

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

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

21 v.
22

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

23 Defendants.
24
25
26
27
28

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

**DECLARATION OF JENNIFER
JASON IN SUPPORT OF
PLAINTIFFS' OPPOSITION TO
DEFENDANTS' MOTION TO
COMPEL DISCOVERY FROM
PLAINTIFFS**

1 I, Jennifer Jason, hereby declare as follows:

2 1. I am an attorney with the law firm of Loeb & Loeb LLP, attorneys of
3 record for Plaintiffs Paramount Pictures Corporation (“Paramount”) and CBS
4 Studios Inc. (“CBS”) (Paramount and CBS, collectively, “Plaintiffs”) herein. The
5 following is of my own personal knowledge, and if called as a witness, I could and
6 would competently testify thereto.

7 2. Attached hereto as **Exhibit A** is a true and correct copy of a letter that I
8 sent to Erin Ranahan, counsel for Defendants, on August 3, 2016.

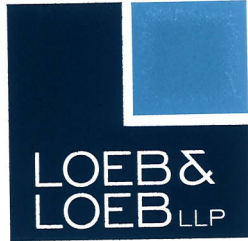
9 3. I have reviewed Plaintiffs’ document production in this case. Plaintiffs
10 have produced several chain of title documents for the Star Trek Copyrighted Works
11 and numerous other agreements and documents pertaining to the rights in the Star
12 Trek Copyrighted Works, including a 2005 agreement between Paramount and CBS,
13 agreements with some of the actors in the Star Trek Copyrighted Works, and the
14 copyright registrations for the Star Trek Copyrighted Works.

15
16 I declare under penalty of perjury under the laws of the United States of
17 America that the foregoing is true and correct.

18 Executed on September 29, 2016, at Los Angeles, California.

19
20 /s/ Jennifer Jason
21 Jennifer Jason
22
23
24
25
26
27
28

Exhibit A



JONATHAN ZAVIN
Partner

345 Park Avenue
New York, NY 10154

Direct 212.407.4161
Main 212.407.4000
Fax 212.658.9105
jzavin@loeb.com

Via E-mail

August 3, 2016

Erin R. Ranahan, Esq.
Winston & Strawn LLP
333 South Grand Avenue
Los Angeles, CA 90071

Re: *Paramount Pictures Corporation et al. v. Axanar Productions et al.*
C.D. Cal. Case No.: 2:15-cv-09938-RGK-E

Dear Erin:

This summarizes the discussion and agreements reached during the parties' June 21, 2016 meet and confer meeting regarding Axanar Productions Inc.'s ("Axanar Productions") and Alec Peters' ("Peters") (Axanar Productions and Peters collectively, "Defendants") responses to Plaintiffs Paramount Pictures Corporation and CBS Studios Inc.'s (collectively, "Plaintiffs") First Sets of Requests for Production of Documents (the "Requests"), as well as Plaintiffs' responses to Defendants' Requests for Production of Documents and Interrogatories.

1. Responses by Axanar Productions

Costumes¹

Request No. 11 seeks documents relating to the costumes for the Axanar Works. Rather than providing documents, Defendants will stipulate to their access to and copying of the costumes of the Star Trek Copyrighted Works.

Ares Studio²

Request No. 12 seeks documents relating to Ares Studio, including documents regarding the lease or purchase of the studio, ownership of the studio, construction of the studio, and use of the studio. Request No. 13 seeks documents relating to any future plans for Ares Studio, including agreements, business plans, incorporation documents, and tax documents. Defendants agreed that they will produce the lease for Ares Studio, as well as documents showing the ownership of Industry Studios, the finances of the studio, and all documents regarding use, rental, or lease of the studio to others.

Copies of the Axanar Works³

¹ These same issues apply to Request for Production No. 10 to Alec Peters.

² These same issues apply to Requests for Production Nos. 11 and 12 to Alec Peters.

³ These same issues apply to Request for Production No. 15 to Alec Peters.



Request No. 16 seeks copies of all partial and complete versions of the Axanar Works, including those film cuts and sequences that have been created but have not yet been distributed. Defendants agreed to produce these documents.

Star Trek Works⁴

Request No. 36 seeks documents relating to Star Trek and/or the Star Trek Copyrighted Works. Request No. 37 seeks documents relating to the rights to Star Trek and/or the Star Trek Copyrighted Works. Request No. 42 seeks documents relating to research conducted on Star Trek and/or the Star Trek Copyrighted Works in connection with the Axanar Works. Request No. 43 seeks copies of all works relating to Star Trek in Axanar Productions' possession, or that Axanar Productions reviewed in connection with the creation of the Axanar Works. Request No. 44 seeks copies of works used or relied upon by Axanar Productions in the creation of the Axanar Works and Request No. 47 seeks pre-existing writings or audio-visual works upon which any Axanar Work is based. Rather than produce documents, Defendants will stipulate that they had access to all of the Star Trek Copyrighted Works. However, Plaintiffs request that any Star Trek Works that were marked up, interlineated or commented upon by Defendants, including books or almanacs, be turned over to evidence the writings placed on those works.

