

EXHIBIT 13 TO OKI DECLARATION

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

PARAMOUNT PICTURES CORPORATION, a)	
Delaware corporation; and CBS)	
STUDIOS INC., a Delaware)	
corporation,)	
)	CASE NO.
Plaintiffs,)	2:15-cv-09938-
)	RGK-E
v.)	
)	
AXANAR PRODUCTIONS, INC., a)	
California corporation; ALEC)	
PETERS, an individual, and DOES)	
1-20,)	
)	
Defendants.)	
_____)	

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VIDEOTAPED DEPOSITION OF ALEC PETERS

Date and Time: Wednesday, October 19, 2016
9:42 a.m. - 4:47 p.m.

Location: 10100 Santa Monica Boulevard
Suite 220
Los Angeles, California

Reporter: Barbara Brosnan, RMR, CRR
CSR No. 2202

Job No. 8111

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1 Q. And those are copyrighted Paramount and CBS
2 works that have been distributed to the public; is that
3 correct?

4 A. I assume if you say they have been
10:25 5 copyrighted, I assume that's true.

6 Q. So has this period that you are talking about
7 been explored by Paramount and CBS in these books, for
8 example?

9 A. Well, yeah, the time period that this takes
10:25 10 place is different than the time period "Axanar" takes
11 place, in "Prelude to Axanar" takes place. Their
12 timeline is different than the timeline we chose. We
13 simply took a couple elements out of here and
14 extrapolated on them.

10:25 15 Q. You didn't answer my question, Mr. Peters.

16 A. Please repeat the question.

17 Q. My question was, has Garth of Izar appeared
18 in Paramount works or CBS works, other than the motion
19 pictures and television series?

10:26 20 A. Yeah, I believe there was a book as well
21 called "Garth of Izar" that was printed by, I assume it
22 was Pocket Books, that explored that character as well.

23 Q. So your statement before that Paramount and
24 CBS hadn't explored that character was incorrect.

10:26 25 A. Well, I meant it in terms of the canon of the

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1 Q. Why did you think you needed north of a
2 quarter million dollars to make a fan film?

3 A. Because we wanted to make a fan film of
4 superior quality, something that had never been done
10:43 5 before, and we wanted to make it feature length. All
6 the fan films up until that point were not of the
7 quality that we wanted to produce, so we figured it
8 was -- especially if we were going to fly back and use
9 the sets back East, we would have to fly people back
10:43 10 and we figured it was going to cost about a quarter
11 million dollars.

12 So we figured we'd do this short teaser
13 trailer that we figured we could probably do it for
14 about 20-, \$25,000, in our naivete. And so we came
10:43 15 up -- we started thinking of an idea: How could we do
16 a short film, what would it be like.

17 And the problem with sets, sets are
18 expensive. Or going to shoot on sets was expensive.
19 So in answer to that I came up with the idea of
10:44 20 "Prelude to Axanar."

21 I had watched the T.V. show "M*A*S*H" when I
22 was a kid and I remembered an episode called "The
23 Interview" which won an Emmy for best screenplay, which
24 was about a newsreel crew that went to the "M*A*S*H"
10:44 25 4077 and did interviews with all the characters.

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1 And it was brilliant because all the
2 characters were basically out of their element talking
3 to a camera doing an interview. And so it came off as
4 a documentary, as a newsreel documentary.

10:44 5 So one day I pitched Christian Gossett on the
6 idea and he loved it. He thought it was brilliant.
7 And I wrote the script for that, and which Christian
8 and I then rewrote. And that's what we then pitched in
9 our Kickstarter campaign of March 2014.

10:44 10 Q. So is it fair to say that "Prelude to Axanar"
11 was created in order to raise money for "Axanar"?

12 A. Well, it was a proof of a concept. Yeah, we
13 figured if we proved -- if we proved that we knew what
14 we were doing and produced something really special,
10:45 15 then we could raise money to do a movie.

16 Q. So that it was -- its intent was to show to
17 people in order to raise money; is that correct?

18 MS. RANAHAHAN: Let me just object to the
19 extent that assumes there can only be one intent in
10:45 20 creating it.

21 THE WITNESS: Yeah, I think what we wanted to
22 do, which we have done, is build -- also create a
23 stand-alone film that we could also be proud of and the
24 donors could be proud of, which I think we achieved
10:45 25 that goal.

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1 the first third of the movie in January of 2016, as we
2 had stated in the Indiegogo campaign.

3 And then on December 31st we received the
4 lawsuit that your clients filed against us and we
11:04 5 halted production.

6 Q. So it is fair to say that had the lawsuit not
7 been filed production would have commenced in January
8 of 2016; is that correct?

