

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.
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 Plaintiffs,

19 v.

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

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

**DECLARATION OF JENNIFER
JASON IN SUPPORT OF
PLAINTIFFS' MOTION IN
LIMINE NO. 10 TO EXCLUDE
TESTIMONY OF HENRY
JENKINS**

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. True and correct copies of selected DVDs of the Star Trek Television Series were lodged with the Court. *See* Dkt. 72-63 (Notice of Lodging), **Exhibits 1 through 5**.

4. True and correct copies of DVDs of the Star Trek Motion Pictures were lodged with the Court. *See* Dkt. 72-63 (Notice of Lodging) **Exhibits 6 through 18**.

5. Attached hereto as **Exhibit A** is a true and correct copy of an excerpt from the blog of Professor Henry Jenkins dated September 27, 2016. This document is accessible online at: <http://henryjenkins.org/2016/09/what-fans-need-to-know-about-transformative-use-a-conversation-with-rebecca-tushnet-part-one.html>.

6. Attached hereto as **Exhibit B** is a true and correct copy of Professor Henry Jenkins’ report, submitted by Defendants as Exhibit 4 to the declaration of Kelly Oki in support of Defendants’ Motion for Summary Judgment (Dkt. 75-6).

7. Attached hereto as **Exhibit C** is a true and correct copy of Professor Henry Jenkin’s USC Profile website. Available online at: <http://annenbergl.usc.edu/faculty/communication-journalism/henry-jenkins>.

8. Although Mr. Peters did not turn over documents evidencing his fundraising activities on the Indiegogo.com platform, Plaintiffs located these documents independently. Mr. Peters made the following statement on the Indiegogo website for Axanar:

1 “**Axanar** is the first fully-professional, independent Star
2 Trek film. While some may call it a ‘fan film’ as we are
3 not licensed by CBS, Axanar has professionals working in
4 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.”

5 Attached hereto as **Exhibit E** is a true and correct copy of the Indiegogo
6 fundraising page. **Exhibit D** (a confidential document filed under seal) is a true and
7 correct copy of excerpts from the deposition transcripts of Alec Peters taken on
8 October 19, 2016 and November 2, 2016 (referred to herein as “Peters tr.). *See*
9 **Exhibit D** (Peters tr. at 92:19-94:1).

10 9. Mr. Peters also made the following statement on Indiegogo: “Axanar
11 has professionals working in front and behind the camera, with a fully-professional
12 crew—many of whom have worked on Star Trek itself—who ensure Axanar will be
13 the quality of Star Trek that all fans want to see. ... But Axanar is not just an
14 independent Star Trek film; it is the beginning of a whole new way that fans can get
15 the content they want, by funding it themselves. Why dump hundreds or thousands
16 of dollars a year on 400 cable channels, when what you really want is a few good
17 sci-fi shows.” *See* **Exhibit D** (Peters tr. at 99:10-101:10). Attached hereto as
18 **Exhibit F** is a true and correct copy of the Indiegogo fundraising page.

19 10. Social media posts by Defendants that were not produced by
20 Defendants, but were located and produced by Plaintiffs, also reflect Defendants’
21 emphasis that the Axanar Works are not a “fan film” and that they are
22 “professional” productions. Mr. Peters made the following Facebook post on
23 Creation Entertainment’s Official Star Trek Convention page: “My name is Alec
24 Peters and I am the producer of Star Trek: Axanar, an independent Star Trek feature
25 that will be released on the web. We don’t call it a ‘fan film’ because we have so
26 many pros involved and plan to make a ground breaking film. Our DP is a 3x
27 Emmy Winner, and the film is directed by Christian Gossett, the guy behind The
28

1 Red Star.” Attached hereto as **Exhibit G** is a true and correct copy of a Facebook
2 post by Alec Peters. *See Exhibit D* (Peters tr. at 108:6-109:12).

3 11. Attached hereto as **Exhibit H** is a true and correct copy of a post on
4 Mr. Peters’ Axanar Facebook page that states “Axanar is the first independent Star
5 Trek film. While some may call it a ‘fan film’ as we are not licensed by CBS,
6 Axanar has professionals working in front of and behind the camera. A fully
7 professional crew, many of whom have worked on Star Trek itself ensure Axanar
8 will be the quality of Star Trek that all fans want to see.” *See Exhibit D* (Peters tr.
9 at 109:16-110:2) (confidential document filed under seal).

10 12. Mr. Peters tweeted to a Web Series twitter account stating: “We would
11 LOVE you to cover Star Trek: Axanar, the first independent Star Trek film.” Mr.
12 Peters testified [REDACTED]
13 [REDACTED]
14 [REDACTED]. *See Exhibit D* (Peters tr. at 106:6-107:7). Attached hereto as **Exhibit I** is
15 a true and correct copy of the tweet.

16 13. **Exhibit J** (a confidential document filed under seal) is a true and
17 correct copy of excerpts from the deposition transcript of Robert Meyer Burnett, the
18 director of the full-length Axanar film, taken on October 11, 2016 (referred to herein
19 as “Burnett tr.”). Mr. Burnett testified [REDACTED]
20 [REDACTED]
21 [REDACTED]. *See*
22 **Exhibit J** (Burnett tr. at 55:4-14; 58:10-22; 59:11-22).

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

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

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/s/Jennifer Jason

Jennifer Jason