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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

**DECLARATION OF JENNIFER
JASON IN SUPPORT OF
PLAINTIFFS' MOTION IN
LIMINE NO. 9 TO EXCLUDE
THE TESTIMONY OF
CHRISTIAN TREGILLIS**

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

DECLARATION OF JENNIFER JASON

I, JENNIFER JASON, declare as follows:

1. I am an attorney licensed to practice law in the State of California and am an associate with the law firm of Loeb & Loeb LLP (“Loeb”), attorneys of record for Paramount Pictures Corporation and CBS Studios, Inc. (collectively, “Plaintiffs”) in the above-captioned matter. The following is of my own personal knowledge, and if called as a witness, I could and would competently testify thereto.

2. On December 9, 2016, the parties met and conferred about this motion in limine.

3. **Exhibit B** (confidential document filed under seal) is a true and correct copy of Christian Tregillis’ report, submitted by Defendants as Exhibit 3 to the declaration of Brian Li-A-Ping in support of Defendants’ Motion for Summary Judgment (Dkt. 106-5).

4. **Exhibit A** (a confidential document filed under seal) is a true and correct copy of excerpts from the deposition transcripts of Alec Peters taken on October 19, 2016 and November 2, 2016 (referred to herein as “Peters tr.).

5. Mr. Peters repeatedly referred to Axanar as a professional production and not a fan film. For example, Mr. Peters made the following statement on the Indiegogo website for Axanar:

“**Axanar** is the first fully-professional, independent Star Trek film. While some may call it a ‘fan film’ as we are not licensed by CBS, Axanar has professionals working in front and behind the camera, with a fully-professional crew—many of whom have worked on Star Trek itself—who ensure Axanar will be the quality of Star Trek that all fans want to see.”

See **Exhibit A** (Peters tr. at 92:19-94:1). Attached hereto as **Exhibit C** is a true and correct copy of the Indiegogo fundraising page.

6. Mr. Peters also made the following statement on Indiegogo: “Axanar has professionals working in front and behind the camera, with a fully-professional crew—many of whom have worked on Star Trek itself—who ensure Axanar will be

1 the quality of Star Trek that all fans want to see. ... But Axanar is not just an
2 independent Star Trek film; it is the beginning of a whole new way that fans can get
3 the content they want, by funding it themselves. Why dump hundreds or thousands
4 of dollars a year on 400 cable channels, when what you really want is a few good
5 sci-fi shows.” See **Exhibit A** (Peters tr. at 99:10-101:10). Attached hereto as
6 **Exhibit D** is a true and correct copy of the Indiegogo fundraising page.

7 7. Social media posts by Defendants that were not produced by
8 Defendants, but were located and produced by Plaintiffs, also reflect Defendants’
9 emphasis that the Axanar Works are not a “fan film” and that they are
10 “professional” productions. Mr. Peters made the following Facebook post on
11 Creation Entertainment’s Official Star Trek Convention page: “My name is Alec
12 Peters and I am the producer of Star Trek: Axanar, an independent Star Trek feature
13 that will be released on the web. We don’t call it a ‘fan film’ because we have so
14 many pros involved and plan to make a ground breaking film. Our DP is a 3x
15 Emmy Winner, and the film is directed by Christian Gossett, the guy behind The
16 Red Star.” Attached hereto as **Exhibit E** is a true and correct copy of a Facebook
17 post by Alec Peters. See **Exhibit A** (Peters tr. at 108:6-109:12).

18 8. Attached hereto as **Exhibit F** is a true and correct copy of a post on Mr.
19 Peters’ Axanar Facebook page that states “Axanar is the first independent Star Trek
20 film. While some may call it a ‘fan film’ as we are not licensed by CBS, Axanar has
21 professionals working in front of and behind the camera. A fully professional crew,
22 many of whom have worked on Star Trek itself ensure Axanar will be the quality of
23 Star Trek that all fans want to see.” See **Exhibit A** (Peters tr. at 109:16-110:2).

24 9. Attached hereto as **Exhibit G** is a true and correct copy of a statement
25 made by Mr. Peters in an interview in which he is asked the question: “You have
26 used the word ‘professional,’ so does that mean that everyone who works on the
27 project in production and post-production will be paid? And will they be paid union
28 wages?” Mr. Peters states: “Everyone will be paid, but we can’t afford union

1 wages...” Mr. Peters also states in the interview that *Prelude to Axanar* was made
2 with “all professionals.” See **Exhibit A** (Peters tr. at 91:11-92:7). **Exhibit H**
3 (confidential document filed under seal) is a true and correct copy of an email
4 exchange [REDACTED]
5 [REDACTED]
6 [REDACTED]. See **Exhibit A** (Peters tr. at 114:6-116:19).

7 10. Mr. Peters has participated in approximately forty podcasts, with
8 various guests, discussing *Prelude to Axanar*, the Axanar feature film, and other
9 subjects. See **Exhibit A** (Peters tr. at 133:16-18). These recordings are distributed
10 as podcasts over the internet at <http://trek.fm/axp/>. **Exhibit I** is a transcript of
11 excerpts from those recordings. At his deposition, Mr. Peters [REDACTED]
12 [REDACTED]. See **Exhibit A** (Peters tr. at
13 133:16-143:5). In the first recording, Mr. Peters states that *Prelude to Axanar*, “was
14 a fan film at twenty thousand [dollars] now it’s a full independent production.” See
15 **Exhibit A** (Peters tr. at 135:11-13). In the second recording, Mr. Peters states, in
16 reference to *Prelude to Axanar*, “what people will see when we premier this at San
17 Diego Comic-Con on July 26 is not a fan film. They are going to see a fully
18 professional production that’s going to change the way people view Star Trek.” See
19 **Exhibit A** (Peters tr. at 137:13-19). In the third recording, Mr. Peters states that
20 *Prelude to Axanar* is “not like other fan projects which are true labors of love by
21 fans. This is a labor of love, but we have the means and the wherewithal to bring in
22 professionals at every position.” See **Exhibit A** (Peters tr. at 139:11-16). In the
23 same recording, Mr. Peters further stated that, “it’s very heartwarming and
24 rewarding for us when people are just blown away and they say this is like a real
25 movie. Yeah, it is, that was our goal and we’re happy people think so, so it’s very
26 reassuring.” See **Exhibit A** (Peters tr. at 139:19-25). In the fourth recording, Mr.
27 Peters discusses the Axanar feature, saying “But it also went from a fan film to a
28 professional production. And it’s kind of the same here. We thought we could do

1 Axanar for 300 grand, but that was probably much closer to a fan film. Now we
2 want to make it very professional.” See **Exhibit A** (Peters tr. at 140:19-141:3). In
3 the fifth recording, after discussing the roles of certain crew members slated to work
4 on the Axanar feature, Mr. Peters stated, “these are positions you find on
5 professional productions. And we pride ourselves on being that, and not being a fan
6 film.” See **Exhibit A** (Peters tr. at 142:10-14).

7 I declare under penalty of perjury under the laws of the United States of
8 America that the foregoing is true and correct.

9 Executed this 16th day of December, 2016, at Los Angeles, California.

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/s/Jennifer Jason

Jennifer Jason