

EXHIBIT 2

1 Erin R. Ranahan (SBN: 235286)
eranahan@winston.com
2 Andrew S. Jick (SBN: 278943)
ajick@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

**DEFENDANTS AXANAR
PRODUCTIONS, INC., AND ALEC
PETERS' REQUEST FOR
PRODUCTION OF DOCUMENTS
TO PLAINTIFF CBS STUDIOS INC.**

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

1 Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure,
2 Defendants Axanar Productions, Inc. (“Axanar”) and Alec Peters (collectively,
3 “Defendants”), through their undersigned counsel, hereby request that Plaintiff CBS
4 Studios Inc. produce the documents and things described herein in accordance with
5 the Definitions and Instructions below for discovery, inspection, and copying at the
6 offices of Winston & Strawn LLP, located at 333 South Grand Avenue, Los Angeles,
7 California 90071.

8 **DEFINITIONS**

9 1. The term “FAC” refers to the First Amended Complaint filed by
10 Plaintiffs Paramount Pictures Corporation and CBS Studios Inc. in this action on
11 March 11, 2016 (Dkt. 26).

12 2. The terms “Axanar Work” and “Axanar Works” refer, individually or
13 collectively, to “*Prelude to Axanar*,” the “*Axanar* Motion Picture,” and all versions of
14 the “*Axanar* Script,” as those terms are defined and used in the FAC.

15 3. The term “Communication” means any oral, written, or electronic
16 transmission of information (in the form of facts, ideas, inquiries, or otherwise,
17 whether direct or indirect) including, without limitation, meetings, discussions,
18 conversations, telephone calls, e-mail messages, instant messages, SMS messages,
19 memoranda, letters, messages, notes, recorded voice mails, or other media of any
20 kind.

21 4. The term “DMCA” refers to the Digital Millennium Copyright Act.

22 5. The term “Document” is used in its broadest sense and to the fullest
23 extent permitted by Rules 26 and 34 of the Federal Rules of Civil Procedure, and
24 includes all written, printed, typed, computerized, recorded, or graphic matter of any
25 type or description, and in any form, however and by whomever prepared, produced,
26 reproduced, disseminated, or made, including, without limitation, notes, time records,
27 correspondence, diary and calendar entries, e-mails, tape and video recordings,
28 summaries, corporate policy statements, minutes, memoranda, drafts, agreements,

1 contracts, analyses, opinions, studies, reports, telegrams, telecopies, notebooks,
2 calendars, transcripts, routing slips, computer print-outs, invoices, charts,
3 photographs, checks, financial records, brochures, pamphlets, press releases,
4 advertisements, computer-downloaded materials, articles, trade or industry
5 announcements, and translations, and all copies of any of the above containing any
6 comments, modifications, revisions, alterations, or notations.

7 6. The term “Defendants” refers collectively to Defendants Axanar
8 Productions, Inc. and Alec Peters, and their current or former parents, subsidiaries,
9 predecessors, successors, assigns, officers, directors, employees, agents, analysts,
10 attorneys, investigators, consultants, accountants, representatives, and all other
11 persons acting or purporting to act on its, his, or their behalf.

12 7. The terms “Plaintiff” or “You” refer to Plaintiff CBS Studios Inc. and its
13 current or former parents, subsidiaries, predecessors, successors, assigns, officers,
14 directors, employees, agents, analysts, attorneys, investigators, consultants,
15 accountants, representatives, and all other persons acting or purporting to act on its
16 behalf.

17 8. The term “Paramount” refers to Plaintiff Paramount Pictures Corporation
18 and its current or former parents, subsidiaries, predecessors, successors, assigns,
19 officers, directors, employees, agents, analysts, attorneys, investigators, consultants,
20 accountants, representatives, and all other persons acting or purporting to act on its
21 behalf.

22 9. The terms “Request” or “Requests” mean, individually or collectively,
23 the requests for production contained in Defendants’ First Set of Requests for
24 Production of Documents.

25 10. The terms “Star Trek Copyrighted Work” and “Star Trek Copyrighted
26 Works” refer, individually or collectively, to the “Star Trek Television Series,” the
27 “Star Trek Motion Pictures,” and the “Star Trek Books,” as those terms are defined
28 and used in the FAC.

