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

PARAMOUNT PICTURES CORPORATION, a Delaware corporation; and CBS STUDIOS INC., a Delaware corporation,  
Plaintiffs,  
vs.  
AXANAR PRODUCTIONS, INC., a California corporation; ALEC PETERS, an individual; and DOES 1-20,  
Defendants.

Case No. 2:15-cv-09938-RGK-E  
*Assigned to: Hon. R. Gary Klausner*  
**[PROPOSED] ORDER DENYING PLAINTIFFS' MOTIONS *IN LIMINE* NOS. 1-10**

1 IT IS HEREBY ORDERED that Plaintiffs' Motions *in Limine* Nos. 1-10 are  
2 DENIED for the foregoing reasons:

3 Rulings on motions *in limine* are committed to the discretion of the trial court.  
4 *Gametech Int'l Inc. v. Trend Gaming Sys., L.L.C.*, 232 Fed. Appx. 676, 677 (9th Cir.  
5 2007). District courts may exercise their discretion to exclude irrelevant evidence, or  
6 to exclude evidence whose probative value is outweighed by other considerations.  
7 Fed. R. Evid. 401-403; *Wicker v. Oregon ex rel. Bureau of Labor*, 543 F.3d 1168,  
8 1177-78 (9th Cir. 2008). Evidence is relevant if "it has any tendency to make a fact  
9 more or less probable than it would be without the evidence, and the fact is of  
10 consequence in determining the action." Fed. R. Evid. 401.

11 1. Motion *in Limine* No. 1: Plaintiffs' Motion *in Limine* to exclude  
12 altered financial statements and its contents, or any of the post-litigation transactions  
13 reflected therein should be denied because if the Court finds the amount of money  
14 raised by Defendants through crowdfunding efforts relevant at trial, Defendants'  
15 Second Financial Summary is relevant to demonstrate Defendants made no profit off  
16 of their works, and to provide the jury with a more accurate and complete summary of  
17 Defendants' costs and expenditures as they relate specifically to their works.

18 2. Motion *in Limine* No. 2: Plaintiffs' Motion *in Limine* to exclude evidence  
19 and arguments relating to versions for the potential fan film, *Axanar*, created by  
20 Defendants after litigation was filed should be denied because such scripts are highly  
21 relevant to show that Defendants' Works are not substantially similar to Plaintiffs'  
22 Works and that Defendants did not willfully infringe on Plaintiffs' Works.  
23 Specifically, such scripts support Defendants' contentions that comparing the  
24 superseded November 26, 2015 script to Plaintiffs' Works for purposes of substantial  
25 similarity is pointless, and that Defendants' have gone to great lengths to stay within  
26 the tolerated realm of fan films.

27 3. Motion *in Limine* No. 3: Plaintiffs' Motion *in Limine* to exclude evidence  
28 and testimony relating to public statements made by J.J. Abrams and Justin Lin should

1 be denied because their testimony is directly relevant to Plaintiffs' willful  
2 infringement claim and to the determination of the amount of any actual or statutory  
3 damages.

4 4. Motion *in Limine* No. 4: Plaintiffs' Motion *in Limine* to exclude  
5 testimony and documents from lay witness Reece Watkins should be denied because  
6 Mr. Watkins, a fan of the works of both Plaintiffs and of Defendants, has personal  
7 knowledge relevant to his own experience and that of other fans whose consumption  
8 of official Plaintiffs' Works and merchandise increased because of Defendants'  
9 Works. This testimony is critical to the determination of Plaintiffs' actual and/or  
10 statutory damages.

11 5. Motion *in Limine* No. 5: Plaintiffs' Motion *in Limine* to exclude  
12 testimony and documents from lay witness Jonathan Lane should be denied because  
13 Mr. Lane, a long-time Star Trek fan with an extensive knowledge of Star Trek fan  
14 fiction, has personal and specific knowledge that will assist the jury in its assessment  
15 of actual and/or statutory damages.

16 6. Motion *in Limine* No. 6: Plaintiffs' Motion *in Limine* to exclude  
17 testimony and documents regarding Star Trek fan films should be denied because  
18 evidence relating to Star Trek fan films, including evidence relating to Plaintiffs'  
19 failure to file suit against other creators of fan films, is highly relevant to the issue of  
20 statutory damages and will have a crucial role in the jury's determination of whether  
21 any alleged infringement was willful or of innocent intent.

22 7. Motion *in Limine* No. 7: : Plaintiffs' Motion *in Limine* to exclude the  
23 testimony and documents discussing Alec Peters' unrelated work regarding Star Trek  
24 props should be denied because evidence of Mr. Peters' history and work with  
25 Plaintiffs is highly relevant to Defendants' state of mind, particularly to Defendants'  
26 innocent intent and lack of willfulness, which impacts the determination of statutory  
27 damages sought by Plaintiffs.

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1           8.     Motion *in Limine* No. 8: Plaintiffs’ Motion *in Limine* to exclude  
2 testimony, documents, or other evidence created or made after the Complaint in this  
3 litigation was filed should be denied because such information, including the public  
4 comments from J.J. Abrams and Justin Lin concerning this lawsuit, the fan film  
5 guidelines released by Plaintiffs following the lawsuit, and the commercial venture  
6 Plaintiffs’ had with fan film producer James Crawley, are squarely relevant to the  
7 jury’s consideration of substantial similarity, innocent infringement or willfulness, and  
8 to any assessment as to the amount of damages.

9           9.     Motion *in Limine* No. 9: Plaintiffs’ Motion *in Limine* to exclude the  
10 testimony of Defendants’ expert Christian Tregillis should be denied because Mr.  
11 Tregillis’ specialized knowledge in economics, finance and accounting will assist the  
12 jury in understanding the financial realities of this case and assessing Plaintiffs’ actual  
13 and/or statutory damages.

14           10.    Motion *in Limine* No. 10: Plaintiffs’ Motion *in Limine* to exclude the  
15 testimony of Dr. Henry Jenkins should be denied because Dr. Jenkins’ specialized  
16 knowledge of science fiction fandom, fan fiction, and fan cultural productions  
17 qualifies him to assist the jury by testifying concerning the historical and ongoing  
18 relationships between the creators and producers of Star Trek, and Star Trek fans;  
19 Plaintiffs’ history and practice of tolerating and sanctioning fan fiction, fan films, and  
20 other fan uses of aspects of Star Trek; the social value and productivity of fan  
21 creations; and the perceived benefits to Plaintiffs of fan works, all of which are  
22 squarely relevant to determining willfulness and innocent infringement, as well as  
23 assessing Plaintiffs’ actual and/or statutory damages. Furthermore, Dr. Jenkins’  
24 opinions are based on ample facts and data addressed in his report, including his more  
25 than quarter century of research and writing in those areas.

26           IT IS SO ORDERED.

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28 Dated: \_\_\_\_\_

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Hon. R. Gary Klausner

United States District Judge

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