

**EXHIBIT B TO
DECLARATION OF JONATHAN ZAVIN**

From: Ranahan, Erin R. <ERanahan@winston.com>
Sent: Monday, December 12, 2016 11:59 PM
To: Jonathan Zavin; Leiden, Diana Hughes
Cc: Oki, Kelly; David Grossman; Jennifer Jason; Stern, Amy; Li-A-Ping, Brian
Subject: RE: Axanar -

FYI-- we will add the testimony of Diana Kingsbury to our motion in limine #5.

Erin R. Ranahan
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-----Original Message-----

From: Ranahan, Erin R.
Sent: Monday, December 12, 2016 11:45 PM
To: 'Jonathan Zavin' <jzavin@loeb.com>; Leiden, Diana Hughes <DHLeiden@winston.com>
Cc: Oki, Kelly <KOki@winston.com>; David Grossman <dgrossman@loeb.com>; Jennifer Jason <jjason@loeb.com>; Stern, Amy <AStern@winston.com>; Li-A-Ping, Brian <BLiAPing@winston.com>
Subject: RE: Axanar -

Hi Jonathan,

We will add a 10th motion in limine, which is to preclude reference or argument that somehow having "professionals" involved in a project has any bearing on the copyright issues.

Regards,

-Erin

Erin R. Ranahan
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-----Original Message-----

From: Jonathan Zavin [mailto:jzavin@loeb.com]
Sent: Monday, December 12, 2016 3:26 PM
To: Leiden, Diana Hughes <DHLeiden@winston.com>; Ranahan, Erin R. <ERanahan@winston.com>
Cc: Oki, Kelly <KOki@winston.com>; David Grossman <dgrossman@loeb.com>; Jennifer Jason <jjason@loeb.com>; Stern, Amy <AStern@winston.com>; Li-A-Ping, Brian <BLiAPing@winston.com>

Subject: RE: Axanar -

Diana,

As agreed a the initial "meet and confer" between Erin and me last Friday, and confirmed in the conversation between you and me today, either side could today inform the other of additional motions in limine, after reviewing the proposed witness lists and exhibits provided on Friday after that initial meet and confer,. Having reviewed your witness list and exhibits, this is to inform you of the following additional motions in limine that the plaintiffs intend to make. I've copied the initial list of 5 motions below (so everything is in one place), and added the additional motions as numbers 6 - 8.

Motions in Limine

1. Exclude Defendants' expert testimony because the experts are not qualified and their testimony is not relevant to the issues.
2. Exclude Abrams and Lin testimony because they are not the copyright owners and their testimony is not probative of anything.
3. Exclude the new financial statement, and any financial information after the filing of the lawsuit, and any testimony regarding such financial information, because it was prepared for the litigation and is irrelevant.
4. Exclude testimony about fan films because it is irrelevant and prejudicial.
5. Exclude scripts after version 7.7 and testimony regarding them because they are irrelevant and it would confuse the jury.
6. Exclude the testimony of Reese Watkins and Jonathan Lane, because their testimony is either irrelevant to the issues in the litigation, inadmissible expert testimony, anecdotal and non-probative, and is prejudicial, and on any other appropriate grounds.
7. Exclude Testimony and Documents regarding Peters unrelated work regarding Star Trek props.
8. Exclude all testimony and documents regarding events after the filing of the original complaint in this litigation, including but not limited to any reaction to this litigation by fans or others, any comments on the litigation, any fan reaction to guidelines, any statements by third parties such as Abrams or Lin regarding the litigation or fan films, and any financial information prepared by the defendants after that date.

Please note that the basis for these motions is given as a matter of courtesy only, and does not limit the grounds on which we may move. I note in this respect that you did not give any grounds with respect to your proposed motions in limine. Also, pursuant to our discussion today, I confirm your statement below that neither side need to specifically identify which exhibits fall under our respective motions in limine prior to the making of the motions on Friday. Please let me know whether you wish to discuss these additional motions in limine.

Jonathan

Jonathan Zavin, Esq.
Loeb & Loeb LLP
345 Park Avenue
New York, NY 10154
E-mail: jzavin@loeb.com
NY Tel: 212-407-4161
LA Tel: 310-282-2227
Direct Fax: 212-658-9105

-----Original Message-----

From: Leiden, Diana Hughes [mailto:DHLeiden@winston.com]
Sent: Monday, December 12, 2016 3:33 PM
To: Jonathan Zavin; Ranahan, Erin R.
Cc: Oki, Kelly; David Grossman; Jennifer Jason; Stern, Amy; Li-A-Ping, Brian

Subject: RE: Axanar -

Jonathan:

Confirming our agreement over the phone that we do not need to identify to each other the specific exhibits that fall under our respective motions in limine prior to filing the motions on Friday.