9 A. That is correct.

11:04 10 Q. And therefore, presumably by the end of
11 December 2015 there was a script for "Axanar"; is that
12 correct?

13 A. There were many scripts, but yes. The script
14 was constantly in development.

11:04 15 Q. But we're talking at the end of December
16 2016, just before you were to start shooting, there was
17 a script for "Axanar," correct?

18 A. There was a script, yes.

19 Q. And that was the script you intended to shoot
11:05 20 just a few weeks later, correct?

21 A. Yes, but understanding that scripts are
22 constantly changing, up to and including during the
23 actual shoot.

24 Q. I understand that things might change during
11:05 25 the actual shoot. But on December 31st, 2015, isn't it

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1 Q. What was the source material for "Axanar"?

2 A. Well, 50 years of "Star Trek." Specific
3 characters such as Garth of Izar from specific
4 episodes, or Soval from episodes of "Enterprise."

11:30 5 But it was our general knowledge of "Star
6 Trek" and our passion, being Rob and I are two of the
7 biggest "Star Trek" fans in the world. We are just
8 huge geeks and we loved it and we know it. We know
9 "Star Trek," you know, to a level that would make your
11:30 10 eyes want to close and groan.

11 We know every single detail of the universe
12 and we love it immensely. So when you talk about
13 source material, it is really coming up with an idea
14 that is original, that we love in "Star Trek," and
11:31 15 said, you know, "Star Trek" has never explored X.

16 And that was part of the -- part of it was,
17 when you talk about source material, part of it was not
18 the original series as some of the other "Star Trek"
19 fan films do but a specific character, taking one small
11:31 20 character that you saw in one episode and then
21 expanding that time period and that universe into
22 something you've never seen before.

23 So a lot of the source material was simply a
24 character and then we extrapolate based on our own, how
11:31 25 we feel about the "Star Trek" universe and what we like

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1 a plot point. It is mentioned. Vulcan Council is
2 mentioned. The Federation of course is mentioned.
3 Yes, that's similar to the Federation we see in "Star
4 Trek." And yes, it is a science fiction action
11:35 5 adventure.

6 BY MR. ZAVIN:

7 Q. And there's no question that all of these
8 similarities were intentional, correct?

9 A. Yes, as I've said, that we were taking a --
11:35 10 taking something from the "Star Trek" universe and
11 expanding upon it in original and different and
12 transformative ways.

13 Q. By the way, that's an interesting word that
14 you used, "transformative." Do you mean that in the
11:35 15 legal sense?

16 A. I mean that in a creative sense. We never
17 saw these aspects of "Star Trek" before. We never saw
18 these characters fully fleshed out in the time period
19 we saw them. We didn't see most of the characters that
11:36 20 are in the "Axanar" script.

21 We have new ships, new characters, new
22 locations, new ideas, new things that were never
23 addressed in "Star Trek" that we're trying to address.

24 And we thought that was important to -- we
11:36 25 didn't want to just recreate "Star Trek" like other fan

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1 MS. RANAHAHAN: Slow down.

2 THE WITNESS: And so those movies are all --
3 you know, follow a common thread, follow a crew that we
4 are all familiar with. What we wanted to do was
11:37 5 something entirely different. We didn't want to use
6 any of those characters.

7 We didn't want to use the characters that the
8 fan film "Star Trek: New Voyages" and "Star Trek
9 Continues" keep using, and we wanted to do something
11:37 10 different with new characters or taking a character you
11 had rarely seen and exploring that character's
12 background.

13 We wanted to do something unique and tell a
14 story, not just an action adventure. We wanted to
11:38 15 harken back to the ideals that Gene Roddenberry created
16 in the original series, which was social commentary,
17 saying something about -- which I think we -- which I
18 am very happy that the fans, one of the reason the fans
19 loved "Prelude to Axanar" is because it is true to the
11:38 20 original "Star Trek."

21 It tells a story that has a moral to it. It
22 has a point of view about the way humanity and the
23 Federation should address aggression and war.

24 And so in those aspects I consider what we
11:38 25 were doing different and unique and, yes,

1 transformative.

2 BY MR. ZAVIN:

3 Q. Why do you use "Star Trek"?

4 A. I'm sorry?

11:38 5 Q. Why do you use "Star Trek"? Why didn't you
6 write an original movie that had all the elements you
7 just discussed?

8 A. Because I have spent 50 years of my life in
9 love with this product. I love "Star Trek." As Rob
11:38 10 Burnett always says, it is like our religion. We watch
11 it all the time. We buy all the products. We go see
12 all the movies. We talk about it; we argue about it.
13 We have friends -- I bet you 80 percent of my friends
14 on Facebook are probably "Star Trek" fans.

11:39 15 Q. So you wanted to make a "Star Trek" movie?