INSTRUCTIONS

1
2 1. “All” shall be understood to include and encompass “any.” As used
3 herein, the singular shall also be taken to include the plural, and vice versa. Whenever
4 the conjunctive is used, it shall also be taken to include the disjunctive, and vice versa,
5 to bring within the scope of these Requests all Documents or things which might
6 otherwise be construed to be outside their scope. Additionally, the present tense shall
7 also include the past tense.

8 2. The terms “referring to,” “relating to,” “regarding,” and “concerning” are
9 to be broadly construed and shall mean, without limitation, comprising, constituting,
10 reflecting, regarding, containing quantitative data relating to, pertaining to,
11 commenting upon, indicating, showing, describing, evidencing, discussing,
12 mentioning, embodying, or computing.

13 3. The Requests seek all Documents in Plaintiff’s possession, custody, and
14 control, including, but not limited to, Documents possessed directly by Plaintiff and
15 Documents possessed by Plaintiff’s agents, analysts, financial advisors, employees,
16 representatives, or investigators, or by Plaintiff’s Counsel or their agents, analysts,
17 financial or other advisors, employees, representatives, or investigators.

18 4. All Documents are to be produced in the form in which they are kept in
19 the usual course of business. All Documents shall be produced in the manual, booklet,
20 binder, file, folder, envelope, or other Document or container in which they are
21 ordinarily kept or maintained. If for any reason the container cannot be produced,
22 Plaintiff should provide copies of all labels or other identifying marking thereon.

23 5. In the event Plaintiff is able to produce only some but not all of the
24 Documents called for in a particular Request, produce all the Documents Plaintiff is
25 able to produce and state the reasons for Plaintiff’s inability to produce the remainder.

26 6. If a Document responsive to any Request is no longer in Plaintiff’s
27 possession, but a copy of said Document has been maintained by Plaintiff’s
28 representative, agent, or consultant (such as, but not limited to, Plaintiff’s Counsel),

1 include such Document in Plaintiff's production.

2 7. If a Document responsive to any Request has been lost or destroyed, or
3 otherwise is no longer in Plaintiff's possession or control, please identify the
4 Document and state the details concerning the loss of any such Document, including
5 the name and address of the present custodian of any such Document that is known to
6 Plaintiff or, if none is known, the last known custodian of any such Document.

7 8. All Documents shall be labeled so as to identify the specific person
8 holding or controlling the Document and the source from which the Document was
9 obtained.

10 9. If a given Document elicited a response, that response is also to be
11 identified and produced. If the Document was itself a response, the Document to
12 which it is responding is also to be identified and produced.

13 10. If Plaintiff objects to part or all of any Request, specify the part together
14 with the reasons for the objection. Produce all Documents called for by that part of the
15 Request to which Plaintiff does not object.

16 11. Each Request includes a request for the original and all non-identical
17 copies, preliminary drafts, or versions of Documents that differ in any respect from
18 the original Document, such as differences in form or content or differences by reason
19 of handwritten notes or comments. If the original of any Document cannot be
20 produced, please produce the best available copy and all non-identical copies,
21 including drafts.

22 12. Each Request shall be deemed a request for any or all transmittal sheets,
23 cover letters, exhibits, enclosures, or attachments to the Documents, in addition to the
24 Document itself, without abbreviation or expurgation and whether or not such other
25 Document is responsive to the Requests.

26 13. If Plaintiff asserts a claim of privilege with respect to part or all of any
27 Document on the grounds of attorney-client privilege, the attorney work product
28 doctrine, or any other basis, describe the Document with sufficient particularity to

1 make it susceptible to identification by separately stating the following with respect to
2 any such Document:

- 3 a. the type of Document;
- 4 b. the name and position of the writer, sender, or initiator of each
5 copy of the Document;
- 6 c. the name and position of the recipient, addressee, or party to whom
7 any copy of the Document was sent;
- 8 d. the date of each copy of the Document, if any, or an estimate of its
9 date;
- 10 e. a statement of the basis for the claim of privilege (including, where
11 work product immunity is asserted, identification of the proceeding
12 for which the Document was prepared); and
- 13 f. a general description of the subject matter of the Document
14 sufficient for the Court to rule on the applicability and
15 appropriateness of the claimed privilege.

16 14. Notwithstanding the assertion of any objection, any purportedly
17 privileged Document containing non-privileged material must be disclosed, with the
18 purportedly privileged portion excised. Identify all excised material from a Document
19 as set forth in paragraph 13 above.