Also (and I don't think this is disputed, just want to make sure we're all on the same page), I confirmed that you agreed to the scheduled proposed by Erin on 11/29 that the parties will exchange objections to exhibits and deposition designations by 12/14 as well as whether we agree to any of the other sides' proposed stipulated facts on that date. See Erin's 11/29 email and your 12/6 email.

Best,
Diana

Diana Hughes Leiden

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-----Original Message-----

From: Jonathan Zavin [mailto:jzavin@loeb.com]
Sent: Thursday, December 08, 2016 4:22 PM
To: Ranahan, Erin R.
Cc: Leiden, Diana Hughes; Oki, Kelly; David Grossman; Jennifer Jason; Stern, Amy; Li-A-Ping, Brian
Subject: RE: Axanar -

Call my NY office number: 212-407-4161. Speak to you then.

Jonathan Zavin, Esq.
Loeb & Loeb LLP
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New York, NY 10154
E-mail: jzavin@loeb.com
NY Tel: 212-407-4161
LA Tel: 310-282-2227
Direct Fax: 212-658-9105

-----Original Message-----

From: Ranahan, Erin R. [mailto:ERanahan@winston.com]
Sent: Thursday, December 08, 2016 7:21 PM
To: Jonathan Zavin
Cc: Leiden, Diana Hughes; Oki, Kelly; David Grossman; Jennifer Jason; Stern, Amy; Li-A-Ping, Brian
Subject: RE: Axanar -

OK sure let's plan to talk at 9:15am pst/12:15pm est. I will be on my cell--where can I call you then?

Thanks,

-Erin

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-----Original Message-----

From: Jonathan Zavin [mailto:jzavin@loeb.com]
Sent: Thursday, December 08, 2016 4:16 PM
To: Ranahan, Erin R. <ERanahan@winston.com>
Cc: Leiden, Diana Hughes <DHLeiden@winston.com>; Oki, Kelly <KOki@winston.com>; David Grossman <dgrossman@loeb.com>; Jennifer Jason <jjason@loeb.com>; Stern, Amy <AStern@winston.com>; Li-A-Ping, Brian <BLiAPing@winston.com>
Subject: RE: Axanar -

Erin,

Just so long as it is understood that the "meet and confer" is not over until we have had a chance to review your proposed exhibits, witnesses, etc. I'm ok with doing the call tomorrow. How about in the morning your time, before your 10 am session?

Jonathan

Jonathan Zavin, Esq.
Loeb & Loeb LLP
345 Park Avenue
New York, NY 10154
E-mail: jzavin@loeb.com
NY Tel: 212-407-4161
LA Tel: 310-282-2227
Direct Fax: 212-658-9105

-----Original Message-----

From: Ranahan, Erin R. [mailto:ERanahan@winston.com]
Sent: Thursday, December 08, 2016 5:30 PM
To: Jonathan Zavin
Cc: Leiden, Diana Hughes; Oki, Kelly; David Grossman; Jennifer Jason; Stern, Amy; Li-A-Ping, Brian
Subject: RE: Axanar -

Jonathan,

The phaser-approach I am applying to meet and confers is simply an effort to comply with the Local Rules, so that we can truthfully represent to the Court, in our notices of motion, that we began meeting and conferring on these 7 days before we filed, as Local 7-3 requires. There have been times in the Central District where clerks will bounce papers without that required statement (before they even make it to the Judge). So we plan to present to you tomorrow the

general motions in limine we intend to bring based on what we understand you intend to introduce, and we would expect you are able to do the same. If you don't feel prepared to discuss your intended motions, then that's on you. But at this point, with multiple summary judgment briefs, many deposition exhibits, etc., the parties have a pretty good sense of what the other side intends to rely on at trial. If our meet and confer reveals that we don't intend to rely on it, wonderful, that will be less motions in limine. The notion that you will be blindsided by a secret document or category is not realistic, but to the extent you are, we will not object to your ability to file those motions in limine. To the extent you had plenty of notice based on depositions and summary judgment about the documents and testimony we intend to rely on, we will not agree that the motion in limine cannot be discussed tomorrow.

