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11 CORPORATION and CBS STUDIOS
INC.
12

13 UNITED STATES DISTRICT COURT
14 CENTRAL DISTRICT OF CALIFORNIA
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16 PARAMOUNT PICTURES
CORPORATION, a Delaware
17 corporation; and CBS STUDIOS INC.,
a Delaware corporation,
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19 Plaintiffs,

20 v.

21 AXANAR PRODUCTIONS, INC., a
California corporation; ALEC PETERS,
an individual, and DOES 1-20,
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23 Defendants.
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Case No.: 2:15-cv-09938-RGK-E

**PLAINTIFFS' MOTION IN
LIMINE NO. 3 TO EXCLUDE
TESTIMONY OR DOCUMENTS
BY J.J. ABRAMS AND JUSTIN
LIN AND THEIR PUBLIC
STATEMENTS, OR ANYTHING
RELATED TO THEIR PUBLIC
STATEMENTS OR DOCUMENTS
REGARDING THIS MATTER**

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

1 **TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

2 **PLEASE TAKE NOTICE** that, on January 31, 2017, at 9:00 a.m., or as soon
3 thereafter as counsel may be heard in the Courtroom of the Honorable R. Gary
4 Klausner, United States District Judge, Central District of California, located at 255
5 E. Temple Street, Los Angeles, California 90012, plaintiffs Paramount Pictures
6 Corporation and CBS Studios Inc. (“Plaintiffs”) will and hereby do move to exclude
7 the testimony of J.J. Abrams and Justin Lin and their public statements regarding the
8 litigation because they are not the copyright owners of the infringed works, or
9 authorized to speak on behalf of the copyright owners, and their testimony or
10 personal opinions of fan films in general are irrelevant, particularly given the fact
11 that at the time of these statements they had not seen all of the Defendants’ works at
12 issue.

13 Plaintiffs discussed the reasons for the filing of this Motion with Defendants’
14 counsel. This Motion is based on this Notice, the accompanying Memorandum of
15 Points and Authorities, the Declaration of Jennifer Jason, all records in this action
16 and on such further argument, evidence and authority as may be offered at the time
17 of hearing.

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Dated: December 16, 2016

LOEB & LOEB LLP
JONATHAN ZAVIN
DAVID GROSSMAN
JENNIFER JASON

By: /s/ Jennifer Jason
Jennifer Jason
Attorneys for Plaintiffs
PARAMOUNT PICTURES
CORPORATION and CBS STUDIOS
INC.

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MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Plaintiffs Paramount Pictures Corporation and CBS Studios Inc. (collectively, “Plaintiffs”) anticipate that Defendants Axanar Productions, Inc. and Alec Peters (collectively, “Defendants”) will seek to introduce the testimony and public statements regarding this lawsuit by a producer/director and director of certain Star Trek Films, J.J. Abrams and Justin Lin. Testimony from individuals such as these, who are neither the copyright owners (Plaintiffs are) nor employees/authorized representatives of Plaintiffs with respect to this matter, is not relevant and should be excluded, particularly where those individuals have not even seen the Axanar works at issue.

II. The Abrams and Lin Testimony is Irrelevant and Should be Excluded

Federal Rule of Evidence 401 defines “relevant evidence” as “evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.” See *United States v. Curtin*, 489 F.3d 935, 948 (9th Cir. 2007)(citation omitted).

J.J. Abrams is a director and producer of two Star Trek films and a producer of one additional Star Trek film, and Justin Lin is the director of the 2016 film *Star Trek Beyond*. Neither has been involved with any of the Star Trek television series. Plaintiffs anticipate that Defendants will seek to introduce testimony by J.J. Abrams regarding [REDACTED]

[REDACTED]. Declaration of Jennifer Jason (“Jason Decl.”), ¶ 3, Ex. A. Similarly, Plaintiffs anticipate that Defendants will seek to introduce testimony by Justin Lin regarding [REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]. *Id.* Plaintiffs also anticipate that Defendants will seek to introduce the public statements made by Abrams and Lin about this lawsuit. All of this evidence is irrelevant.

This testimony and related public statements of persons such as Lin and Abrams are not relevant because they are not the copyright holders of the Star Trek works, nor are they employees of or authorized representatives of Plaintiffs in this matter. Any expression of their personal opinions is not probative of any issue in this case, and given the lack of probative value, the possibility of prejudice far outweighs the value of any testimony or evidence regarding their statements or opinions. *Head v. Glacier Nw., Inc.*, 413 F.3d 1053, 1062-63 (9th Cir. 2005) (lay witness opinion excluded when it was not helpful to the jury). Moreover, at issue in this case are Defendants’ infringing Axanar works, which include *Prelude to Axanar*, the Vulcan Scene, and the Axanar Script. [REDACTED]

[REDACTED]

[REDACTED]. Jason Decl., ¶ 4, Exs. B and C. Accordingly, any purported position taken by them as to this lawsuit lacks foundation.

Further, any statements regarding fan films are irrelevant as discussed in Plaintiffs’ Motion in Limine No. 6. Moreover, any statements by Abrams regarding Axanar as a “fan film” are without foundation because Abrams [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]. Jason Decl., ¶ 4, Ex. B.

Therefore, any statements made by Abrams regarding fan films is irrelevant for the additional reason that the Axanar works, [REDACTED]

[REDACTED]

[REDACTED].

1 **III. CONCLUSION**

2 For the foregoing reasons, Plaintiffs request that testimony or documents by
3 J.J. Abrams and Justin Lin and their public statements, or anything related to their
4 public statements or documents regarding this matter be excluded from trial.

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6 Dated: December 16, 2016

LOEB & LOEB LLP
JONATHAN ZAVIN
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JENNIFER JASON

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9 By: /s/ Jennifer Jason
10 Jennifer Jason
11 Attorneys for Plaintiffs
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