

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
:
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. :

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

-----X
:
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. :

-----X

**DECLARATION OF SABRINA A. PERELMAN IN SUPPORT OF
PLAINTIFFS' AND COUNTERCLAIM-DEFENDANTS' MOTION TO EXCLUDE THE
EXPERT REPORT AND TESTIMONY OF MARK EVANIER**

I, Sabrina A. Perelman, declare under penalty of perjury as follows:

1. I am an associate at Weil, Gotshal & Manges LLP and am duly admitted to practice in the State of New York and before this Court. Together with the law firms Paul,

Hastings, Janofsky & Walker LLP and Haynes and Boone, LLP, I am counsel to Plaintiffs and Counterclaim-Defendants Marvel Worldwide, Inc., Marvel Characters, Inc., MVL Rights, LLC, Marvel Entertainment, LLC (sued herein as Marvel Entertainment, Inc.) (collectively as “Marvel”) and The Walt Disney Company in this action.

2. Annexed hereto as Exhibit 1 is a true and correct copy of the Defendants’ Initial Designation of Expert Witness Mark Evanier dated November 4, 2010.

3. Annexed hereto as Exhibit 2 is a true and correct copy of excerpts from the Deposition of Mark Evanier conducted on December 6, 2010 that are cited in the accompanying Memorandum of Law in Support of Plaintiffs’ and Counterclaim-Defendants’ Motion To Exclude the Expert Report and Testimony of Mark Evanier.


4. Annexed hereto as Exhibit 3 is a true and correct copy of excerpts from the Deposition of Mark Evanier conducted on November 9, 2010 that are cited in the accompanying Memorandum of Law in Support of Plaintiffs’ and Counterclaim-Defendants’ Motion To Exclude the Expert Report and Testimony of Mark Evanier.

5. Annexed hereto as Exhibit 4 is a true and correct copy of excerpts from the trial proceedings in *In re Marvel Entertainment Group, Inc.* No. 97-638-RMM (D. Del.), November 16, 1999, that are cited in the accompanying Memorandum of Law in Support Plaintiffs’ and Counterclaim-Defendants’ Motion to Exclude the Expert Report and Testimony of Mark Evanier, and produced by Marvel as part of discovery in this proceeding and identified by the bates numbers MARVEL0016713-815.

6. Annexed hereto as Exhibit 5 is a true and correct copy of excerpts from the Deposition of Mark Evanier in *In re Marvel Entertainment Group, Inc.* No. 97-638-RMM (D. Del.), October 12, 1999, that are cited in the accompanying Memorandum of Law in Support

Plaintiffs' and Counterclaim-Defendants' Motion to Exclude the Expert Report and Testimony of Mark Evanier, and produced by Marvel as part of discovery in this proceeding and identified by the bates numbers MARVEL0016627-712.

I declare under penalty of perjury that the foregoing facts are true and correct. This declaration was executed on the 18th day of February, 2011 in New York, New York.


Sabrina A. Perelman