Please let me know if 4pm pst tomorrow works. I have a hearing at 2pm and will be preparing prior to that time. I may be able to do noon, if my session that starts at 10am finishes up by then, but I will not know until tomorrow. I can let you know as soon as I free up.

Thanks,

-Erin

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-----Original Message-----

From: Jonathan Zavin [mailto:jzavin@loeb.com]
Sent: Thursday, December 08, 2016 11:35 AM
To: Ranahan, Erin R. <ERanahan@winston.com>
Cc: Leiden, Diana Hughes <DHLeiden@winston.com>; Oki, Kelly <KOki@winston.com>; David Grossman <dgrossman@loeb.com>; Jennifer Jason <jjason@loeb.com>; Stern, Amy <AStern@winston.com>; Li-A-Ping, Brian <BLiAPing@winston.com>
Subject: Re: Axanar -

Erin,

I'm willing to have the preliminary call, but I'm concerned that you tend to "weaponize" meet and confers. Therefore, the understanding would have to be that this is just preliminary and that all rights are reserved to make other motions in limine not discussed on this call. If that is acceptable, can you do Noon or 1 pm?

Jonathan

Sent from my iPad

> On Dec 8, 2016, at 11:28 AM, Ranahan, Erin R. <ERanahan@winston.com> wrote:

>

> Jonathan,

>

> No we won't be able to do that by 10am tomorrow. Obviously we can amend our motion in limine lists after we see the documents, I'm just trying to have a preliminary call based on those you think you'll file at this point. We've seen all the deposition exhibits and all the exhibits used on summary judgment, so let's assume each other will likely seek to use

those types of documents. Then we can fill in with the specific documents next week and we can see if we can obviate the need for any. Does that work?

>

> Sent from my iPhone

>

>> On Dec 8, 2016, at 11:15 AM, Jonathan Zavin <jzavin@loeb.com> wrote:

>>

>> Erin,

>>

>> I'm ok having a preliminary conversation on Friday. However, I think it only makes sense if we exchange exhibit lists, witness lists and deposition designations prior to the conversation. Can you do this first thing in the morning, say before 10 am LA time? I could then have a conversation at Noon or 1 pm your time. I can't do 4 pm your time since I'm in New York and unavailable at 7 pm.

>>

>> Jonathan

>>

>> Sent from my iPad

>>

>>> On Dec 8, 2016, at 10:18 AM, Ranahan, Erin R. <ERanahan@winston.com> wrote:

>>>

>>> Jonathan,

>>>

>>> I think we can exchange a preliminary list Friday (with general descriptions of what we'd seek to preclude) and discuss Friday whether we intend to seek to introduce such evidence, and fill in with specifics once we see the document lists.

>>>

>>> Because we have to include a date 7 days before filing on our notice of motion to prevent the clerk from bouncing it, we at least need to start the process Friday.

>>>

>>> Let me know if we can have a quick call Friday. I have a hearing at 2pm-- maybe at 4pm?

>>>

>>> Sent from my iPhone

>>>

>>> On Dec 8, 2016, at 3:57 AM, Jonathan Zavin <jzavin@loeb.com<mailto:jzavin@loeb.com>> wrote:

>>>

>>> Erin,

>>>

>>> I can do it on Friday, but I think it has to be done after we exchange witness lists, exhibits, etc. We can't make final decisions on motions in limine before we know what you propose to use for the trial. I assume you have the same issue. You wanted to exchange this information on Friday, which is substantially after the dates when it was due. I suggest that we do the meet and confer on motions in limine on Monday, when we will have both seen what the other side proposes to use at trial.

>>>

>>> Jonathan

>>>

>>> Sent from my iPad

>>>

>>> On Dec 8, 2016, at 1:05 AM, Ranahan, Erin R. <ERanahan@winston.com<mailto:ERanahan@winston.com>> wrote:

>>>

>>> Jonathan,

>>>

>>> By our calculations, we have to meet and confer about our motions in limines by Friday. So please let us know if you, David or Jennifer have time for a call anytime Thursday or Friday.

