

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

19 Plaintiffs,

20 v.

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

23 Defendants.  
24  
25  
26  
27  
28

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

**JOINT WITNESS LIST**

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

1 Pursuant to Federal Rule of Civil Procedure 26(a)(3)(A) and Local Rule 16-  
 2 16-5 of the Central District of California, Plaintiffs Paramount Pictures Corporation  
 3 and CBS Studios, Inc. (collectively, “Plaintiffs”) and Defendants Alec Peters and  
 4 Axanar Productions, Inc. (collectively, “Defendants”), hereby submit the following  
 5 list of witnesses who may be called to testify at trial in this matter.

6 **I. Plaintiffs’ Witness List**

7 This list identifies the witnesses whom Plaintiffs intend to call, or may call, at  
 8 trial, exclusive of any witnesses whom may be called for rebuttal or impeachment.  
 9 Plaintiff reserves the right to call any witness on the Defendants’ witness list, if  
 10 those witnesses are not in fact called by Defendants. Those witnesses whom  
 11 Plaintiffs may call only if the need arises are marked by an asterisk. Plaintiffs  
 12 expressly reserve the right to supplement this list at any time before trial, and the  
 13 right to object to any supplemental witnesses identified by Defendants. Plaintiffs  
 14 further reserve the right to call or refrain from calling any of the witnesses on this  
 15 list.

Witness Name and Address	Brief Statement of Testimony	Time Estimate
17 Alec Peters 18 c/o Erin R. Ranahan, Esq. 19 Winston & Strawn LLP 20 333 South Grand Avenue, 21 38th Floor 22 Los Angeles, CA 90071 23 213.615.1835	Mr. Peters is a defendant and the president of defendant Axanar Productions, Inc. He will testify about the development, production, and content of <i>Prelude to Axanar</i> , the <i>Axanar</i> Script, and <i>Axanar</i> (collectively, the Axanar Works). He will testify about the Star Trek source material that he used to create the Axanar Works. Also, he will testify about how he owned and controlled Axanar Productions, Inc. He will further testify about how he spent donor money and about his public statements about Axanar.	Direct: 6 hours (either in person or by video deposition) Cross: _____
26 Diana Kingsbury 27 c/o Erin R. Ranahan, Esq. 28 Winston & Strawn LLP 333 South Grand Avenue, 38th Floor	Ms. Kingsbury was Defendant Peters’ girlfriend and worked for Axanar Productions. She will testify about the use of donor funds, and about her income in the years 2013 - 2016.	Direct: 1 hour Cross: 1 hour

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Witness Name and Address	Brief Statement of Testimony	Time Estimate
Los Angeles, CA 90071 213.615.1835		
Terry McIntosh 15209 Sunwood Blvd., #B34 Tukwila, WA 98188	Mr. McIntosh was the CTO of Axanar Productions. Mr. McIntosh will testify about issues regarding Axanar's and Peters' assertion of intellectual property rights in Axanar, and how Mr. Peters made the decision as to who at Axanar Productions got paid from donor funds, as well as how much they got paid.	Direct: 30 minutes Cross: _____
Christian Gossett c/o Torin A. Dorros Dorros Law 11766 Wilshire Boulevard Suite 1170 Los Angeles, CA 90025 310.997.2050	Mr. Gossett is the director of <i>Prelude to Axanar</i> . He will testify about his extensive communications with Mr. Peters about the Axanar Works, including those discussing the source material for the Axanar Works, including <i>The Original Series</i> and <i>The Four Years War</i> . He will testify regarding the design elements from Star Trek that were copied in order to make the Axanar Works, and to his communications with Peters regarding the creation of the studio and to Peters' claimed discussions with CBS, Netflix and Amazon. He will testify as to his opinion as to whether <i>Prelude to Axanar</i> infringes Plaintiffs' intellectual property.	Direct: 2 hours Cross: _____
Bill Burke c/o David Grossman Loeb & Loeb LLP 10100 Santa Monica Blvd., Suite 2200 Los Angeles, CA 90067 310.282.2077	Mr. Burke is an employee of CBS who will testify about his contact with Defendants and the licensing of Plaintiffs' works.	Direct: 1 hour Cross: _____
Jon Van Citters c/o David Grossman Loeb & Loeb LLP 10100 Santa Monica Blvd., Suite 2200 Los Angeles, CA 90067 310.282.2077	Mr. Van Citters is an employee of CBS. He will testify about CBS' ownership of the Star Trek works. He will testify about his contact with Defendants and the licensing of Plaintiffs' works. Further, he will testify about Defendants' infringement of the Star Trek Copyrighted Works. In addition, pursuant to Fed. R. Civ. P. 26(a)(2)(B) (1), Mr. Van Citters will describe and discuss the specific characters and works that were copied by Defendants' Axanar	Direct: 5 hours Cross: _____

