

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 WINSTON & STRAWN LLP  
Erin R. Ranahan (SBN 235286)  
13 eranahan@winston.com  
Andrew S. Jick (SBN 278943)  
14 ajick@winston.com  
Kelly N. Oki (SBN 304053)  
15 koki@winston.com  
333 South Grand Avenue  
16 Los Angeles, CA 90071  
Telephone: 213.615.1700  
17 Facsimile: 213.615.1750

18 Attorneys for Defendants AXANAR  
PRODUCTIONS, INC. and ALEC PETERS  
19

20 UNITED STATES DISTRICT COURT  
21 CENTRAL DISTRICT OF CALIFORNIA

22 PARAMOUNT PICTURES  
CORPORATION, a Delaware  
23 corporation; and CBS STUDIOS INC.,  
a Delaware corporation,

24 Plaintiffs,

25 v.

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

28 Defendants.

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

**JOINT REPORT PURSUANT TO  
FED. R. CIV. PROC. 26 AND  
LOCAL RULE 26-1**

1 Pursuant to Rule 26 of the Federal Rules of Civil Procedure and Local Rule  
2 26-1, counsel for Plaintiffs Paramount Pictures Corporation and CBS Studios, Inc.  
3 (collectively, “Plaintiffs”) and Defendants Axanar Productions, Inc. and Alec Peters  
4 (collectively, “Defendants”) met and conferred on April 18, 2016. Plaintiffs and  
5 Defendants are collectively referred to herein as the “parties.” The parties now  
6 submit this Joint Rule 26(f) Report, which addresses the issues set forth in Rule 26,  
7 Local Rule 26-1, and this Court’s March 4, 2016 Order.

### 8 **I. Nature of Claims and Defenses.**

9 Plaintiffs claim to own the copyrights in various Star Trek television series,  
10 movies, and books (the “Star Trek Works”). Defendants created a short film  
11 entitled “*Prelude to Axanar*” in 2014, and have also announced their intention to  
12 create a feature-length film (the “*Axanar Motion Picture*”). Defendants have written  
13 several versions of a script (the “*Axanar Script*”) for the *Axanar Motion Picture*,  
14 which is in production and has not been completed. (Collectively, *Prelude to*  
15 *Axanar*, the *Axanar Script*, and the *Axanar Motion Picture* are referred to as the  
16 “*Axanar Works*.”) Plaintiffs allege that the *Axanar Works* are intended to be a  
17 professional quality “prequel” to the original Star Trek television series, which use  
18 numerous copyrighted elements from the Star Trek Works, and for which the  
19 defendants have raised more than \$1 million. Plaintiffs assert that the *Axanar*  
20 Works infringe the Star Trek Works.

21 Defendants assert that the *Axanar Works* are original, creative, transformative  
22 works. Defendants dispute Plaintiffs’ characterization of the *Axanar Works* as  
23 being a “prequel” to (or otherwise derivative of) the original Star Trek television  
24 series. Rather, Defendants assert that the *Axanar Works* are intended to be “Star  
25 Trek like you have never seen it before.” See FAC ¶ 29. Defendants assert that the  
26 *Axanar Works* do not infringe the Star Trek Works to the extent that the elements  
27 that Plaintiffs claim have been infringed are not copyrightable. Defendants also  
28 assert that the lawsuit is premature with respect to the *Axanar Motion Picture*, which

1 has not been completed. Defendants also assert that their use of elements from the  
2 Star Trek Works constitutes fair use.

3 On December 29, 2015, Plaintiffs filed this suit against Defendants for  
4 Copyright Infringement, Contributory Copyright Infringement, Vicarious Copyright  
5 Infringement, and Declaratory Judgment, alleging that the *Axanar* Works infringe  
6 the Star Trek Works. On February 22, 2016, Defendants moved to dismiss or strike  
7 in part the Complaint. On March 11, 2016, Plaintiffs filed an Amended Complaint.  
8 On March 28, 2016, Defendants moved to dismiss or strike in part the Amended  
9 Complaint. That motion is pending, and is set for hearing on May 9, 2016.

10 The parties agree that jurisdiction and venue in this Court are proper.

11 **II. Motions.**

12 At this time the parties do not anticipate additional motion practice seeking to  
13 add other parties or claims, file amended pleadings, or transfer venue. Both parties  
14 anticipate making motions for summary judgment.

15 **III. Manual for Complex Litigation.**

16 The parties agree that this is not a complex matter.

17 **IV. Status of Discovery.**

18 The parties held their Rule 26 early meeting of counsel on April 18, 2016.  
19 Defendants have served requests for production, requests for admission, and  
20 interrogatories. Plaintiffs have served requests for production and interrogatories.

21 **V. Discovery Plan.**

22 At present, the parties do not anticipate the need to modify any discovery  
23 limitations imposed by the Federal Rules of Civil Procedure.

24 Pursuant to Federal Rule of Civil Procedure 26(a), Rule 26(a) initial  
25 disclosures will be exchanged by May 2, 2016.

26 Plaintiffs' Discovery Plan: Plaintiffs have served initial interrogatories, and  
27 document requests. Plaintiffs will need to take depositions of Defendant Alec Peters  
28

1 and Defendant Axanar Productions' employees and representatives (and potentially  
2 non-parties) with knowledge of Defendants' use of the Star Trek Works.

3 Defendants' Discovery Plan: Defendants have served their initial requests  
4 for admission, interrogatories, and document requests. Defendants intend to depose  
5 all relevant witnesses, including Plaintiffs' employees and representatives, and  
6 potentially non-parties, who have knowledge of Plaintiffs' alleged ownership of the  
7 works at issue, Plaintiffs' allegations of infringement, Plaintiffs' alleged damages,  
8 and additional matters supporting Defendants' defenses, including fair use.

9 The Parties do not anticipate any disputes regarding the form in which  
10 electronic discovery will be produced, and agree to produce any electronic  
11 information in the standard Tiff file format. The Parties have taken appropriate  
12 measures to ensure the preservation of relevant electronically stored information.

13 The parties intend to stipulate to a protective order governing confidential  
14 information to be exchanged in discovery. The parties will seek to insure the  
15 confidentiality of proprietary and competitively-sensitive market and financial  
16 information and will present a proposed order to the Magistrate Judge. The parties  
17 intend to include a claw back provision in their proposed stipulated protective order,  
18 which will address the procedure for any inadvertently produced privileged  
19 information.

20 **VI. Pre-Trial Schedule.**

21 The parties propose the following pre-trial schedule and trial date:

22	Last day to add parties:	6/8/2016
23	Fact discovery cut-off:	10/28/2016
24	Initial expert disclosures:	11/18/2016
25	Rebuttal expert disclosures:	12/16/2016
26	Expert discovery cut-off:	1/27/2017
27	Motions due by:	2/13/2017
28	Final Pre-Trial Conference:	4/24/2017

1 Trial: 5/9/2017

2 **VII. Settlement/Alternative Dispute Resolution.**

3 The parties agree on ADR procedure No. 1, a settlement conference before  
4 the Magistrate Judge.

5 **VIII. Trial Estimate.**

6 The parties estimate that trial will last ten to fifteen days. Plaintiffs anticipate  
7 calling a minimum of five witnesses at the trial of this matter. Depending in part  
8 upon whom Plaintiffs call to testify during their case-in-chief, Defendants estimate  
9 that they intend to call five or more witnesses at the trial of this matter.

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Dated: May 2, 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: May 2, 2016

WINSTON & STRAWN LLP

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