>>>

>>> Regards,

>>>

>>> Erin

>>>

>>> Erin R. Ranahan

>>>

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>>>

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>>> From: Jonathan Zavin [mailto:jzavin@loeb.com]

>>> Sent: Tuesday, December 06, 2016 2:10 PM

>>> To: Ranahan, Erin R. <ERanahan@winston.com<<mailto:ERanahan@winston.com>>>

>>> Cc: Leiden, Diana Hughes <DHLeiden@winston.com<<mailto:DHLeiden@winston.com>>>; Oki, Kelly

<KOKi@winston.com<<mailto:KOKi@winston.com>>>; David Grossman

<dgrossman@loeb.com<<mailto:dgrossman@loeb.com>>>; Jennifer Jason <jjason@loeb.com<<mailto:jjason@loeb.com>>>;

Stern, Amy <AStern@winston.com<<mailto:AStern@winston.com>>>; Li-A-Ping, Brian

<BLiAPing@winston.com<<mailto:BLiAPing@winston.com>>>

>>> Subject: RE: Axanar -

>>>

>>> Erin,

>>>

>>> I'm sorry I didn't get back to you earlier on this. Your proposed schedule below is fine, with the exception possibly of a meet and confer on the 8th regarding the motions in limine. I'll be traveling that day, and I think Dave is in depositions. Let me discuss with Dave and get back to you on a proposed date for that meet and confer.

>>>

>>> Jonathan

>>>

>>> Jonathan Zavin, Esq.

>>> Loeb & Loeb LLP

>>> 345 Park Avenue

>>> New York, NY 10154

>>> E-mail: jzavin@loeb.com<<mailto:jzavin@loeb.com>>

>>> NY Tel: 212-407-4161

>>> LA Tel: 310-282-2227

>>> Direct Fax: 212-658-9105

>>>

>>> From: Ranahan, Erin R. [mailto:ERanahan@winston.com]

>>> Sent: Tuesday, November 29, 2016 11:51 PM

>>> To: Jonathan Zavin

>>> Cc: Leiden, Diana Hughes; Oki, Kelly; David Grossman; Jennifer Jason; Stern, Amy; Li-A-Ping, Brian

>>> Subject: RE: Axanar -

>>>

>>> Jonathan,

>>>

>>> I am in NY Tuesday-Wednesday next week, and then am in Florida for depositions the following week. And we have our replies due Monday. So it looks like getting together in person over the next couple weeks will be a challenge.

>>>

>>> How about this-let's exchange on 12/9 (via email):

>>>

>>>

>>> (1) a list of all exhibits each side intends to rely on at trial-identified by (i) bates number; (ii) brief description of the document; and (iii) if they were used during a deposition, the deposition exhibit number;

>>>

>>> (2) proposed witness list;

>>>

>>> (3) proposed stipulated facts; and

>>>

>>> (4) deposition designations

>>>

>>> Then we can agree to turn around objections to exhibits and deposition designations by 12/14, as well as whether we agree to any of the other sides' proposed stipulated facts. After that, we can schedule a call (perhaps on 12/15?) to see if we can resolve anything before the 12/19 filing deadline.

>>>

>>> Let us know if this works. Also, let me know if there are any items you believe we are obligated to exchange within this time period that I have not listed above.

>>>

>>> Let's also schedule a time to meet and confer about our proposed respective motions in limines. How about 12/8? We could also discuss during that call any of the other requirements of Local Rule 16-2.

>>>

>>> Thanks,

>>>

>>> -Erin

>>>

>>> Erin R. Ranahan

>>>

>>> Partner

>>>

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>>>

>>> D: +1 (213) 615-1835

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>>> F: +1 (213) 615-1750

>>>

>>> winston.com<<http://www.winston.com>>

>>>

>>>

>>> From: Jonathan Zavin [mailto:jzavin@loeb.com]

>>> Sent: Tuesday, November 29, 2016 3:50 PM

>>> To: Ranahan, Erin R. <ERanahan@winston.com<<mailto:ERanahan@winston.com>>>

>>> Cc: Leiden, Diana Hughes <DHLeiden@winston.com<mailto:DHLeiden@winston.com>>; Oki, Kelly <KOKi@winston.com<mailto:KOKi@winston.com>>; David Grossman <dgrossman@loeb.com<mailto:dgrossman@loeb.com>>; Jennifer Jason <jjason@loeb.com<mailto:jjason@loeb.com>>; Stern, Amy <AStern@winston.com<mailto:AStern@winston.com>>; Li-A-Ping, Brian <BLiAPing@winston.com<mailto:BLiAPing@winston.com>>

>>> Subject: Re: Axanar -

>>>

>>> Erin,

>>>

>>> I'm in LA next week Monday through Wednesday, but my schedule is somewhat jammed. Does Tuesday afternoon at 4 pm at our offices work for you. I would at least flip a coin as to offices, except I have to be at something in the Century City area by 6:30. Also, we'll be prepared before then to exchange exhibits, witness lists and deposition designations. Do you have a date by which you'll be ready for that?