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Witness Name and Address	Brief Statement of Testimony	Time Estimate
	Works, including Klingons, Vulcans, the U.S.S. Enterprise, Garth of Izar, Soval the Vulcan Ambassador, the planet Vulcan, and many additional elements from the Star Trek universe, including the settings, characters, plots, sequences and themes described in the First Amended Complaint in this action that were copied by Defendants to create their infringing works. He will also testify about Plaintiffs' damages.	
Dan O'Rourke c/o David Grossman Loeb & Loeb LLP 10100 Santa Monica Blvd., Suite 2200 Los Angeles, CA 90067 310.282.2077	Mr. O'Rourke is an employee of Paramount. He will testify about Paramount's ownership of the Star Trek works and Paramount's damages.	Direct: 1 hour Cross: 1 hour

**II. Defendants' Witness List**

Defendants submit the following list of witnesses.

Defendants' Proposed Witness	Brief Statement of Testimony for Each Witness, What Makes Them Unique	Time Estimate for Defendants
Alec Peters	Alec is the founder of Axanar and an individual defendant in this case. He will testify about the nature of the works at issue and the plans for any future feature, including the mockumentary style of Prelude and current plans for making Axanar in the same way. He will testify about his long-standing relationship with CBS in connection with Star Trek, including his volunteer services for CBS. Depending on the outcome of certain motions in limine, he will testify regarding all such subjects. He will testify regarding his innocent intent with respect to any infringement, and his reliance on the longstanding fan film tradition in Star Trek. He will testify regarding the history of his own Star Trek fandom.	Direct: 2 hours Cross: 3 hours

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

<b>Defendants’ Proposed Witness</b>	<b>Brief Statement of Testimony for Each Witness, What Makes Them Unique</b>	<b>Time Estimate for Defendants</b>
Robert Meyer Burnett	Rob Burnett was the intended director of Axanar, and will testify to the various inspirations and plans for the longer Axanar work. He will testify about his former relationship with CBS in connection with Star Trek.	Direct: 2 hours Cross: 1.5 hours
Bill Hunt	Bill Hunt was the intended writer of Axanar, and will testify about the various iterations of the scripts, the latest plans, and his reliance on the statements of Justin Lin and J.J. Abrams in writing the latest version of the script. He will discuss the nature of the scripts and how the scripts have changed since the drafting of the version that Plaintiffs allege is operative.	Direct: 2 hours Cross: 1 hour
Reece Watkins	Reece Watkins is an Axanar fan and donor, and a Star Trek fan whose passion for Star Trek was reinvigorated by his watching Axanar. This led him to purchase even more official Star Trek merchandise. He also polled the Axanar fan support page with respect those fans’ own experiences, and received many responses and nothing but positive feedback.	Direct: 45 minutes Cross: 30 minutes
Chris Tregillis	Mr. Tregillis is an expert damages witness who will opine on Plaintiffs’ apparent damages theory in this case – i.e., that a fan who has donated to Axanar will not spend that money on Star Trek, and discusses the financial success of Plaintiffs’ works, and the lack of impact on those revenues from fan works. His opinions will be consistent with his report, which provide, specifically: <ul style="list-style-type: none"> <li>• There are multiple indications that fan films generally benefit official studio releases and the film/story franchises, and that the Axanar Works have benefited Star Trek and Plaintiffs.</li> <li>• Mr. Tregillis is not aware of information supporting the notion that monies donated to fund the making of Axanar and Prelude to Axanar have</li> </ul>	Direct: 1 hour Cross: 1 hour

