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and ALEC PETERS

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

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

Plaintiffs,

vs.

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

Defendants.

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

Assigned to: Hon. R. Gary Klausner

DEFENDANTS' STATEMENT RE EXPERTS TO BE CALLED AT TRIAL

Pretrial Conference: Jan. 9, 2017
Trial Date: Jan. 31, 2017

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Pursuant to the Court's Order for Jury Trial, Defendants Axanar Productions, Inc. and Alec Peters ("Defendants") hereby submit their narrative statements of the qualification of each expert witness they intend to call at trial and the testimony expected to be elicited.

I. Christian Tregillis, CPA, ABV, CFF, CLP

A. Qualifications

Mr. Tregillis is a partner at Hemming Morse, where he analyzes financial, accounting, economic, statistical, and market issues, primarily in regard to disputes and valuations, including the negotiation of license agreements covering intellectual property. He has an A.B. in Economics from Occidental College, an M.BA. Finance and Accounting from the University of Chicago Graduate School of Business, and is licensed as a Certified Public Accountant in California and Illinois. Mr. Tregillis is accredited in Business Valuation and certified in Financial Forensics by the American Institute of Certified Public Accountants, and has a professional licensing certification from the Licensing Executives Society. Mr. Tregillis has over 25 years of experience in financial consulting and investigations, including 11 years at big four accounting firms. Prior to working at Hemming Morse, Mr. Tregillis led the Damages, Valuation & IP practice area globally for LECG and led the Forensic Accounting & Litigation Consulting practice in the Western U.S. for Kroll Inc.

B. Testimony Expected to Be Elicited at Trial

Mr. Tregillis will testify regarding financial, economic, and accounting issues related to Plaintiffs' claims. Specifically, Mr. Tregillis will testify about the benefits to studios and their franchises of fan films, and specifically about benefits that Plaintiffs have received as a result of Defendants' works. Mr. Tregillis will also rebut Plaintiffs' theory of lost profits that they claim resulted from Defendants' alleged infringement, *i.e.*, that funds donated to making of Defendants' works have resulted in lost revenue or profits to Plaintiffs. Finally, Mr. Tregillis will testify regarding the lack of any profits that Defendants have earned as a result of the

alleged infringement. Mr. Tregillis' testimony regarding Plaintiffs' lack of actual damages and Defendants' lack of profits will assist the jury in determining the appropriate scope such damages, as well as the appropriate scope of statutory damages, to which the Plaintiffs' actual damages and Defendants' profits (or lack thereof) are relevant.[1]

II. Dr. Henry Jenkins

A. Qualifications

Dr. Henry Jenkins is Provost's Professor of Communication, Journalism, Cinematic Art, and Education at the University of Southern California. He was previously a professor at the Massachusetts Institute of Technology, where he founded and co-directed the Comparative Media Studies Masters Program. Dr. Jenkins is the author of seventeen books: his seminal 1992 book *Textual Poachers: Television Fandom and Participatory Culture* helped to launch the academic study of fans and fan cultures, and has also been cited in more than forty law journal articles. Topics related to fans and fandom, including *Star Trek* fandom, figure prominently in his scholarly research and writings, notably in his books *Science Fiction Audiences: Watching Star Trek and Doctor Who* (1995); *Fans, Bloggers, and Gamers: Media Consumers in the Digital Age* (2006); *Convergence Culture: Where Old and New Media Collide* (2006); *Spreadable Media: Creating Meaning and Value in a Networked Culture* (2013); and *By Any Media Necessary: The New Youth Activism* (2016). Dr. Jenkins serves on the editorial boards of the two most prominent academic journals in the discipline: *Transformative Works and Cultures* and *The Journal of Fandom Studies*.

B. Testimony Expected to Be Elicited at Trial

Dr. Jenkins will testify regarding the historical and present-day landscape of fan fiction, fan film, and fandom. In particular, Dr. Jenkins will testify concerning

[1] Plaintiffs have not yet elected to seek to recover actual damages or statutory damages.

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the historical and ongoing relationships between the creators and producers of *Star Trek*, and *Star Trek* fans; Plaintiffs' history and practice of tolerating and sanctioning fan fiction, fan film, and other fan uses of aspects of *Star Trek*; and benefits that Plaintiffs have received as a result of fan works such as those of Defendants. Dr. Jenkins' testimony will provide necessary context for evaluating Plaintiffs' claims of willful infringement, and assessing Plaintiffs' damages theories, including both actual and statutory damages.

Dated: January 4, 2017 WINSTON & STRAWN LLP

By: */s/ Erin R. Ranahan*

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