



SHOOTING 'HEROES' Axanar producer Alec Peters (left) on the bridge of the Enterprise with former Axanar director Robert Meyer Burnett during an October 2015 shoot of the Axanar short, "Heroes." Image/Axanar Productions

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Peters Sues Former Axanar Director in Georgia Court

Legal Questions Emerge Over Whether a Georgia Court Has Jurisdiction Over Robert Burnett

By [Carlos Pedraza](#)
 Additional reporting by Brian Hartsfield



LAWRENCEVILLE, Ga. — Producer [Alec Peters](#) filed suit this week in Georgia state court against his former colleague [Robert Meyer Burnett](#), who once was slated to direct *Axanar*.

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Legal Complaint


The legal complaint was filed February 18, 2019, in state court in Gwinnett County, Ga.



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In the legal complaint against Burnett, Peters made the following claims.

- **Bad loans:** Peters’ complaint includes no copy of his purported loan agreement covering the \$31,550 in payments to Burnett.
- **Bad production:** Burnett was paid \$5,000 to produce four ‘making of’ videos about *Axanar*. The film was never made, however.
- **Bad equipment:** Peters alleges Burnett never returned \$8,948 in equipment he was provided to produce the four videos.
- **Bad words:** Peters claims Burnett violating a non-disclosure agreement by releasing material developed for *Axanar*, including the film’s shooting script.
- **Bad document:** A copy of the NDA is included as exhibit A. Lawyers we’ve consulted raise doubts about the enforceability of that document, however.
- **Bad views:** Among the released material were several behind-the-scenes documentaries Burnett has publicly released.
- **Bad-mouthing:** Peters states he was defamed by such Burnett statements as: “That’s what Alec Peters does. He makes deals with people and he reneges on those deals,” and: “He [Peters] does not live up to the promises that he makes to people.”
- **Bad business:** To sue Burnett, a California resident, in Georgia, Peters claims the defendant has transacted business in Georgia. The complaint includes no documentation of such business.
- **Bad information:** Axanar Productions Inc. is listed as a co-plaintiff. However, Axanar isn’t a Georgia company; it’s registered in California and hasn’t registered to do business in Georgia.
- **Bad company:** The legal



Copy of the Legal Complaint
You can download a [copy here](#) of the nine-page complaint (18 MB) filed by Alec Peters against Robert Meyer Burnett on February 18.

complaint cites Peters as Axanar Productions' sole shareholder. However, Axanar became a California non-profit public benefit company in 2017; it can have no shareholders. Nor is he the only officer of the corporation; his former girlfriend, Diana Kingsbury, is also listed.

- **Bad math:** Damages summed up in fifth count of the complaint total \$45,534, while damages listed earlier in the document add up to only \$45,498.

Burnett Responds

Burnett responded to news of the lawsuit on Twitter, though it didn't appear he had yet been served with legal papers:

Once again, even after two years since the CBS lawsuit settlement, Axanar's Alec Peters does everything he can to **not make** his two fifteen-minute films, spending money to sue me instead of doing the work he owes his donors. Hardly surprising. His last lawyer quit.¹⁾

Jurisdiction

Peters filed his suit in Georgia, creating something of a legal quandary since Burnett is a California resident, and all the transactions Peters cited in the draft complaint to justify his damages occurred in California; co-plaintiff Axanar Productions is a registered California company.



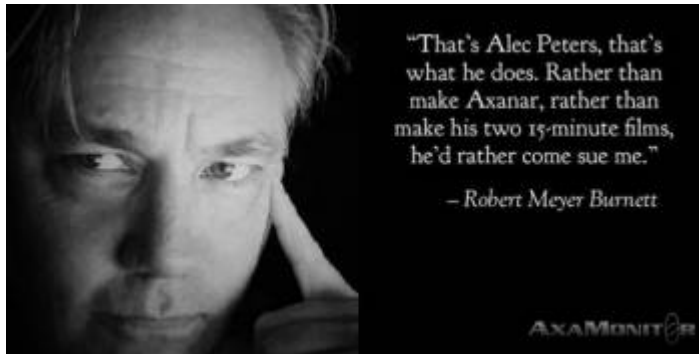
 **Alec Peters**

« **I'm going to end this in court and then let everyone know this lying thief screwed us all.**
» — *Alec Peters Attacks Robert Burnett on Facebook*

Georgia state law does not typically tend to favor exerting personal jurisdiction over an out-of-state defendant, but how a judge might handle the situation would likely depend on the facts asserted in the complaint.

