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PARAMOUNT PICTURES
11 CORPORATION and CBS STUDIOS
INC.
12

13 UNITED STATES DISTRICT COURT
14 CENTRAL DISTRICT OF CALIFORNIA
15

16 PARAMOUNT PICTURES
CORPORATION, a Delaware
17 corporation; and CBS STUDIOS INC.,
a Delaware corporation,
18

19 Plaintiffs,

20 v.

21 AXANAR PRODUCTIONS, INC., a
California corporation; ALEC PETERS,
an individual, and DOES 1-20,
22

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

**DECLARATION OF JONATHAN
ZAVIN IN SUPPORT OF
PLAINTIFFS' OPPOSITION TO
DEFENDANTS' MOTION IN
LIMINE NO. 2**

Pre-Trial Conference: January 9, 2017
Trial: January 31, 2017

DECLARATION OF JONATHAN ZAVIN

I, Jonathan Zavin, declare as follows:

1. I am an attorney admitted *pro hac vice* in the State of California and am a partner with the law firm of Loeb & Loeb LLP (“Loeb”), attorneys of record for Paramount Pictures Corporation (“Paramount”) and CBS Studios Inc. (“CBS”) (collectively, “Plaintiffs”) in the above-captioned matter. The following is of my own personal knowledge, and if called as a witness, I could and would competently testify thereto.

2. On June 21, 2016, I met and conferred with counsel for Defendants, Erin Ranahan along with counsel for Plaintiffs David Grossman. At the meeting, Ms. Ranahan and I agreed that the parties did not need to produce the Star Trek Copyrighted Works to one another, but that Defendants would produce the source documents that he used to create the Axanar Works *other than* the Star Trek films and episodes. Ms. Ranahan told me that Mr. Peters had all of the Star Trek Copyrighted Works in his possession. Defendants did not turn over any Star Trek television episodes or films they purportedly used and, consistent with the parties’ agreement, and Mr. Peters’ testimony, Defendants did not request copies of the Star Trek television episodes or films from Plaintiffs.

3. At his deposition on September 28, 2016, I instructed John Van Citters not to testify regarding attorney-client communications involved in the creation of a specific chart for purposes of litigation. I did not instruct him to not testify as to the substance of the chart, and specifically informed Plaintiffs’ counsel that he would testify on the substance if asked. **Exhibit A** (Van Citters tr. at 78:14-80:13) (confidential document filed under seal) is a true and correct copy of an excerpt from Mr. Van Citters’ deposition.

4. On December 9, 2016, I met and conferred with counsel for Defendants Erin Ranahan, Esq. by phone regarding the parties’ expected motions in limine. I subsequently exchanged emails with Ms. Ranahan that included lists of proposed

1 motions in limine. **Exhibit B** is a true and correct copy of this email exchange. At
2 no time did Ms. Ranahan identify the testimony of Mr. Van Citters as subject of any
3 of Defendants’ motions to exclude.

4 5. Attached hereto as **Exhibit C** is a true and correct copy of Plaintiffs’
5 expert witness disclosure regarding John Van Citters.

6 6. At no time has Plaintiffs’ counsel requested to take Mr. Van Citters’
7 deposition as a designated expert witness.

8 I declare under penalty of perjury under the laws of the United States of
9 America that the foregoing is true and correct.

10 Executed this 6th day of January 2017, at New York, New York.

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/s/Jonathan Zavin
Jonathan Zavin