>>>

>>> Jonathan

>>>

>>> Sent from my iPad

>>>

>>> On Nov 29, 2016, at 6:27 PM, Ranahan, Erin R. <ERanahan@winston.com<mailto:ERanahan@winston.com>> wrote:

>>> Jonathan,

>>>

>>> I can't do Wednesday next week. When will you be prepared to exchange the documents required by 16-2?

>>>

>>> To make this productive, we should meet somewhere in person, with our respective, proposed exhibits in binders (we need to lodge our joint exhibit list 21 days before the pretrial conference, which has to include objections we cannot resolve), proposed stipulated facts, proposed witness lists, and deposition designations.

>>>

>>> I am fine doing it later than the Local Rule requires as long as we leave enough time to timely file and lodge everything we need to with the Court.

>>>

>>> Regards,

>>>

>>> -Erin

>>>

>>> Erin R. Ranahan

>>>

>>> Partner

>>>

>>> Winston & Strawn LLP

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>>>

>>> D: +1 (213) 615-1835

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>>> F: +1 (213) 615-1750

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>>> winston.com<<http://www.winston.com>>

>>>

>>> From: Jonathan Zavin [mailto:jzavin@loeb.com]

>>> Sent: Tuesday, November 29, 2016 1:51 PM

>>> To: Ranahan, Erin R. <ERanahan@winston.com<mailto:ERanahan@winston.com>>

>>> Cc: Leiden, Diana Hughes <DHLeiden@winston.com<mailto:DHLeiden@winston.com>>; Oki, Kelly <KOKi@winston.com<mailto:KOKi@winston.com>>; David Grossman <dgrossman@loeb.com<mailto:dgrossman@loeb.com>>; Jennifer Jason <jjason@loeb.com<mailto:jjason@loeb.com>>>
>>> Subject: Axanar -

>>>

>>> Erin,

>>>

>>> According to Local Rule 16 -2 we're supposed to have an in person meeting of lead counsel by no later than tomorrow to exchange certain documents, discuss settlement, etc. Neither Dave nor are available for an in-person meeting tomorrow, but I could do it telephonically, or we could not it in person next week - specifically on Wednesday morning. Do you have any thoughts/preferences on which you want to do?

>>>

>>> Jonathan

>>>

>>> Jonathan Zavin, Esq.

>>> Loeb & Loeb LLP

>>> 345 Park Avenue

>>> New York, NY 10154

>>> E-mail: jzavin@loeb.com<mailto:jzavin@loeb.com>

>>> NY Tel: 212-407-4161

>>> LA Tel: 310-282-2227

>>> Direct Fax: 212-658-9105

>>>

>>>

>>>

>>>

>>> _____

>>> CONFIDENTIALITY NOTICE: This e-mail transmission, and any documents, files or previous e-mail messages attached to it may contain confidential information that is legally privileged. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in or attached to this transmission is STRICTLY PROHIBITED. If you have received this transmission in error, please immediately notify the sender. Please destroy the original transmission and its attachments without reading or saving in any manner. Thank you, Loeb & Loeb LLP.

>>> _____

>>>

>>>

>>>

>>>

>>>

>>> _____

>>> The contents of this message may be privileged and confidential. If this message has been received in error, please delete it without reading it. Your receipt of this message is not intended to waive any applicable privilege. Please do not disseminate this message without the permission of the author. Any tax advice contained in this email was not intended to be used, and cannot be used, by you (or any other taxpayer) to avoid penalties under applicable tax laws and regulations.

>>>

>>>

>>

>

>

From: Ranahan, Erin R. <ERanahan@winston.com>
Sent: Friday, December 09, 2016 6:24 PM
To: Jonathan Zavin
Cc: Leiden, Diana Hughes; Oki, Kelly; David Grossman; Jennifer Jason; Stern, Amy; Li-A-Ping, Brian
Subject: RE: Axanar -Pretrial Disclosures
Attachments: AXANAR_ Pretrial Docs_(8343325)_ (2).DOCX; Axanar Revised Exhibit List.xlsx

Counsel,

Attached please find our initial proposed exhibit list, and a document listing our proposed witnesses, deposition designations and proposed facts. Obviously the exhibit list will be reduced depending on the outcome of certain motions in limine. These are also subject to addition and revision based on Plaintiffs' pretrial disclosures.

