SUPPLEMENTAL DECLARATION OF ALEC PETERS IN SUPPORT OF DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

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SUPPLEMENTAL DECLARATION OF ALEC PETERS

- I, Alec Peters, declare as follows:
- I am the founder of Axanar Productions, Inc. ("Axanar Productions"). I have personal knowledge of the matters set forth herein, and if I were called as a witness, I could and would competently testify to the statements herein.
- 2. Prelude was inspired by works such as "M*A*S*H," "Band of Brothers," "Babylon 5," "The Pacific" and "The Civil War," all of which were viewed online, and are all publicly available. In addition, the memories and experiences of those shows and movies are not something that is tangible, as I rely on my experience and memory when creating fiction works. Accordingly, both *Prelude* and *Axanar* (collectively, "Defendants' Works") do not "expand upon" a Star Trek "story."
- 3. Defendants did not use a "clip" or screenshot from Star Trek III, or any other clip or screenshot from any other Star Trek work in *Prelude* or the *Vulcan* Scene, and had and has no intention of doing so in the longer Axanar project. The *Vulcan Scene* was newly created with original visual effects that took inspiration from a scene in Star Trek III.
- The plot of Defendants' Works was not taken from any Star Trek copyrighted work and in fact bears no similarity to Whom Gods Destroy, or The Four Years War publication. Defendants merely use a single character and a mentioned battle as a jumping off point.
- Defendants' latest script for the longer film Axanar also includes the 5. original character, T'Lera. The character of T'Lera has never been seen in Star Trek and was created by Defendants.
- The mockumentary style in *Prelude*, which Wikipedia defines as a "parody," allows the characters in *Prelude* to provide commentary about incidents and the other characters, as if being filmed for a History Channel special.
 - 7.

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