

1 Erin R. Ranahan (SBN: 235286)  
eranahan@winston.com  
2 Diana Hughes Leiden (SBN: 267606)  
dhleiden@winston.com  
3 Kelly N. Oki (SBN: 304053)  
koki@winston.com  
4 WINSTON & STRAWN LLP  
333 South Grand Avenue  
5 Los Angeles, CA 90071  
Telephone: (213) 615-1700  
6 Facsimile: (213) 615-1750

7 Attorneys for Defendants,  
AXANAR PRODUCTIONS, INC.,  
8 and ALEC PETERS

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

11  
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*

**DECLARATION OF KELLY N. OKI  
IN SUPPORT OF DEFENDANTS'  
MOTION FOR SUMMARY  
JUDGMENT**

Date: 12/19/16  
Time: 9:00 a.m.  
Place: Courtroom 850, 8<sup>th</sup> Floor  
255 East Temple Street  
Los Angeles, CA 90012  
Judge: Hon. R. Gary Klausner

Original Complaint Filed: 12/29/15  
First Amended Complaint Filed: 3/11/16

**DECLARATION OF KELLY N. OKI**

1  
2 1. I am an attorney at Winston & Strawn LLP, counsel for Defendants  
3 Axanar Productions, Inc. and Alec Peters in the above-entitled action. I have personal  
4 knowledge of the matters set forth herein, and if called upon as a witness I could  
5 competently testify thereto.

6 2. **Exhibits 1 and 2** to my declaration are true and correct copies of  
7 Plaintiffs' Amended Responses to Defendants' First Set of Interrogatories, dated  
8 October 28, 2016.

9 3. **Exhibit 3** to my declaration is a true and correct copy of the expert  
10 report, dated November 2, 2016, of Christian Tregillis, a Partner at Hemming Morse,  
11 LLP, on the financial, economic, and accounting issues related to Plaintiffs' claims for  
12 copyright infringement and related causes of action.

13 4. **Exhibit 4** to my declaration is a true and correct copy of the expert  
14 opinion of Dr. Henry Jenkins, the Provost's Professor of Communication, Journalism,  
15 Cinematic Art, and Education at the University of Southern California (USC), on the  
16 impact of fan fiction on *Star Trek*, and on whether *Prelude to Axanar* is  
17 transformative.

18 5. **Exhibit 5** to my declaration is a true and correct copy of excerpted pages  
19 from the transcript of the deposition of Robert Meyer Burnett, taken on October 11,  
20 2016.

21 6. **Exhibit 6** to my declaration is a true and correct copy of excerpted pages  
22 from the transcript of the deposition of Bill Hunt, taken on October 25, 2016.

23 7. **Exhibit 7** to my declaration is a true and correct copy of excerpted pages  
24 from the transcript of the deposition of Bill Burke, taken on November 3, 2016.

25 8. **Exhibit 8** to my declaration is a true and correct copy of excerpted pages  
26 from the transcript of the deposition of Elizabeth D. Kalodner, taken on October 13,  
27 2016.

28 9. **Exhibit 9** to my declaration is a true and correct copy of excerpted pages

1 from the transcript of the deposition of John Van Citters, taken on September 28,  
2 2016.

3 10. **Exhibit 10** to my declaration is a true and correct copy of excerpted  
4 pages from the transcript of the deposition of Daniel O'Rourke, taken on September  
5 30, 2016.

6 11. **Exhibit 11** to my declaration is a true and correct copy of excerpted  
7 pages from the transcript of the deposition of Justin Yipin Lin, taken on November 7,  
8 2016.

9 12. **Exhibit 12** to my declaration is a true and correct copy of excerpted  
10 pages from the transcript of the deposition of J.J. Abrams, taken on November 9,  
11 2016.

12 13. **Exhibit 13** to my declaration is a true and correct copy of excerpted  
13 pages from the transcript of the deposition of Alec Peters, taken on October 19, 2016.

14 14. **Exhibits 14 and 15** to my declaration are true and correct copies of  
15 Plaintiffs' Responses to Defendants' Second Set of Requests for Admission, dated  
16 October 24, 2016.

17 15. **Exhibit 16** to my declaration is a true and correct copy of Exhibit 82 to  
18 the deposition transcript of Elizabeth D. Kalodner, taken on October 13, 2016.

19 16. To date, Plaintiffs have not produced copies of any of the allegedly  
20 infringed works in this case. We received a confirming email from Plaintiffs' counsel  
21 on November 15, 2016, stating that Plaintiffs would not be producing the allegedly  
22 infringed works to Defendants.

23  
24 I declare under the penalty of perjury that the foregoing is true and correct.  
25 Dated this 16th day of November, 2016 at Los Angeles, California.

26  
27 /s/ Kelly N. Oki

28 Kelly N. Oki