

# Exhibit A

FILED  
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RICHARD W. WICKING  
CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
AU OPTRONICS CORPORATION, *et al.*,  
  
Defendants.

CASE NO. CR-09-0110 SI  
  
DECLARATION OF HSUEH-LUNG  
"BRIAN" LEE IN SUPPORT OF JOINT  
MOTION TO QUASH SUBPOENAS DUCES  
TECUM

I, Hsueh-Lung "Brian" Lee, declare as follows:

1. I am the Chief Strategy Officer at Chunghwa Picture Tubes, Ltd. All statements in this Declaration are based on my personal knowledge. If I were called upon to testify, I could and would testify to each of the facts set forth herein.

2. On the afternoon of January 18, 2012, I took the stand to testify in this case. My attorney, Ray Hartwell, first received a copy of the Subpoena to Produce Documents or Objects in a Criminal Case ("Subpoena") immediately after my testimony concluded for the day. I was present at the time of service of the subpoena on Mr. Hartwell. A true and correct copy of the Subpoena is attached hereto as Exhibit A.

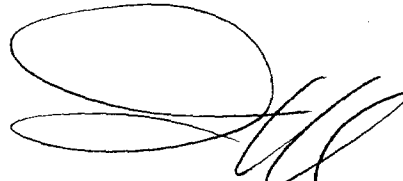
3. It is not possible to comply with the Subpoena by the deadline of 11 a.m. on January 19, 2012, because the responsive documents in my possession, to the extent they exist, are located

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
NO. 09-CR-0110 (SI)  
EXHIBIT NO. **D8621**  
DATE ENTERED: \_\_\_\_\_  
BY: \_\_\_\_\_  
DEPUTY CLERK

1 either in my office or my home in Taiwan. I will be unable to identify such documents while I am in  
2 the United States testifying in this trial.

3 I declare under penalty of perjury that the foregoing is true and correct. Executed this 19th  
4 day of January, 2012, in San Francisco, California.

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Hsueh-Lung "Brian" Lee

100 LB  BLUEBIRDonline.com (888) 477-0700  100 LB SW#

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CAND 89B (Rev. 1/06) Subpoena to Produce Documents or Objects in a Criminal Case

# UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

v.

AU OPTRONICS CORPORATION

## SUBPOENA TO PRODUCE DOCUMENTS OR OBJECTS IN A CRIMINAL CASE

Case Number: 09-CR-0110 SI

TO:

HSUEH LUNG LEE also known as BRIAN LEE  
Attn: Marcus Woo, General Counsel

YOU ARE COMMANDED to produce at the place, date, and time specified the document(s) or object(s) indicated below. If compliance would be unreasonable or oppressive, you may file a motion requesting the court to quash or modify the subpoena, to review the documents *in camera*, or to permit production only pursuant to a protective order.

PLACE

- |   |   |  |
|---|---|--|
| <input checked="" type="checkbox"/> United States Courthouse<br>450 Golden Gate Avenue<br>San Francisco, CA 94102 | <input type="checkbox"/> United States Courthouse<br>280 South First Street<br>San Jose, CA 95113 | <input type="checkbox"/> United States Courthouse<br>1301 Clay Street<br>Oakland, CA 94612 |
|---|---|--|

COURTROOM/JUDGE  
Judge Illston,  
Courtroom 10

If the document(s) or object(s) are produced in advance of the date specified, either to the court in an envelope delivered to the clerk's office or to the issuing attorney whose name and address appears below, no appearance is necessary.

DATE AND TIME  
January 19, 2012 *PLK*  
11:00 a.m.

The following document(s) or object(s) shall be produced:

See Attachment

NOTE: Parties requesting a subpoena requiring the appearance of a witness to testify at a criminal proceeding or to testify and bring documents to a criminal proceeding, must use Form CAND 89A, *Subpoena to Testify in a Criminal Case*. Forms are available at the Court's Internet site: <http://www.cand.uscourts.gov>.