16 A. Yes.

17 Q. Okay. And just going back for a moment to
18 your notion of transformativeness. When Paramount
19 which at the time created the television series "The
11:39 20 Next Generation," that didn't use the same characters
21 as the original series, did it?

22 A. No.

23 Q. And it was in a different time, correct?

24 A. It was.

11:39 25 Q. So in your view that was transformative?

1 A. It appears to be that way.

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

16:06 5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

16:06 10 Q. Did you at the time this budget was prepared
11 approve this budget?

12 A. Well, every budget wasn't necessarily
13 approved. They were working documents. We would have
14 taken this and then we would have gone to Rob and to
16:07 15 the department heads and said: Okay, this is what Mike
16 came out with. What do you think? Do you approve?
17 Can you do it for this much? Do you need more people?
18 Do you need less people?

19 So every document like this was a working
16:07 20 document.

21 Q. Why was this called a New Media Budget?

22 A. Because "Axanar" was being produced under the
23 SAG New Media rules which have different rules for
24 paying actors than a regular production.

16:07 25 New Media which is a form, which is a

1 creation of SAG which also has analogs in IATSE and the
2 Writers Guild and the Directors Guild, it is a way for
3 low budget projects that are only going to appear on
4 the Internet.

16:07 5 And since our project was only going to
6 appear on the Internet and be given away for free, it
7 fell under the New Media budget -- the New Media
8 guidelines.

9 Q. And so this was a SAG film because you were
16:07 10 using professional actors; is that correct?

11 A. That is correct.

12 MR. ZAVIN: I'd like to mark this as Exhibit
13 117.

14 (Plaintiffs' Exhibit 117 marked for
16:08 15 identification and attached hereto.)

16 Q. Do you recognize the document that's been
17 marked as Exhibit 117?

18 A. It is -- it appears to be the lease that we
19 have for the warehouse that we're in.

16:09 20 Q. Why is this Highly Confidential, by the way?

21 A. I don't know.

22 Q. Is there anything that would give anyone a
23 commercial advantage if they saw this lease?

24 A. Anyone? I mean if we were going to sublease
16:09 25 the place, the studio, the warehouse to someone else, I

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1 also make money -- make sure we were making money off
2 the studio so we could pay the rent.

3 So he was saying things and that's kind of
4 what you have here. He breaks it down into those
16:26 5 things and he wants to be able to talk about how we do
6 each one of those things successfully.

7 Q. He was dealing with Axanar Productions -- not
8 the movie "Axanar," but Axanar Productions and the
9 studio as a business, correct?

16:27 10 A. Right.

11 MS. RANAHAH: I will just object. It also
12 says "and its various projects," whatever that could
13 mean. So it looks like it is dealing with even more
14 than you just stated.

16:27 15 THE WITNESS: Yeah, one of the corrections --
16 now I remember, whether it was to this document or
17 otherwise, I told Mike specifically that Axanar
18 Productions would only be about making "Star Trek" fan
19 films and that was it.

16:27 20 We would use another production company if we
21 ever made anything that was for profit. But we wanted
22 Axanar to be, you know, to be all about "Star Trek" fan
23 films. So that's one thing.

24 Like, for example, he wrote that here but I
16:27 25 would have probably talked to him about that saying,

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1 had that discussion and now when we talk about these
2 things we talk about them in different terms.

3 Q. Right. And he was also wrong on the
4 following page when he said part of the plan was to:

16:28 5 "Create and develop new models of
6 sponsorship and funding that will
7 help Axanar Productions generate
8 profit on low-budget productions."

9 A. Again, he was referring to what he wanted to
16:28 10 do as far as independent productions, which again, I
11 told him would not be part of Axanar Productions. That
12 Axanar Productions had to stay nonprofit for "Star
13 Trek" fan films.

14 Q. Mr. Peters, did you ever tell him that in
16:29 15 writing?

16 A. I rarely write to Mike Bawden. We pick up
17 the phone and talk every day.

18 Q. Okay. And after you told him that this was
19 wrong did he rewrite this?

16:29 20 A. I don't know if he rewrote it. Whether or
21 not he rewrote it, all our conversations nowadays are
22 about having --

23 Q. Mr. Peters, please answer the question. Did
24 he rewrite it? Yes or no.

16:29 25 A. I don't know.

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1 STATE OF CALIFORNIA.)
) ss.

2 COUNTY OF LOS ANGELES)
3

4 I, the undersigned, say that I have read the
5 foregoing deposition, and I declare, under penalty of
6 perjury, that the foregoing is a true and correct
7 transcript of my testimony contained therein.

8 EXECUTED this 1st day of NOVEMBER,
9 2016, at VALENCIA, California.

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ALEC PETERS