Also, as we discussed today, below are Defendants' proposed motions in limine. Please let us know if we need to proceed with 9, or if you will agree you will not reference such case(s) to the jury (as we mentioned, we have no issues with you referencing them in proposed jury instruction arguments, but not in the final jury instruction to the jury). Diana can talk to you about any of these issues further on Monday, as I will be defending a deposition in Florida most of the day.

- (1) Any information, documents, argument or evidence claiming that Defendants did not comply with their discovery obligations
- (2) Documents Called For But Not Timely Produced in Discovery Or At All, Including all Works Allegedly At Issue
- (3) Preclude Works Not Claimed In Complaint (including Role Playing Game)
- (4) Preclude Claim of Substantial Similarity of Elements In the Public Domain, From Third Party Sources, Or That Are Unoriginal
- (5) Testimony and Documents With Irrelevant Personal Drama or Personally Smear Alec Peters: (including any testimony or evidence by Christian Gossett or Terry McIntosh)
- (6) Old, Superseded Scripts
- (7) Financial Information (beyond the amount that came in from KickStarter and Indiegogo)
- (8) The Use Of The "Star Trek" Name
- (9) Prior Legal Rulings to cases involving Star Trek, including any reference to *Carol Publishing*

Regards,

-Erin

Erin R. Ranahan
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Erin,

Just so long as it is understood that the "meet and confer" is not over until we have had a chance to review your proposed exhibits, witnesses, etc. I'm ok with doing the call tomorrow. How about in the morning your time, before your 10 am session?

Jonathan

Jonathan Zavin, Esq.
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Cc: Leiden, Diana Hughes; Oki, Kelly; David Grossman; Jennifer Jason; Stern, Amy; Li-A-Ping, Brian

Subject: RE: Axanar -

Jonathan,

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Please let me know if 4pm pst tomorrow works. I have a hearing at 2pm and will be preparing prior to that time. I may be able to do noon, if my session that starts at 10am finishes up by then, but I will not know until tomorrow. I can let you know as soon as I free up.

Thanks,

-Erin

Erin R. Ranahan
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To: Ranahan, Erin R. <ERanahan@winston.com>
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Subject: Re: Axanar -

Erin,

I'm willing to have the preliminary call, but I'm concerned that you tend to "weaponize" meet and confers. Therefore, the understanding would have to be that this is just preliminary and that all rights are reserved to make other motions in limine not discussed on this call. If that is acceptable, can you do Noon or 1 pm?

Jonathan

Sent from my iPad

> On Dec 8, 2016, at 11:28 AM, Ranahan, Erin R. <ERanahan@winston.com> wrote:

>

> Jonathan,

>

> No we won't be able to do that by 10am tomorrow. Obviously we can amend our motion in limine lists after we see the documents, I'm just trying to have a preliminary call based on those you think you'll file at this point. We've seen all the deposition exhibits and all the exhibits used on summary judgment, so let's assume each other will likely seek to use those types of documents. Then we can fill in with the specific documents next week and we can see if we can obviate the need for any. Does that work?

>

> Sent from my iPhone

>

>> On Dec 8, 2016, at 11:15 AM, Jonathan Zavin <jzavin@loeb.com> wrote:

>>

>> Erin,

>>

>> I'm ok having a preliminary conversation on Friday. However, I think it only makes sense if we exchange exhibit lists, witness lists and deposition designations prior to the conversation. Can you do this first thing in the morning, say before 10 am LA time? I could then have a conversation at Noon or 1 pm your time. I can't do 4 pm your time since I'm in New York and unavailable at 7 pm.

>>

>> Jonathan

>>

>> Sent from my iPad

>>

>>> On Dec 8, 2016, at 10:18 AM, Ranahan, Erin R. <ERanahan@winston.com> wrote:

>>>

>>> Jonathan,

>>>

>>> I think we can exchange a preliminary list Friday (with general descriptions of what we'd seek to preclude) and discuss Friday whether we intend to seek to introduce such evidence, and fill in with specifics once we see the document lists.

