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WRITER CLAIMS STAKE IN VAMPIRE FLICK PRODUCERS STOLE CHARACTERS, WOLFMAN SAYS IN LAWSUIT

Peter Hartlaub Daily News Staff Writer

While "Blade" star Wesley Snipes hunts vampires on the big screen today, the Tarzana man who says he created the brooding character is taking the film's producers to court. Marvin Wolfman sued New Line Cinema, Time Warner and Marvel Comics in U.S. District Court in Los Angeles on Thursday, contending that he didn't consent to their use of the half-man, half-vampire anti-hero character.

Wolfman says he created the character in 1972 when he was a free-lance writer for Marvel. In the lawsuit, he claims he found out this year that Marvel never filed a copyright on his behalf. "Blade" stars Snipes in the title role, with Stephen Dorff playing vampire ringleader Deacon Frost, another character Wolfman claims he created.

The lawsuit claims the defendants are trying to get a "free ride" with the character so they can reap substantial benefits in the motion picture, including all ancillary merchandising such as recordings or toys.

Wolfman is seeking \$35 million or more in damages, according to the lawsuit.

A New Line spokesman declined to comment. Spokesmen for Marvel and Time Warner could not be reached.

Wolfman was out of the country Thursday, but his attorney, Michael **Diliberto**, said the lawsuit was not seeking to stop distribution of the movie, which opens today.

"We're trying to enforce his rights as the owner of Blade and stop Marvel from exploiting writers," **Diliberto** said.

He said New Line agreed to put Wolfman's name in the credits. Newspaper advertisements list Wolfman and Gene Colan as creators of the Deacon Frost and Blade characters.

The lawsuit's exhibits included photos of the soundtrack to the movie and a line of "Blade"-related action figures, which Wolfman also says he didn't authorize.