Court Appearance

One way or another, however, Burnett would have to contest the suit in some forum, either making a special appearance in Georgia for the limited purpose of contesting jurisdiction, or allowing a default judgment and then contesting it on personal jurisdiction grounds should Peters try to enforce the judgment in California.



« **Those who can't do ... SUE!** » — Robert Burnett responds to Peters' lawsuit [on Twitter](#).

The latter course of action does carry some risk, however. If a California court should rule against Burnett on the jurisdiction issue, he wouldn't be able to fight the case on the merits, since the case would already have been judged in Georgia.

Burden of Proof

Burnett's choices are likely to depend on whether the court decides to deal with the jurisdiction issue strictly on written motions, in which case Burnett would merely submit an affidavit, or instead require an evidentiary hearing. That could require Burnett appear to testify.

It could be in Burnett's interest to have submit to an evidentiary hearing. If the motion were to be decided strictly on written documents, Peters claim that Burnett is subject to Georgia's authority would receive the benefit of the doubt; the court could tilt toward finding that it has personal jurisdiction over Burnett. Relevant case law states:

When a defendant moves to dismiss for lack of personal jurisdiction, he has the burden of proving that he is not subject to the jurisdiction of the court. Where the motion is decided without an evidentiary hearing and based solely upon the written submissions of the parties ... any disputes of fact must be resolved in the light most favorable to the party asserting the existence of personal jurisdiction.²⁾

Watch



Robservations #9: Axanar and Me


THE FIRST of former Axanar director Robert Meyer Burnett's Axanar tell-all YouTube videos. (Duration: 01:47:31)
Video/Burnettwork YouTube channel

Bitter Exchanges

The lawsuit followed bitter exchanges between Peters and Burnett in December 2018 after the former director took to YouTube to condemn Peters' attempt to "ruin my reputation and destroy my career."³⁾

Peters Attacks

In December, Peters began drumming up support from his Facebook followers by recounting his allegations against Burnett. His followers dutifully heaped condemnation against Burnett, all of which only served to encourage Burnett to conduct a second live chat criticizing Peters' management of the doomed *Axanar* feature.

 **Alec Peters** When you loan someone \$15,000 for a car so they can have transport, after you loaned them \$15,000 so they could not be homeless, and you give them paid work as well, and that person then stabs you in the back, steals from you, then claims they don't owe you anything, what do you call that person?⁴⁾

Acrimony Leads to Resignation


The public acrimony between the two led longtime Axanar public relations director Mike Bawden to [resign](#) on December 31, 2018 after Peters refused to heed his advice to settle the dispute in court rather than angrily airing it in public.

“Don’t go there, I’m begging you,” Bawden posted on Facebook. “There’s much more to it than what you’ve presented in this social media post, we both know that ... let it play out in a court of law. ... But in all honesty I think this advice — like so much I’ve given both of you — will go unheeded.”⁵⁾

Peters refused his friend’s professional counsel: “So allow one side of the story? Allow him to lie and defame me? No defense? Just take it? ... I’m going to end this in court and then let everyone know this lying thief screwed us all. ... The lawyers feel it is a great case. And frankly I am sick of those who make excuses for him and enable his bad behavior.”⁶⁾

Advice: Deleted

By the next day, as he has regularly done on Facebook with comments he doesn’t like, Peters deleted Bawden’s advice. 🗑️



COMMENTS Discuss this article in [fAxaMonitor's Facebook group](#).

Keywords

[Peters v. Burnett, Axanar, Mike Bawden, lawsuit, Alec Peters, Robert Meyer Burnett](#)

¹⁾

[Robert Burnett Twitter, 2/21/19.](#)

²⁾

[Catholic Stewardship Consultants v. Ruotolo Assocs., 270 Ga.App. 751, 752, 608 S.E.2d 1 \(2004\).](#)

³⁾

[📺 Robservations #9: Axanar and Me, Burnettnetwork, originally posted 1/30/18.](#)

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[Alec Peters Facebook page, 12/31/18.](#)

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Alec Peters comment
on Alec Peters Facebook page, 12/31/18.

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