U.S. MAGISTRATE JUDGE OR CLERK OF COURT

Richard W. Wieking

(By) Deputy Clerk  
*Richard W. Wieking*



DATE

January 13, 2012

ATTORNEY'S NAME, ADDRESS AND PHONE NUMBER:

CHRISTOPHER A. NEDEAU, Nossaman LLP, 50 California Street, 34<sup>th</sup> Floor, San Francisco, CA 94111;

*Christopher A. Nedeau*

**ATTACHMENT TO SUBPOENA DUCES TECUM**  
**ISSUED TO BRIAN LEE**

**DEFINITIONS**

1. As used herein, "all" includes "each" and "any," and vice versa.
2. As used herein, "and" and "or" are to be considered both conjunctively and disjunctively; "or" includes and encompasses "and," and vice versa.
3. As used herein, "YOU" and "YOUR" refers to Hsueh Lung Lee also known as Brian Lee (hereafter referred to as "BRIAN LEE").

As used herein, "COMPANY," and "CPT," means CHUNGHWA PICTURE TUBES, LTD., and its employees, officers, directors, agents, attorneys, affiliates, subsidiaries, joint ventures, successors, predecessors, or any person acting on their behalf.

4. As used herein, "DOCUMENTS" shall have the same meaning and scope of Rule 34(a) of the Federal Rules of Civil Procedure and includes any "writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations stored in any medium from which information can be obtained" as referenced in that Rule. "Writings" "recordings" and "photographs" shall have the meanings as defined in Rule 1001 of the Federal Rules of Evidence. "DOCUMENTS" shall include, without limitation, any original and any non-identical copy of every kind of written, printed, typed, recorded, or graphic matter, however produced or reproduced including all correspondence, letters, telegrams, telexes, messages, memoranda, instructions, e-mails, handwritten or recorded notes or oral communications, and all records, schedules, reports, surveys, calculations, transcripts, noted, time cards, personal expense reports, appointment books, calendars, plans, purchase orders, contracts, subcontracts, leases, accounting records, charts of accounts, billing records, invoices, statements, bills, checks, vouchers, certified or other payrolls, ledgers, accounts, drawings, graphs, photographs, video

tapes, audio tapes, films, newspapers, data or other compilations, computer indexes, electronic or magnetic media (including disks and tapes), computer printouts, or other tangible things.

"DOCUMENTS" shall further include CD-ROMs; DVDs; data cartridges; removable hard drives and storage devices; flash drives; zip drives; personal digital assistants (such as a Blackberry, Treo, or Palm Pilot or other Similar device); text messages; instant messages; and data stored on cellular phones.

5. Any reference to any individual or entity herein includes all predecessors or successors in interest of said individual or entity and all principals, agents, officers, former and current employees, and all other persons acting on behalf of, or at the direction of, said individual or entity, including, but not limited to, attorneys.

6. The singular shall be deemed to include the plural and vice versa so as to bring within the scope of these requests all information that might otherwise be construed to be outside its scope.

#### **INSTRUCTIONS**

1. If a particular request calls only for electronic transactional data, and YOU do not possess or control electronic transactional data sufficient to fully respond to the request, we request the production of hard copies of any responsive data that only exists in hard copy form.

2. DOCUMENTS attached to each other should not be separated.

3. DOCUMENTS that are stored electronically or in machine-readable form should be produced in electronic form with sufficient information to allow counsel to readily access or read such data or DOCUMENTS.

4. Unless otherwise specified, each of these requests seeks documents created or received by YOU at any time between January 1, 1996 and January 15, 2012.

#### **DOCUMENT REQUESTS**

Pursuant to the attached subpoena duces tecum, YOU ARE COMMANDED to bring with you the following documents or objects.

1. Any and all employment agreements entered into between Brian Lee, also known as Hsueh Lung Lee (hereafter referred to as "BRIAN LEE") and Chunghwa Picture Tubes, Ltd. between December 1, 2000 to January 15, 2012. Such employment agreements include, but are not limited to, the employment agreement described in the attached letter dated December 23, 2011, from the Department of Justice to counsel representing AU Optronics Corporation. (Attachment A.)

2. Any and all records or DOCUMENTS, including any financial DOCUMENTS such as checks, wire transfers and bank statements, relating to and reflecting the payments of the criminal fine of \$20,000 imposed on BRIAN LEE in the United States District Court for the Northern District of California, Case No. 09-CR-0045. Such records shall include any and all DOCUMENTS reflecting any reimbursements or bonuses paid by CPT to BRIAN LEE with regard to the above described fine.

