

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.  
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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,  
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19 Plaintiffs,

20 v.

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

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

**PLAINTIFFS' MOTION IN  
LIMINE NO. 7 TO EXCLUDE  
TESTIMONY AND DOCUMENTS  
DISCUSSING PETERS'  
UNRELATED WORK  
REGARDING STAR TREK  
PROPS**

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

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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 testimony and documents regarding defendant Alec Peters’ unrelated work for CBS  
8 on Star Trek props prior to this litigation, because it is not relevant to this case.

9 Plaintiffs discussed the reasons for the filing of this Motion with Defendants’  
10 counsel. This Motion is based on this Notice, the accompanying Memorandum of  
11 Points and Authorities, the Declaration of Jennifer Jason, all records in this action  
12 and on such further argument, evidence and authority as may be offered at the time  
13 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”) filed this lawsuit on December 29, 2015, based on works created by Defendants Axanar Productions, Inc. and Alec Peters (collectively, “Defendants”) that infringe Plaintiffs’ copyrighted Star Trek works. A number of years prior to this litigation, Peters worked with CBS to catalog and auction used original Star Trek props. Plaintiffs anticipate that Defendants will seek to introduce evidence and argument relating to such work. Such evidence and testimony are not relevant to the case because Plaintiffs have not filed suit regarding such work, nor is there anything with respect to such work, done years before the creation of the infringing Axanar works, that is related to or relevant to the claims in this action, and as such they should be excluded at trial.

**II. DISCUSSION**

**A. Documents and Testimony Regarding Peters’ Unrelated Work Regarding Star Trek Props are 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).

Years before either the creation of the infringing Axanar works, or the filing of this lawsuit, defendant Alec Peters (“Peters”) worked for a limited time with CBS Studios Inc. (“CBS”) to assist in cataloguing and/or selling at auction certain Star Trek props. Declaration of Jennifer Jason (“Jason Decl.”), ¶¶ 4-5, Exs. A, B. Such work had nothing to do with this case, and Plaintiffs have not filed suit regarding such work.

1 The admission of any such testimony and documents would be prejudicial  
 2 because they are an obvious attempt to link Peters with CBS, to fool the jury into  
 3 thinking he was authorized in some way to create the infringing Axanar works,  
 4 when in reality, Peters’ work with CBS was performed years before the Axanar  
 5 works, and had nothing to do with Star trek films. Jason Decl., ¶¶ 4-5, Exs. A, B.  
 6 Such testimony would be highly confusing to the jury, and not probative of any of  
 7 the issues in this case. *United States v. Hitt*, 981 F.2d 422, 423-35 (9th Cir.  
 8 1992)(“Where the evidence is of very slight (if any) probative value, it’s an abuse of  
 9 discretion to admit it if there’s even a modest likelihood of unfair prejudice or a  
 10 small risk of misleading the jury.”).

11 Accordingly, the Court should exclude any evidence and argument relating to  
 12 Peters’ work on Star Trek props.

13 **III. CONCLUSION**

14 For the foregoing reasons, Plaintiffs request that testimony and documents  
 15 discussing Peters’ unrelated work regarding Star Trek props be excluded from trial.

17 Dated: December 16, 2016

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 JONATHAN ZAVIN  
 DAVID GROSSMAN  
 JENNIFER JASON

20 By: /s/ Jennifer Jason  
 Jennifer Jason  
 Attorneys for Plaintiffs  
 PARAMOUNT PICTURES  
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