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

<b>Defendants' Proposed Witness</b>	<b>Brief Statement of Testimony for Each Witness, What Makes Them Unique</b>	<b>Time Estimate for Defendants</b>
	resulted in lost revenue or profits to Plaintiffs. • Mr. Tregillis is not aware of any profits that Defendants have earned as a result of the alleged copyright infringement.	
Dr. Jenkins	Dr. Jenkins is an expert witness who is the preeminent scholar on Star Trek fan fiction culture. Dr. Jenkins has been writing about Star Trek fans and their works for 30 years. He will testify about the benefit of fan fiction and the transformative nature of fan fiction, including Prelude to Axanar.	Direct: 1 hour Cross: 1 hour
Jonathan Lane	Jonathan Lane is an Axanar donor and blogger about fan films who created a document that presents the history of fan films, and discusses the extent to which specific fan films exist and have proliferated as part of Star Trek fan culture.	Direct: 2 hours Cross: 1 hour
John Van Citters (CBS)	Mr. Van Citters had previous communications and relationships with Defendant Alec Peters and Defendants' witness listed above, Jonathan Lane. He is involved in many email communications about Defendants and other fan films. He is supposedly designated to testify about alleged substantial similarity between Plaintiffs' works and Defendants' works, which is subject to pending evidentiary objections.	Direct: 2 hours Cross: 1 hour
Liz Kalodner (CBS)	Ms. Kalodner had previous communications with Defendant Alec Peters. She is involved in many specific email communications about Defendants and other fan films. She is involved with marketing and also is aware of the relationship CBS has with James Cawley, through which they license and have entered a deal to commercialize his former fan film studio for tours. She is involved in marketing the Star Trek brand.	Direct: 1 hour Cross: 30 minutes
Bill Burke (CBS)	Mr. Burke is involved in many specific	Direct: 1 hour

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

<b>Defendants’ Proposed Witness</b>	<b>Brief Statement of Testimony for Each Witness, What Makes Them Unique</b>	<b>Time Estimate for Defendants</b>
	email communications about Defendants and his longstanding knowledge about the existence of other fan films. He is involved with marketing and is also aware of the relationship CBS has with James Cawley, through which they license and have entered a deal to commercialize his former fan film studio for tours.	Cross: 30 minutes
Justin Lin	Mr. Lin is the director of prior and underway Star Trek projects for Plaintiff Paramount, and tweeted out support for Defendants and fans after this lawsuit was filed, specially stating that the lawsuit was “ridiculous,” that he’s “with the fans” and that “Star Trek belongs to all of us.” He also participated in an effort to get Plaintiffs to drop the lawsuit, promoting “dropping the lawsuit” at a 50th anniversary Star Trek fan event where Mr. Peters was present. While a longtime Star Trek fan, he also testified that he was not familiar with Garth of Izar, one of the primary characters in Prelude and the intended film Axanar. He is not aware of any impact on his Star Trek projects from Defendants’ Axanar works.	Direct: 40 minutes Cross: 30 minutes
J.J. Abrams	Mr. Abrams is the producer of prior and underway Star Trek projects for Plaintiff Paramount. Following the filing of the lawsuit, Mr. Abrams announced, at a 50th anniversary Star Trek fan event at which Mr. Peters other Star Trek fans were present, that Plaintiffs intended to “drop the lawsuit.” There are also internal communications where he sought to explore potential partnerships with fan filmmakers and expressed his hope that the lawsuit was going away. He is not aware of any adverse impact on his Star Trek projects as a result of Defendants’ Axanar works.	Direct: 40 minutes Cross: 30 minutes

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Dated: December 19, 2016

LOEB & LOEB LLP  
JONATHAN ZAVIN  
DAVID GROSSMAN  
JENNIFER JASON

By: /s/ David Grossman  
David Grossman  
Attorneys for Plaintiffs  
PARAMOUNT PICTURES  
CORPORATION and CBS STUDIOS  
INC.

Dated: December 19, 2016

WINSTON & STRAWN LLP  
ERIN R. RANAHAN  
DIANA HUGHES LEIDEN  
KELLY N. OKI

By: /s/ Erin R. Ranahan  
Erin R. Ranahan  
Attorneys for Defendants  
AXANAR PRODUCTIONS, INC. and  
ALEC PETERS