

1 LOEB & LOEB LLP
DAVID GROSSMAN (SBN 211326)
2 dgrossman@loeb.com
JENNIFER JASON (SBN 274142)
3 jjason@loeb.com
10100 Santa Monica Blvd., Suite 2200
4 Los Angeles, CA 90067
Telephone: 310.282.2000
5 Facsimile: 310.282.2200

6 LOEB & LOEB LLP
JONATHAN ZAVIN (admitted *pro hac vice*)
7 jzavin@loeb.com
345 Park Avenue
8 New York, NY 10154
Telephone: 212.407.4000
9 Facsimile: 212.407.4990

10 Attorneys for Plaintiffs
PARAMOUNT PICTURES
11 CORPORATION and CBS STUDIOS
INC.
12

13 UNITED STATES DISTRICT COURT
14 CENTRAL DISTRICT OF CALIFORNIA
15

16 PARAMOUNT PICTURES
CORPORATION, a Delaware
17 corporation; and CBS STUDIOS INC.,
a Delaware corporation,
18

19 Plaintiffs,

20 v.

21 AXANAR PRODUCTIONS, INC., a
California corporation; ALEC PETERS,
an individual, and DOES 1-20,
22

23 Defendants.
24

Case No.: 2:15-cv-09938-RGK-E

**PLAINTIFFS' SUPPLEMENTAL
MEMORANDUM RE:
DEFENDANTS' MOTION TO
COMPEL**

Date: October 21, 2016
Time: 9:30 a.m.
Place: Courtroom 20

Discovery Cutoff: November 2, 2016
Pre-Trial Conference: January 9, 2017
Trial: January 31, 2017

25
26
27
28

1 As explained in the Joint Stipulation, Defendants’ Motion to Compel should
2 be denied for several reasons.

3 As a preliminary matter, for various items: (1) Defendants are moving to
4 compel production of documents that do not exist; (2) Plaintiffs have already agreed
5 to provide the requested information and documents; and (3) Defendants failed to
6 meet and confer. There is no basis for Defendants to move to compel with respect
7 to these requests.

8 In addition, many of the requests are extremely broad, unduly burdensome,
9 and sought documents and information that are neither relevant to any party’s claims
10 or defenses, nor proportional to the needs of the case. This includes Defendants’
11 requests for all financial documents relating to hundreds and hundreds of Star Trek
12 Copyrighted Works, spanning 50 years.

13 Likewise, many of the requests seek completely irrelevant information, such
14 as Plaintiffs’ decision as to whether to pursue legal action against other infringers.
15 As Defendants themselves have underscored, their work is not a fan film—it was
16 designed to be a professional production, with paid writers, producers, actors and
17 directors. Moreover, under copyright law, a copyright owner’s decision as to
18 whether to pursue action against other infringers is not relevant.

19 Finally, since the time that the parties filed the Joint Stipulation, Defendants
20 have taken the depositions of the corporate witnesses for Plaintiffs Paramount
21 Pictures Corporation (“Paramount”) and CBS Studios Inc. (“CBS”). In those
22 depositions, with the exception of one question,¹ Plaintiffs allowed the corporate
23 witnesses to answer every single inquiry posed to them except those that would
24

25 ¹ Plaintiffs’ counsel did not allow the Paramount witness to testify as to
26 whether revenues from a particular film were “what Paramount was expecting them
27 to be,” on the basis that the information is highly confidential and has no relevance
28 to the lawsuit. Defendants’ counsel did not ask what the revenue for that film was
(which question would have been answered), but only what Paramount’s
“expectations” were. Aside from that question, Plaintiffs’ counsel allowed the
witnesses for both Paramount and CBS to answer every question posed so long as
they did not seek privileged information.

1 reveal attorney-client privileged information. This includes information that is the
2 subject of the Joint Stipulation. Specifically, Plaintiffs' witnesses answered
3 questions about their enforcement history relating to their copyrighted works
4 (Subject Matter No. 19) and their policies to police their works from copyright
5 infringement (Subject Matter No. 21).

6 For the foregoing reasons, and as discussed in more detail in the Joint
7 Stipulation, Plaintiffs respectfully request that the Court deny Defendants' Motion
8 to Compel.

9
10 Dated: October 7, 2016

LOEB & LOEB LLP
JONATHAN ZAVIN
DAVID GROSSMAN
JENNIFER JASON

11
12
13 By: /s/Jennifer Jason
14 Jennifer Jason
15 Attorneys for Plaintiffs
16 PARAMOUNT PICTURES
17 CORPORATION and CBS STUDIOS INC.
18
19
20
21
22
23
24
25
26
27
28