>>>

>>> Because we have to include a date 7 days before filing on our notice of motion to prevent the clerk from bouncing it, we at least need to start the process Friday.

>>>

>>> Let me know if we can have a quick call Friday. I have a hearing at 2pm-- maybe at 4pm?

>>>

>>> Sent from my iPhone

>>>

>>> On Dec 8, 2016, at 3:57 AM, Jonathan Zavin <jzavin@loeb.com<mailto:jzavin@loeb.com>> wrote:

>>>

>>> Erin,

>>>

>>> I can do it on Friday, but I think it has to be done after we exchange witness lists, exhibits, etc. We can't make final decisions on motions in limine before we know what you propose to use for the trial. I assume you have the same issue. You wanted to exchange this information on Friday, which is substantially after the dates when it was due. I suggest that we do the meet and confer on motions in limine on Monday, when we will have both seen what the other side proposes to use at trial.

>>>

>>> Jonathan

>>>

>>> Sent from my iPad

>>>

>>> On Dec 8, 2016, at 1:05 AM, Ranahan, Erin R. <ERanahan@winston.com<mailto:ERanahan@winston.com>> wrote:

>>>

>>> Jonathan,

>>>

>>> By our calculations, we have to meet and confer about our motions in limines by Friday. So please let us know if you, David or Jennifer have time for a call anytime Thursday or Friday.

>>>

>>> Regards,

>>>

>>> Erin

>>>

>>> Erin R. Ranahan

>>>

>>> Partner

>>>

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>>> From: Jonathan Zavin [mailto:jzavin@loeb.com]

>>> Sent: Tuesday, December 06, 2016 2:10 PM

>>> To: Ranahan, Erin R. <ERanahan@winston.com<mailto:ERanahan@winston.com>>

>>> Cc: Leiden, Diana Hughes <DHLeiden@winston.com<mailto:DHLeiden@winston.com>>; Oki, Kelly

<KOKi@winston.com<mailto:KOKi@winston.com>>; David Grossman

<dgrossman@loeb.com<mailto:dgrossman@loeb.com>>; Jennifer Jason <jjason@loeb.com<mailto:jjason@loeb.com>>;

Stern, Amy <AStern@winston.com<mailto:AStern@winston.com>>; Li-A-Ping, Brian

<BLiAPing@winston.com<mailto:BLiAPing@winston.com>>

>>> Subject: RE: Axanar -

>>>

>>> Erin,

>>>

>>> I'm sorry I didn't get back to you earlier on this. Your proposed schedule below is fine, with the exception possibly of a meet and confer on the 8th regarding the motions in limine. I'll be traveling that day, and I think Dave is in depositions. Let me discuss with Dave and get back to you on a proposed date for that meet and confer.

>>>

>>> Jonathan

>>>

>>> Jonathan Zavin, Esq.

>>> Loeb & Loeb LLP

>>> 345 Park Avenue

>>> New York, NY 10154

>>> E-mail: jzavin@loeb.com<mailto:jzavin@loeb.com>

>>> NY Tel: 212-407-4161

>>> LA Tel: 310-282-2227

>>> Direct Fax: 212-658-9105

>>>

>>> From: Ranahan, Erin R. [mailto:ERanahan@winston.com]

>>> Sent: Tuesday, November 29, 2016 11:51 PM

>>> To: Jonathan Zavin

>>> Cc: Leiden, Diana Hughes; Oki, Kelly; David Grossman; Jennifer Jason; Stern, Amy; Li-A-Ping, Brian

>>> Subject: RE: Axanar -

>>>

>>> Jonathan,

>>>

>>> I am in NY Tuesday-Wednesday next week, and then am in Florida for depositions the following week. And we have our replies due Monday. So it looks like getting together in person over the next couple weeks will be a challenge.

>>>

>>> How about this-let's exchange on 12/9 (via email):

>>>

>>>

>>> (1) a list of all exhibits each side intends to rely on at trial-identified by (i) bates number; (ii) brief description of the document; and (iii) if they were used during a deposition, the deposition exhibit number;

>>>

>>> (2) proposed witness list;

>>>

>>> (3) proposed stipulated facts; and

>>>

>>> (4) deposition designations

>>>

>>> Then we can agree to turn around objections to exhibits and deposition designations by 12/14, as well as whether we agree to any of the other sides' proposed stipulated facts. After that, we can schedule a call (perhaps on 12/15?) to see if we can resolve anything before the 12/19 filing deadline.