20 15. Each Request contained herein is continuing in nature throughout the
21 final conclusion of this litigation. If at any time any Documents are obtained or
22 discovered in addition to what has previously been produced, Plaintiff shall promptly
23 supplement his or her responses to these Requests and produce the newly obtained or
24 discovered Documents.

25 **REQUESTS FOR PRODUCTION**

26 **REQUEST NO. 1:**

27 All Documents encompassed by Your disclosure obligations under Federal
28 Rule of Civil Procedure 26(a)(1)(A)(ii), including any and all Documents upon which

1 You may rely in any way in this action.

2 **REQUEST NO. 2:**

3 All Documents that relate to, support, or refute any allegations in the FAC.

4 **REQUEST NO. 3:**

5 All Documents that refer, relate to, or constitute Communications between You
6 and any person or entity concerning this lawsuit or Your claims and potential claims
7 therein, including but not limited to any such Communications with Paramount.

8 **REQUEST NO. 4:**

9 All Documents that refer, relate to, or constitute Communications between You
10 and any person or entity concerning Axanar Productions, Alec Peters, or any Axanar
11 Work, including but not limited to any such Communications with Paramount.

12 **REQUEST NO. 5:**

13 All Documents that refer, relate to, or constitute Communications between You
14 and any Defendant, including but not limited to any Documents relating to any
15 meetings between You and Alec Peters or any other current or former employee of
16 Axanar Productions.

17 **REQUEST NO. 6:**

18 All Documents that refer, relate to, or constitute Your ownership, rights, title,
19 and/or interest in and to all of the Star Trek Copyrighted Works that You contend
20 Defendants have infringed, including but not limited to all Documents that refer, relate
21 to, or constitute the chain of title in such works, including but not limited to any
22 transfers of title between or among Plaintiffs, Viacom, Inc., Desilu Productions, and
23 Gene Roddenberry.

24 **REQUEST NO. 7:**

25 All Documents that refer, relate to, or constitute any challenge made by any
26 person or entity regarding Your ownership, rights, title, and/or interest in or to any of
27 the Star Trek Copyrighted Works that You contend Defendants have infringed,
28 including but not limited to any lawsuit filed or threatened, cease or desist letter

1 received, or any other written or oral Communications related thereto.

2 **REQUEST NO. 8:**

3 All Documents that refer, relate to, or constitute acts by Defendants which You
4 contend constitute copyright infringement, including but not limited to all Documents
5 relating to Your contentions in paragraph 55 of the FAC.

6 **REQUEST NO. 9:**

7 All Documents that refer or relate to the creation and development of the
8 Klingon language.

9 **REQUEST NO. 10:**

10 All Documents that refer or relate to the use of the Klingon language by any
11 other person or entity, including members of the public.

12 **REQUEST NO. 11:**

13 All Documents that refer, relate to, or constitute contracts, written agreements,
14 or any other Correspondence between You and the authors of the Star Trek
15 Copyrighted Works, including but not limited to Lee Erwin, Jerry Sohl, Pamela
16 Sargent, and George Zebrowski.

17 **REQUEST NO. 12:**

18 All Documents that refer, relate to, or constitute contracts, written agreements,
19 or any other Correspondence between You and the actors that played the characters
20 that You claim Defendants have infringed, including but not limited to the actors who
21 played Garth of Izar, Soval, Richard Robau, Captain Robert April, Chang, Sarek, and
22 John Gill.

23 **REQUEST NO. 13:**

24 All Documents that refer, relate to, or constitute any harm or injury You claim
25 to have suffered as a result of Defendants' actions as alleged in the FAC.

26 **REQUEST NO. 14:**

27 All Documents that refer or relate to the commercial impact, if any, that the
28 promotion, production, or release of fan films, including but not limited to fan films

1 inspired by Star Trek, has had or might have on the value of the works from which the
2 fan films are inspired, including but not limited to the Star Trek Copyrighted Works.

3 **REQUEST NO. 15:**

4 All Documents that refer, relate to, support, or refute Your contention that
5 Defendants are liable for willful infringement pursuant to 17 U.S.C. § 504(c).

6 **REQUEST NO. 16:**

7 All Documents that refer, relate to, support, or refute Your contention in
8 paragraph 50 of the FAC that “[t]he *Axanar* Works are not a parody, nor do they
9 constitute fair use of the Star Trek Copyrighted Works.”

