I'm sorry, I'm a little nervous, I
23 apologize.

24 Q Did you see your father at work --

25 A On occasion.

1 Q -- on any characters that you understood
2 were being drawn for Marvel?

3 A Oh, my father's work at home. Yes, I have
4 seen my father work.

5 Q Did you see him work on characters
6 published by Marvel?

7 A I was very young at the time, during this
8 timeframe, and I would go into his studio from time
9 to time so I can't recall like specifically yes, I
10 saw him working on -- because I was a young person so
11 it is hard to recall that.

12 Q So is your answer that you don't have any
13 recollection of being able to distinguish between
14 what characters your father was working on when you
15 observed him at work?

16 A I have recollection of my father working in
17 general.

18 Q But sitting here today is it fair to say
19 that you don't recall specific characters that your
20 father was working on at the time you saw him at
21 work?

22 A It is too far back to remember, I'm going
23 to say, I'm going to stick to I remember my father
24 working at home. I cannot remember him specifically
25 working on --

1 Q Any particular characters.

2 A -- particular characters, yes, at this
3 time.

4 Q Are you aware of any documents that might
5 refresh your recollection with regard to what you
6 observed when your father was at work?

7 A That would refresh my memory?

8 Q Yes.

9 A I can't recall, you know, sitting here at
10 this time.

11 Q Do you recall having any discussions with
12 your father at the time he was at work drawing
13 characters about what he was doing?

14 A I would discuss, yes, I would go in there
15 and speak with my dad.

16 Q Let's break down the time.

17 A Okay.

18 Q Do you have a recollection of witnessing
19 your father at work on Long Island in East Williston?

20 A I was very young at the time so I do have
21 some recollection. It would be vague but I do
22 remember a little bit.

23 Q Do you remember any discussions you had
24 with your father while he was working in East
25 Williston?

1 A In East Williston? It is a long time ago.
2 This is before I was eight years old so I'm trying to
3 think.

4 Q If you don't have a recollection it
5 wouldn't be surprising for a child of that age.

6 A Okay.

7 Q But if you do, I want to hear it.

8 A I remember him working in his studio but
9 not on what he was specifically working on.

10 Q Do you recall having any discussions with
11 your father at that time about what he was working
12 on?

13 A No, sir, I don't recall.

14 Q Do you recall any recollection of your
15 father discussing his work for Marvel when you were
16 living in East Williston with him?

17 A Oh, I don't recall, no.

18 Q Did you and your father have any
19 discussions with his work for Marvel in later years
20 when you became a little bit older?

21 A I would discuss my father's work with him,
22 yes, later on.

23 Q What do you recall your father and you
24 discussing as far as characters he created for
25 Marvel?

1 A I would go into his studio and talk
2 about -- he would describe to me how he worked and --

3 Q Do you recall any discussions specifically
4 that related to drawings your father did that were
5 published by Marvel?

6 A We had a discussion on, that I can recall,
7 we talked about characters, of Fantastic Four, you
8 know, Galactus, that type of --

9 Q What do you remember your father saying
10 about either the Fantastic Four or Galactus?

11 A Well, he would describe to me his stories,
12 the storyline, and you know, what the characters were
13 doing and more that type thing.

14 Q Did your father ever talk to you about any
15 meetings that he had had or discussions he had with
16 Stan Lee or anyone at Marvel about the work that he
17 did with Marvel?

18 A Oh, no, not that I can recall.

19 Q Did your father ever discuss with you the
20 process by which works he drew that were published by
21 Marvel came about?

22 MR. TOBEROFF: Vague.

23 A I -- he described to me his process, you
24 know, on how he worked on characters.

25 Q And when did he do that?

1 Q I think you testified that the last time
2 you recall meeting with Mr. Evanier was about a year
3 ago, correct?

4 A Correct, yes. He is not someone I see on a
5 regular basis.

6 Q Do you have any specific recollection of
7 any discussions you had with Mr. Evanier concerning
8 your father's work?

9 MR. TOBEROFF: Didn't we already go through
10 all of this? Asked and answered.

11 A I don't recall at this point, just what I
12 previously explained.

13 Q Do you know the names of any characters
14 your father created or co-created after 1970?

15 A After 1970? I can't give you specific
16 characters he created during the seventies, I can't
17 recall --

18 MR. TOBEROFF: The question is after the
19 1970s, not during the seventies.

20 A Oh, after 1970s, I can, you know, I recall
21 him creating like the Topps characters and Captain
22 Victory. When I was younger I don't have a
23 recollection of exactly what he was creating.

24 MR. TOBEROFF: He is not asking you when
25 you were younger, he is saying just -- just slow

1 aware of why he left?