>>>

>>> Let us know if this works. Also, let me know if there are any items you believe we are obligated to exchange within this time period that I have not listed above.

>>>

>>> Let's also schedule a time to meet and confer about our proposed respective motions in limines. How about 12/8? We could also discuss during that call any of the other requirements of Local Rule 16-2.

>>>

>>> Thanks,

>>>

>>> -Erin

>>>

>>> Erin R. Ranahan

>>>

>>> Partner

>>>

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>>>

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>>>

>>>

>>> From: Jonathan Zavin [<mailto:jzavin@loeb.com>]

>>> Sent: Tuesday, November 29, 2016 3:50 PM

>>> To: Ranahan, Erin R. <ERanahan@winston.com<<mailto:ERanahan@winston.com>>>

>>> Cc: Leiden, Diana Hughes <DHLeiden@winston.com<<mailto:DHLeiden@winston.com>>>; Oki, Kelly

<KOKi@winston.com<<mailto:KOKi@winston.com>>>; David Grossman

<dgrossman@loeb.com<<mailto:dgrossman@loeb.com>>>; Jennifer Jason <jjason@loeb.com<<mailto:jjason@loeb.com>>>;

Stern, Amy <AStern@winston.com<<mailto:AStern@winston.com>>>; Li-A-Ping, Brian

<BLiAPing@winston.com<<mailto:BLiAPing@winston.com>>>

>>> Subject: Re: Axanar -

>>>

>>> Erin,

>>>

>>> I'm in LA next week Monday through Wednesday, but my schedule is somewhat jammed. Does Tuesday afternoon at 4 pm at our offices work for you. I would at least flip a coin as to offices, except I have to be at something in the Century City area by 6:30. Also, we'll be prepared before then to exchange exhibits, witness lists and deposition designations. Do you have a date by which you'll be ready for that?

>>>

>>> Jonathan

>>>

>>> Sent from my iPad

>>>

>>> On Nov 29, 2016, at 6:27 PM, Ranahan, Erin R. <ERanahan@winston.commailto:ERanahan@winston.com>> wrote:

>>> Jonathan,

>>>

>>> I can't do Wednesday next week. When will you be prepared to exchange the documents required by 16-2?

>>>

>>> To make this productive, we should meet somewhere in person, with our respective, proposed exhibits in binders (we need to lodge our joint exhibit list 21 days before the pretrial conference, which has to include objections we cannot resolve), proposed stipulated facts, proposed witness lists, and deposition designations.

>>>

>>> I am fine doing it later than the Local Rule requires as long as we leave enough time to timely file and lodge everything we need to with the Court.

>>>

>>> Regards,

>>>

>>> -Erin

>>>

>>> Erin R. Ranahan

>>>

>>> Partner

>>>

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>>>

>>> D: +1 (213) 615-1835

>>>

>>> F: +1 (213) 615-1750

>>>

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>>>

>>> From: Jonathan Zavin [mailto:jzavin@loeb.com]

>>> Sent: Tuesday, November 29, 2016 1:51 PM

>>> To: Ranahan, Erin R. <ERanahan@winston.commailto:ERanahan@winston.com>>

>>> Cc: Leiden, Diana Hughes <DHLeiden@winston.commailto:DHLeiden@winston.com>>; Oki, Kelly

>>> <KOKi@winston.commailto:KOKi@winston.com>>; David Grossman

>>> <dgrossman@loeb.commailto:dgrossman@loeb.com>>; Jennifer Jason <jjason@loeb.commailto:jjason@loeb.com>>

>>> Subject: Axanar -

>>>

>>> Erin,

>>>

>>> According to Local Rule 16 -2 we're supposed to have an in person meeting of lead counsel by no later than tomorrow to exchange certain documents, discuss settlement, etc. Neither Dave nor are available for an in-person meeting tomorrow, but I could do it telephonically, or we could not it in person next week - specifically on Wednesday morning. Do you have any thoughts/preferences on which you want to do?

>>>

>>> Jonathan

>>>

>>> Jonathan Zavin, Esq.

>>> Loeb & Loeb LLP

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>>> New York, NY 10154

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>>> LA Tel: 310-282-2227

>>> Direct Fax: 212-658-9105

>>>

>>>

>>>

>>>

>>> _____

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