3. Any and all records or DOCUMENTS related to payments or benefits provided to BRIAN LEE while he was incarcerated or in connection to his incarceration including cash, funds paid into BRIAN LEE'S prison commissory account, payments made to BRIAN LEE , payments for travel expenses by family members of BRIAN LEE.



4. Any and all airplane tickets, hotel expense, travel vouchers, related to BRIAN LEE 's co-operation pursuant to any plea agreement entered into by CPT or BRIAN LEE.

5. Any and all employment or consulting agreements entered into between BRIAN LEE and Convertek Technology Co., Ltd. (hereafter referred to as "Convertek Technology Co., Ltd.") (Sung-Hong in Chinese) of Jongli, Taoyuan, Taiwan..

6. Any and all records and DOCUMENTS, including financial records, reflecting the payment of money or other items of value by Convertek Technology Co., Ltd. to BRIAN LEE or any family member of BRIAN LEE'S family between January 1, 2008 to the present.

7. Any and all bank records and DOCUMENTS reflecting the receipt of any funds, from, by or through Convertek Technology Co., Ltd., to or for the benefit of BRIAN LEE as salary or commissions or consulting fees pursuant to any employment or consulting agreement, or for any other purpose.

CAND 89B (Rev. 1/06) Subpoena to Produce Documents or Objects in a Criminal Case

PROOF OF SERVICE		
RECEIVED BY SERVER	DATE	PLACE
SERVED	DATE	PLACE
SERVED ON (PRINT NAME)		FEES AND MILEAGE TENDERED TO WITNESS <input type="checkbox"/> YES <input type="checkbox"/> NO    AMOUNT \$ _____
SERVED BY (PRINT NAME)		TITLE
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.</p> <p>Executed on _____ DATE</p> <p style="text-align: right;">_____ SIGNATURE OF SERVER</p> <p style="text-align: right;">_____ ADDRESS OF SERVER</p>		
ADDITIONAL INFORMATION		

Attachment A



U.S. Department of Justice

Antitrust Division

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*San Francisco Field Office*

450 Golden Gate Avenue  
Box 36046  
San Francisco, California 94102

415/436-6660  
FAX 415/436-6687

December 23, 2011

VIA EMAIL:

Christopher A. Nedeau, Esq. (cnedeau@nossaman.com)  
Counsel for defendants AU Optronics and AU Optronics America

Michael A. Attanasio, Esq. (mattanasio@cooley.com)  
Counsel for defendant Hsuan Bin Chen

Brian P. Berson, Esq. (brian@bersonlaw.net)  
Counsel for defendant Hui Hsiung

Brendan P. Conroy, Esq. (brenco4@aol.com)  
Counsel for defendant Tsannrong Lee

Dennis Cashman, Esq. (denniscashman@att.net)  
Counsel for defendant Shiu Lung Leung

Brian H. Getz, Esq. (bhgetz@pacbell.net)  
Counsel for defendant Lai-Juh Chen

Re: U.S. v. AU Optronics, et al., No. CR-09-0110 SI

Dear Counsel :

The government is providing additional discovery to the appearing defendants in this case.

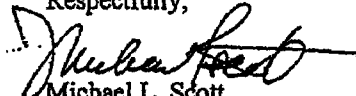
December 23, 2011  
Page 3

Finally, the government was advised by counsel for CPT that Brian Lee, C.C. Liu and C.H. Lin entered into separate employment agreements with CPT. It is the government's understanding through CPT counsel that these agreements were executed with CPT around the time that Brian Lee, C.C. Liu and C.H. Lin signed their plea agreements. In his deposition in the LCD MDL case, C.C. Liu indicated that he did have a separate employment agreement with CPT. Although not entirely clear from the deposition transcript, it appears that Mr. Liu was paid by CPT during the time of his incarceration under the terms of this agreement. Also, the government was told by counsel for CH Lin, before Mr. Lin pled guilty in this case, that Mr. Lin would like CPT to pay his fine. The government does not know if CPT paid the fines for any of these individuals or if it paid them during the time of their incarceration.

December 23, 2011  
Page 4

Please let me know if you have any questions.

Respectfully,

  
Michael L. Scott  
Antitrust Division

attachments