

1 Erin R. Ranahan (SBN: 235286)
eranahan@winston.com
2 Diana Hughes Leiden (SBN: 267606)
dhleiden@winston.com
3 Kelly N. Oki (SBN: 304053)
koki@winston.com
4 WINSTON & STRAWN LLP
333 South Grand Avenue
5 Los Angeles, CA 90071
Telephone: (213) 615-1700
6 Facsimile: (213) 615-1750

7 Attorneys for Defendants,
AXANAR PRODUCTIONS, INC.,
8 and ALEC PETERS

9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**

11
12 PARAMOUNT PICTURES
CORPORATION, a Delaware
13 corporation; and CBS STUDIOS INC., a
Delaware corporation,

14 Plaintiffs,

15 vs.

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

18 Defendants.
19

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

Assigned to: Hon. R. Gary Klausner

**OMNIBUS DECLARATION OF
DIANA HUGHES LEIDEN IN
SUPPORT OF DEFENDANTS
AXANAR PRODUCTIONS INC.
AND ALEC PETERS' MOTIONS IN
LIMINE #1-9**

Original Complaint Filed: 12/29/15
First Amended Complaint Filed: 3/11/16

DECLARATION OF DIANA HUGHES LEIDEN

1
2 1. I am an attorney at Winston & Strawn LLP, counsel for Defendants
3 Axanar Productions, Inc. and Alec Peters in the above-entitled action. I have personal
4 knowledge of the matters set forth herein, and if called upon as a witness I could
5 competently testify thereto.

6 2. Pursuant to Local Rule 7-3, my co-counsel Erin Ranahan met and
7 conferred with Plaintiffs’ counsel with respect to these motions *in limine* on December
8 9, 2016, and I met and conferred further with Plaintiffs’ counsel on December 13,
9 2016.

10 3. I have reviewed Plaintiffs’ proposed trial exhibit list. Plaintiffs continued
11 to produce evidence after the close of discovery in violation of the Court’s order,
12 attempted to rely on such evidence in support of their summary judgment motion (*see*,
13 *e.g.*, ECF No. 72-60), and have listed the evidence on their proposed exhibit list,
14 specifically: Exhibits 1-18 and 21 of the “Physical Exhibits” listed on Plaintiffs’ trial
15 exhibit list; Exhibits M (illustrated script of *Prelude to Axanar*), VV (copyright
16 registrations for Star Trek motion pictures), WW (copyright registration for *Garth of*
17 *Izar* novel), and XX (copyright registration for *Strangers from the Sky* novel) to the
18 11/16/2016 Grossman Declaration; and Exhibit BBB (copyright registration for *The*
19 *Four Years War* supplement to *Star Trek: The Role Playing Game*) to the 11/16/2016
20 John Van Citters Declaration.

21 4. All of these documents were called for in discovery. Specifically, these
22 documents would have been responsive to Defendants’ First Set of RFPs to
23 Paramount, RFP Nos. 1, 2, and 6, and Defendants’ First Set of RFPs to CBS, RFP
24 Nos. 1, 2, and 6. Attached hereto as **Exhibits 1 and 2** of my declaration are true and
25 correct copies of Defendants’ First Set of RFPs to Paramount, and Defendants’ First
26 Set of RFPs to CBS. However, none of these documents were produced to
27 Defendants during the discovery period, and instead were introduced for the first time
28 in conjunction with Plaintiffs’ motion for partial summary judgment, attached to the

1 supporting declarations of David Grossman and John Van Citters.

2 5. Plaintiffs identified Mr. Van Citters in Plaintiffs' initial disclosures as
3 having knowledge of "contact with Defendants and licensing of Plaintiffs' works"
4 only. A true and correct copy of Plaintiffs' Rule 26 disclosures is attached hereto as
5 **Exhibit 3.**

6 6. **Exhibit 4** to my declaration is a true and correct copy of Defendant Alec
7 Peters' Responses to Plaintiff Paramount Pictures Corporation and CBS Studios Inc.'s
8 First Set of Request for Production of Documents.

9 7. **Exhibit 5** to my declaration is a true and correct copy of excerpted pages
10 from the transcript of the deposition of Bill Hunt, taken on October 25, 2016.

11 8. **Exhibit 6** to my declaration is a true and correct copy of excerpted pages
12 from the transcript of the deposition of Daniel O'Rourke, taken on September 30,
13 2016.

14 9. **Exhibit 7** to my declaration is a true and correct copy of excerpted pages
15 from the transcript of the deposition of Terry McIntosh, taken on October 28, 2016.

16 10. **Exhibit 8** to my declaration is a true and correct copy of excerpted pages
17 from the transcripts of the depositions of Alec Peters, taken on October 19, 2016 and
18 November 2, 2016.

19
20 I declare under the penalty of perjury that the foregoing is true and correct.
21 Dated this 16th day of December, 2016 at Los Angeles, California.

22
23 /s/ Diana Hughes Leiden

24 Diana Hughes Leiden