10 **REQUEST NO. 17:**

11 All Documents that refer or relate to fan films inspired by Star Trek.

12 **REQUEST NO. 18:**

13 All Documents that refer or relate to Your decision whether to pursue legal
14 action, including but not limited to sending DMCA takedown notices, sending cease
15 and desist letters, and/or filing lawsuits, with respect to fan films inspired by Star
16 Trek, including but not limited to *Star Trek: Hidden Frontier*, *Starship Exeter*, *Bring*
17 *Back Kirk*, *Star Trek: New Voyages / Star Trek: Phase II*, *Star Wreck: In the*
18 *Pirkinning*, *Star Trek in Lego*, *Star Trek: Aurora*, *Star Trek: Of Gods and Men*,
19 *Starship Farragut*, *Star Trek: The Next Animation*, *Dan Hauser’s Animated Star Trek*,
20 *Star Trek: Phoenix*, *Star Trek Continues*, *Star Trek: Specter*, *Star Trek II: Retribution*,
21 *Star Trek III: Redemption*, *Star Trek: Reunion*, *Star Trek: Secret Voyage*, *Star Trek:*
22 *Dark Horizon*, *Star Trek: Absolution*, *Star Trek: Renegades*, and *Star Trek: Horizon*.

23 **REQUEST NO. 19:**

24 All Documents regarding Your policies, practices, and procedures regarding
25 sending DMCA takedown notices with regard to works that You believe have
26 infringed Your copyrights, including Your purported copyrights in the Star Trek
27 Copyrighted Works.

28

1 **REQUEST NO. 20:**

2 All Documents regarding Your policies, practices, and procedures regarding
3 sending DMCA takedown notices with regard to works that may constitute fair use.

4 **REQUEST NO. 21:**

5 All Documents and Communications regarding Your decision whether to send a
6 DMCA takedown notice to YouTube or any other person or entity with regard to
7 *Prelude to Axanar* or the “Vulcan Scene.”

8 **REQUEST NO. 22:**

9 All Documents that refer, relate to, support, or refute Your contention in
10 paragraph 62 of the FAC that “Defendants enjoy a direct financial benefit from the
11 preparation, duplication, and distribution of the infringing *Axanar Works*.”

12 **REQUEST NO. 23:**

13 All Documents that refer, relate to, or constitute Your expenditures relating to
14 the promotion or production of the *Star Trek* Copyrighted Works, including but not
15 limited to the salaries paid to the directors, producers, actors, and all other persons
16 involved in the promotion or production of such works.

17 **REQUEST NO. 24:**

18 All Documents that refer or relate to *Star Wars* fan films, including but not
19 limited to (a) all Documents that refer, relate to, or constitute Lucasfilm’s guidelines
20 and/or attitudes regarding fan films, and (b) all Documents relating to any meetings or
21 other Correspondence between You and any other person or entity, including at
22 Lucasfilm, regarding this subject.

23 **REQUEST NO. 25:**

24 All Documents that refer, relate to, or constitute any actual or potential
25 guidelines for fan films that You have created, implemented, or considered creating or
26 implementing, including but not limited to any research, analysis, or Communications
27 regarding this subject.

28

1 **REQUEST NO. 26:**

2 All Documents that refer, relate to, or constitute a public statement made by any
3 of Your employees, agents, or representatives, in any form of media, regarding
4 Axanar Productions, Alec Peters, or any Axanar Work, including but not limited to
5 any such statements made on Facebook or Twitter, and including but not limited to all
6 Documents and Communications relating to the tweet published by Justin Lin on
7 March 14, 2016, stating “This is getting ridiculous! I support the fans. Trek belongs
8 to all of us.”

9 **REQUEST NO. 27:**

10 All Documents that refer, relate to, or constitute Communications involving
11 Bryan Fuller regarding Axanar Productions, Alec Peters, or any Axanar Work.

12
13 Dated: April 19, 2016

WINSTON & STRAWN LLP

14
15 By: /s/ Erin R. Ranahan
16 Erin R. Ranahan
17 Andrew S. Jick
18 Kelly N. Oki
19 Attorneys for Defendants,
20 AXANAR PRODUCTIONS, INC.
21 and ALEC PETERS
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