Views⁵

Request No. 50 seeks documents relating to the number of online views of the Axanar Works. You agreed to check to see if Defendants have the statistics for views of the Axanar Works (for YouTube as well as any other websites such as AxanarProductions.com), and if such is available, they will be produced.

Materials Distributed in Connection with the Axanar Works⁶

Request No. 55 seeks documents relating to the sale or distribution of any products or any physical materials relating to the Axanar Works. Request No. 56 seeks documents relating to the design, manufacture, sale, and other distribution of products or physical materials relating to the Axanar Works, including all products sold through the Axanar store and all products given to any donors of Axanar, or any other person. Defendants agreed to produce these documents.

Communications with Indiegogo and Kickstarter⁷

Requests Nos. 65 and 66 seek communications with Kickstarter and Indiegogo relating to the Axanar Works. Defendants agreed to produce these documents.

Distribution⁸

⁴ These same issues apply to Requests for Production Nos. 35, 36, 41, 42, and 46 to Alec Peters.

⁵ These same issues apply to Request for Production No. 49 to Alec Peters.

⁶ These same issues apply to Requests for Production Nos. 54 and 55 to Alec Peters.

⁷ These same issues apply to Requests for Production Nos. 64 and 65 to Alec Peters.

⁸ These same issues apply to Requests for Production Nos. 48, 50, and 52 to Alec Peters.



Request No. 49 seeks documents relating to any plans to distribute the Axanar Works. Request No. 51 seeks documents relating to income earned from advertising dollars or any other source whatsoever for distributing any of the Axanar Works. Request No. 53 seeks documents relating to any efforts to monetize the Axanar Works. Defendants agreed to produce these documents, including all documents relating to distribution.

*Responses to Document Requests That Improperly Reference a Rule Regarding Interrogatories*⁹

Request No. 38 seeks documents relating to fundraising for the Axanar Works. Request No. 39 seeks documents relating to the expenditure of funds on the Axanar Works. Request No. 40 seeks documents relating to how the funds contributed by investors in the Axanar Works was spent. Request No. 41 seeks documents showing which individuals received money with respect to the Axanar Works, and how much money they received. Request No. 54 seeks documents showing revenue of the Axanar Works. As we explained both in our original meet and confer letter and in the meeting, it is improper for Defendants' responses to reference F.R.C.P. Rule 33(d), which applies to interrogatory responses, not responses to requests for production. You agreed to reconsider your objection. Please let us know if the documents will be produced.

2. Responses by Plaintiffs

RFP No. 2

Request No. 2 seeks documents that relate to, support, or refute any allegations set forth in Plaintiffs' First Amended Complaint. Plaintiffs will produce the copyright registrations, documents related to Alec Peters, and documents related to Axanar.

RFP No. 7

Request No. 7 asks Plaintiffs to identify which Star Trek work each Plaintiff owns. Plaintiffs will provide documents identifying which Star Trek work each Plaintiff owns.

RFPs Nos. 18, 19, 20, 21

These requests relate to the policies and procedures surrounding Plaintiffs' decision to pursue legal action against creators of Star Trek fan fiction, including measures such as issuing DMCA takedown notices, sending cease and desist letters, and filing lawsuits against the creators. Plaintiffs will provide pre-litigation nonprivileged documents responsive to these requests to the extent they exist.

RFP Nos. 24 and 25

⁹ These same issues apply to Requests for Production Nos. 37, 38, 39, and 40 to Alec Peters.



Erin R. Ranahan, Esq.
August 3, 2016
Page 4

These requests refer to guidelines that Plaintiffs have set forth or discussed for Star Trek fan fiction. Plaintiffs will investigate whether there are nonprivileged documents that exist, and such nonprivileged documents will be produced.

Interrogatories Nos. 8 and 9, RFP No. 23

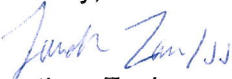
These requests seek documents and information related to the harm suffered by Plaintiffs in their First Amended Complaint. Plaintiffs will produce anything that they intend to provide to their experts.

Interrogatory No. 10

This interrogatory asks Plaintiffs to state all facts and evidence that they intend to rely on in support of their contention that the Axanar Works are not a parody and do not constitute fair use of the Star Trek Copyrighted Works. Plaintiffs will respond to this interrogatory.

Please confirm that this is your understanding of the parties' agreement.

Sincerely,


Jonathan Zavin
Partner