

**UNREDACTED VERSION OF EXHIBIT 2 TO
LI-A-PING DECLARATION (DKT. 104-7)**

**NOT FILED UNDER SEAL PURSUANT TO ORDER
OF THE COURT DATED DECEMBER 9, 2016
(DKT. 110)**

1 UNITED STATES DISTRICT COURT
2 CENTRAL DISTRICT OF CALIFORNIA

3
4 PARAMOUNT PICTURES CORPORATION,
5 a Delaware corporation; and
6 CBS STUDIOS, INC., a Delaware
7 corporation,

8 Plaintiffs,

9 vs. No. 2:15-CV-09938-RGK-E

10 AXANAR PRODUCTIONS, INC.,
11 a California corporation;
12 ALEC PETERS, an individual;
13 and DOES 1-20,
14 Defendants.

15 CONFIDENTIAL

16
17 VIDEOTAPED DEPOSITION of DANIEL O'ROURKE
18 LOS ANGELES, CALIFORNIA
19 FRIDAY, SEPTEMBER 30, 2016
20 VOLUME 1

21
22 Reported by
23 Daryl Baucum, RPR, CRR, RMR, CSR No. 10356
Job No. 2452912

24
25 PAGES 1 - 115

1 A Paramount and CBS.

2 Q Did Paramount have a role in drafting
3 these guidelines?

4 A Any role played by Paramount in drafting
5 them was played by in-house counsel.

6 Q Do you know what Paramount's role was
7 without divulging any communications between
8 counsel?

9 A I do not.

10 Q Did CBS consult with Paramount in the
11 drafting of these?

12 A I don't know, personally.

13 Q Has Paramount ever previously had anything
14 like these guidelines?

15 A No.

16 Q So Paramount had never previously
17 disseminated any sort of guidance to fans on how to
18 go about creating fan films.

19 A No.

20 And as part of my due diligence, one of my
21 discussions with Scott Martin in his non-attorney
22 role was about our historic view. And we have
23 always addressed everything on a case-by-case basis
24 and then the attorney then has made a decision of
25 how we reacted to anything.

1 Q Was there any disagreement between
2 Paramount and CBS over the drafting of the
3 guidelines?

4 A I don't know.

5 Q When did the process of drafting the
6 guidelines begin?

7 A I don't know.

8 Q Why did Paramount choose to implement
9 guidelines rather than banning fan films all
10 together?

11 A As I previously mentioned, certain things
12 in this case created misconceptions about our
13 feelings about fan films. So we determined that
14 this was a good time to put these out to clarify the
15 issues, to delineate in this fashion what was
16 acceptable and what was not.

17 Q So prior to the existence of these
18 guidelines, would a creator of a fan film have any
19 way to know what would be acceptable to Paramount in
20 creating a Star Trek fan film?

21 A No.

22 Q And so how would that fan film creator
23 learn of, you know, what is acceptable?

24 Would they just have to wait to be
25 contacted or how would that work?

1 A I'm not sure.

2 Q Has Paramount ever previously contacted
3 the creator of a -- as far as fan films about, you
4 know, compliance with any unofficial guidelines?

5 A I am not sure of any specific instances,
6 but again, for the last ten years, CBS has handled
7 enforcement and would have -- CBS is the party that
8 would have interactions with fan films.

9 Q So did Paramount ever reach out to either
10 "Axanar" or Mr. Peters prior to the filing of this
11 lawsuit about any of the "Axanar" works?

12 A I am not sure.

13 Q What have fan reactions been to the
14 guidelines?

15 MR. ZAVIN: Objection; he can't possibly
16 know how all fans reacted to the guidelines.

17 MS. OKI: Let me rephrase that question.
18 BY MS. OKI:

19 Q Have you received any reaction to the --
20 have you, you know, Paramount, received any reaction
21 to the guidelines?

22 A Yes, a small group of fans took it upon
23 themselves to I think do a -- I don't know if it was
24 a focus group or a poll about the fan guidelines and
25 they provided us a detailed packet of those results