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8 and ALEC PETERS

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

11
12 **Winston & Strawn LLP**
333 S. Grand Avenue
Los Angeles, CA 90071-1543

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' STATEMENT RE
EXPERTS TO BE CALLED AT
TRIAL**

Pretrial Conference: Jan. 9, 2017
Trial Date: Jan. 31, 2017

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1 Pursuant to the Court’s Order for Jury Trial, Defendants Axanar Productions,
2 Inc. and Alec Peters (“Defendants”) hereby submit their narrative statements of the
3 qualification of each expert witness they intend to call at trial and the testimony
4 expected to be elicited.

5 **I. Christian Tregillis, CPA, ABV, CFF, CLP**

6 **A. Qualifications**

7 Mr. Tregillis is a partner at Hemming Morse, where he analyzes financial,
8 accounting, economic, statistical, and market issues, primarily in regard to disputes
9 and valuations, including the negotiation of license agreements covering intellectual
10 property. He has an A.B. in Economics from Occidental College, an M.B.A.
11 Finance and Accounting from the University of Chicago Graduate School of
12 Business, and is licensed as a Certified Public Accountant in California and Illinois.
13 Mr. Tregillis is accredited in Business Valuation and certified in Financial Forensics
14 by the American Institute of Certified Public Accountants, and has a professional
15 licensing certification from the Licensing Executives Society. Mr. Tregillis has over
16 25 years of experience in financial consulting and investigations, including 11 years
17 at big four accounting firms. Prior to working at Hemming Morse, Mr. Tregillis led
18 the Damages, Valuation & IP practice area globally for LECG and led the Forensic
19 Accounting & Litigation Consulting practice in the Western U.S. for Kroll Inc.

20 **B. Testimony Expected to Be Elicited at Trial**

21 Mr. Tregillis will testify regarding financial, economic, and accounting issues
22 related to Plaintiffs’ claims. Specifically, Mr. Tregillis will testify about the benefits
23 to studios and their franchises of fan films, and specifically about benefits that
24 Plaintiffs have received as a result of Defendants’ works. Mr. Tregillis will also
25 rebut Plaintiffs’ theory of lost profits that they claim resulted from Defendants’
26 alleged infringement, *i.e.*, that funds donated to making of Defendants’ works have
27 resulted in lost revenue or profits to Plaintiffs. Finally, Mr. Tregillis will testify
28 regarding the lack of any profits that Defendants have earned as a result of the

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1 alleged infringement. Mr. Tregillis’ testimony regarding Plaintiffs’ lack of actual
2 damages and Defendants’ lack of profits will assist the jury in determining the
3 appropriate scope such damages, as well as the appropriate scope of statutory
4 damages, to which the Plaintiffs’ actual damages and Defendants’ profits (or lack
5 thereof) are relevant.¹

6 **II. Dr. Henry Jenkins**

7 **A. Qualifications**

8 Dr. Henry Jenkins is Provost’s Professor of Communication, Journalism,
9 Cinematic Art, and Education at the University of Southern California. He was
10 previously a professor at the Massachusetts Institute of Technology, where he
11 founded and co-directed the Comparative Media Studies Masters Program.
12 Dr. Jenkins is the author of seventeen books: his seminal 1992 book *Textual*
13 *Poachers: Television Fandom and Participatory Culture* helped to launch the
14 academic study of fans and fan cultures, and has also been cited in more than forty
15 law journal articles. Topics related to fans and fandom, including *Star Trek* fandom,
16 figure prominently in his scholarly research and writings, notably in his books
17 *Science Fiction Audiences: Watching Star Trek and Doctor Who* (1995); *Fans,*
18 *Bloggers, and Gamers: Media Consumers in the Digital Age* (2006); *Convergence*
19 *Culture: Where Old and New Media Collide* (2006); *Spreadable Media: Creating*
20 *Meaning and Value in a Networked Culture* (2013); and *By Any Media Necessary:*
21 *The New Youth Activism* (2016). Dr. Jenkins serves on the editorial boards of the
22 two most prominent academic journals in the discipline: *Transformative Works and*
23 *Cultures* and *The Journal of Fandom Studies*.

24 **B. Testimony Expected to Be Elicited at Trial**

25 Dr. Jenkins will testify regarding the historical and present-day landscape of
26 fan fiction, fan film, and fandom. In particular, Dr. Jenkins will testify concerning

27 _____
28 ¹ Plaintiffs have not yet elected to seek to recover actual damages or statutory
damages.

1 the historical and ongoing relationships between the creators and producers of *Star*
2 *Trek*, and *Star Trek* fans; Plaintiffs’ history and practice of tolerating and
3 sanctioning fan fiction, fan film, and other fan uses of aspects of *Star Trek*; and
4 benefits that Plaintiffs have received as a result of fan works such as those of
5 Defendants. Dr. Jenkins’ testimony will provide necessary context for evaluating
6 Plaintiffs’ claims of willful infringement, and assessing Plaintiffs’ damages theories,
7 including both actual and statutory damages.

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9 Dated: January 4, 2017

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11 By: /s/ Erin R. Ranahan

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