2 A I don't recall that at the time, no.

3 Q Do you have a recollection of your father
4 leaving Marvel?

5 A I have a slight recollection, yeah.

6 Q Do you remember having any discussions with
7 him or your mother at that time?

8 A At that time, no.

9 Q Later did you have any discussions --

10 A I don't recall discussions.

11 Q -- with either your father or mother?

12 A I don't recall at this time.

13 Q Do you have any knowledge of the
14 circumstances under which the Spider-Man character
15 was created?

16 MR. TOBEROFF: Vague.

17 You can answer.

18 A I know a little bit about Spider-Man but I
19 don't know a lot of general history about the
20 character itself.

21 Q Did your father or mother ever discuss the
22 Spider-Man character with you?

23 A Not that I can recall, no.

24 Q Did you ever hear your -- do you have an
25 understanding of whether or not your father made any

1 contribution to the Spider-Man character?

2 A From what I understand, I believe he worked
3 on some pages and a cover, an idea, concept,
4 possibly, you know. I don't have any real specific
5 information on the Spider-Man character.

6 Q How did you obtain the information that
7 you've just described concerning Spider-Man?

8 A From what I read, interviews and whatnot.

9 Q Did you ever hear your mother disclaim your
10 father's involvement in the creation of the
11 Spider-Man character?

12 A I don't recall my mother speaking to me
13 about Spider-Man.

14 Q Do you recall ever giving a statement to a
15 reporter concerning your mother's disclaimer of your
16 father's contribution to Spider-Man?

17 A I really don't recall speaking to anyone
18 about Spider-Man.

19 MR. FLEISCHER: Let me mark for
20 identification Kirby Exhibit 2.

21 (Lisa Kirby Exhibit 2, a document, marked
22 for identification, as of this date.)

23 MR. FLEISCHER: Marc, do you have the
24 exhibits? We marked this yesterday. Maybe we
25 didn't. Here is a copy. There's a notation I

1 to answer the question.

2 A Okay.

3 MR. TOBEROFF: He is not asking you in
4 general about Spider-Man, he is asking you about
5 a specific question.

6 A Okay.

7 Q The specific question is do you have any
8 basis for believe that the statement attributed to
9 you was inaccurate.

10 A I do not at this time feel that this is
11 accurate.

12 Q And what is the basis for your feeling that
13 it is not accurate?

14 A Because I don't recall having discussions
15 about Spider-Man with my parents. I don't recall
16 that at this moment.

17 Q Do you recall ever discussing the origins
18 of Spider-Man with any reporter or anyone in 2009?

19 A I can't recall that at this time, no.

20 Q Do you have any knowledge concerning the
21 creation of The Incredible Hulk character?

22 A I do not have knowledge of The Incredible
23 Hulk that I can recall right now.

24 Q Do you have any recollection of your father
25 discussing that character with you?

1 A I don't have recollection of my father
2 discussing the Hulk with me, no.

3 Q Do you have any knowledge about the Thor
4 character?

5 MR. TOBEROFF: Vague.

6 A I have knowledge of the Thor character.

7 Q Do you have any knowledge about the
8 creation of the Thor character as published by
9 Marvel?

10 A I have some, you know, vague understanding
11 of the Thor character.

12 Q How did you come by that understanding?

13 A Just by how my father worked and what he
14 was working on, reading the story, and how he --

15 Q Do you have a recollection of discussing
16 the Thor character's creation with your father?

17 A No, I did not discuss the Thor character.
18 I don't recall discussing it with my father, the
19 creation of Thor.

20 Q I take it you have no recollection of
21 witnessing your father drawing the Thor character in
22 East Williston.

23 A I would not have recollection of that.

24 Q Do you have any knowledge concerning the
25 creation of the Ant-Man character?

1 A I really -- I do not have knowledge.

2 Q Did your father ever discuss that character
3 with you?

4 A Not that I can recall.

5 Q Do you have any knowledge or information
6 concerning the creation of any XMen characters?

7 A Not that I can recall my father discussing
8 with me.

9 Are you asking if he discussed the
10 characters with me, are we still --

11 Q Yes.

12 A He did not discuss the character of XMen
13 with me.

14 Q And you have no recollection of your father
15 drawing any XMen characters in East Williston?

16 A I don't, no, sir.

17 Q Do you recall discussing or do you have any
18 information concerning the creation of The Fantastic
19 Four characters?

20 A I do have some recollection of my father
21 talking about the characters of Fantastic Four.

22 Q What do you recall your father saying about
23 that?

24 A We discussed, you know, The Thing, you
25 know, because at the time he -- it was kind of a

1 with your husband?

2 A Yes, possibly, possibly.

3 Q Did he ever discuss with you the Nick Fury
4 character?

5 A I don't recall him discussing Nick Fury
6 with me.

7 Q Are you familiar with that character?

8 A Very vaguely.

9 Q Did he ever discuss with you Wolverine?

10 A I don't remember him ever discussing
11 Wolverine with me.

12 Q Did he ever discuss Professor Xavier?

13 A I don't recall him discussing that.

14 Q Are you familiar with a character called
15 Rawhide Kid?

16 A I am familiar with Rawhide Kid.

17 Q Do you have any knowledge or information
18 concerning circumstances under which that character
19 was created?

20 A I can't, no, I don't recall.

21 Q Did your father ever talk to you about
22 Rawhide Kid?

23 A I don't recall my father discussing Rawhide
24 Kid with me.

25 Q Do you have an understanding of the claims