

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY:  COMPLAINT  INFORMATION  INDICTMENT  SUPERSEDING

Name of District Court, and Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION  
FILED  
CLERK  
12:52

OFFENSE CHARGED

Title 15, United States Code, Section 1 (Price Fixing)

- Petty
 Minor
 Misdemeanor
 Felony

PENALTY: See attachment.

DEFENDANT - U.S.

HOMY HONG-MING HSU

DISTRICT COURT NUMBER

CR 11 0488

DEFENDANT

SI

IS NOT IN CUSTODY

- Has not been arrested, pending outcome this proceeding.
1)  If not detained give date any prior summons was served on above charges
2)  Is a Fugitive
3)  Is on Bail or Release from (show District)

IS IN CUSTODY

- 4)  On this charge
5)  On another conviction }  Federal  State
6)  Awaiting trial on other charges
If answer to (6) is "Yes", show name of institution

Has detainer been filed?  Yes  No

If "Yes" give date filed

DATE OF ARREST 07/12/2011

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

Federal Bureau of Investigation

person is awaiting trial in another Federal or State Court, give name of court

this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

this is a reprosecution of charges previously dismissed which were dismissed on motion of.

U.S. ATTORNEY  DEFENSE

SHOW DOCKET NO.

this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person Furnishing Information on this form Melinda L. Haag

U.S. Attorney  Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned) Jacklin Chou Lem, Antitrust Div

This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

SUMMONS  NO PROCESS\*  WARRANT

Bail Amount:

If Summons, complete following:

Arraignment  Initial Appearance

\* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

Date/Time: Before Judge:

Comments:

PENALTY SHEET

Individual: Homy Hong-Ming Hsu

Maximum Penalties:

1. A fine in an amount equal to the largest of:
  - A. \$1,000,000.00.
  - B. Twice the gross pecuniary gain derived from the crime.
  - C. Twice the gross pecuniary loss caused to the victims of the crime.
2. A term of imprisonment for ten years.
3. A term of supervised release of at least two years but not more than three years.
4. \$100 special assessment.
5. Restitution.

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MAY LEE HEYE (CA Bar No. 209366)  
2 E. KATE PATCHEN (NY Reg. 41204634)  
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FILED  
2011 JUL 19 P 12:52  
RICHARD W. WIERING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

E-filing

M

7 Attorneys for the United States

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 SAN FRANCISCO DIVISION

12 UNITED STATES OF AMERICA

CR No. 11 0488

SI

13 v.

INDICTMENT

14 HOMY HONG-MING HSU,

VIOLATION:  
Title 15, United States Code,  
Section 1 (Price Fixing)

15 Defendant.

San Francisco Venue

16 The Grand Jury charges:

17 I.

18 DESCRIPTION OF THE OFFENSE

19 1. HOMY HONG-MING HSU ("defendant") is made a defendant on the charge  
20 stated below:

21 2. From in or about November 2001 until in or about September 2008, the  
22 defendant and coconspirators entered into and engaged in a combination and conspiracy in the  
23 United States and elsewhere to suppress and eliminate competition by fixing the prices of  
24 aftermarket auto lights. The combination and conspiracy engaged in by the defendant and his  
25 coconspirators was an unreasonable restraint of interstate and foreign trade and commerce in  
26  
27  
28

1 violation of Section 1 of the Sherman Act (15 U.S.C. § 1). The defendant knowingly joined  
2 and participated in the charged conspiracy from as early as November 2001 until in or about  
3 September 2008.

4 3. The charged combination and conspiracy consisted of a continuing agreement,  
5 understanding, and concert of action among the defendant and coconspirators, the substantial  
6 terms of which were to agree to fix the prices of aftermarket auto lights.

7 4. For the purpose of forming and carrying out the charged combination and  
8 conspiracy, the defendant and coconspirators did those things that they combined and  
9 conspired to do, including, among other things:

- 10 (a) participated in meetings, conversations, and communications in  
11 Taiwan, the United States, and elsewhere to discuss the prices of  
12 aftermarket auto lights;
- 13 (b) agreed, during those meetings, conversations, and communications, to  
14 charge prices of aftermarket auto lights at certain predetermined levels;
- 15 (c) issued price announcements and price lists in accordance with the  
16 agreements reached;
- 17 (d) collected and exchanged information on prices and sales of aftermarket  
18 auto lights for the purpose of monitoring and enforcing adherence to the  
19 agreed-upon prices;
- 20 (e) authorized, ordered, and consented to the participation of subordinate  
21 employees in the conspiracy; and
- 22 (f) took steps to conceal the conspiracy and conspiratorial contacts,  
23 conversations, and communications through various means.

24 II.

25 DEFENDANTS AND COCONSPIRATORS

26 5. During the time period covered by this Indictment, defendant HOMOY HONG-  
27 MING HSU was Vice Chairman of Company A, an entity organized and existing under the  
28 laws of Taiwan. During the time period covered by this Indictment, Company A was a

1 manufacturer of aftermarket auto lights sold in the United States and elsewhere.

2 6. Various corporations and individuals, not made defendants in this Indictment,  
3 participated as coconspirators in the offense charged in this Indictment and performed acts and  
4 made statements in furtherance of it.

5 7. Whenever in this Indictment reference is made to any act, deed, or transaction  
6 of any corporation, the allegation means that the corporation engaged in the act, deed, or  
7 transaction by or through its officers, directors, employees, agents, or other representatives  
8 while they were actively engaged in the management, direction, control, or transaction of its  
9 business or affairs.

10 III.

11 TRADE AND COMMERCE

12 8. Aftermarket auto lights are lights incorporated into an automobile after its  
13 original sale, usually as repairs following a collision, but also as accessories and upgrades.  
14 Lighting components include items such as headlights, taillights, fog lights, turn signals, brake  
15 signals, and reflectors.

16 9. During the period covered by this Indictment, Company A and coconspirators  
17 sold and distributed aftermarket auto lights in a continuous and uninterrupted flow of  
18 interstate and foreign trade and commerce to customers located in states or countries other  
19 than the states or countries in which Company A and coconspirators produced aftermarket  
20 auto lights.

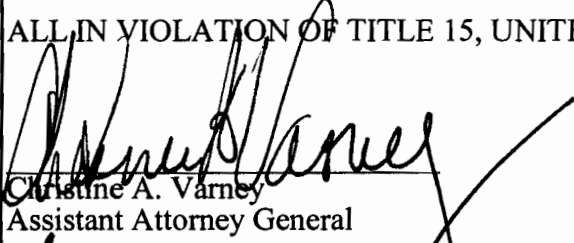
21 10. During the period covered by this Indictment, the business activities of the  
22 defendant and coconspirators that are the subject of this Indictment were within the flow of,  
23 and substantially affected, interstate and foreign trade and commerce.

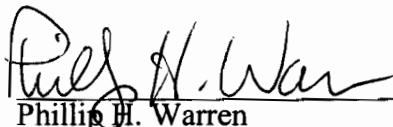
24 IV.

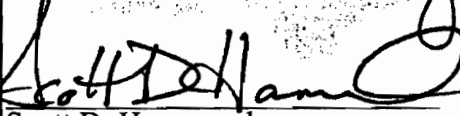
25 JURISDICTION AND VENUE

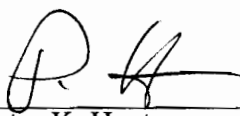
26 11. The combination and conspiracy charged in this Indictment was carried out, in  
27 part, in the Northern District of California, within the five years preceding the filing of this  
28 Indictment.

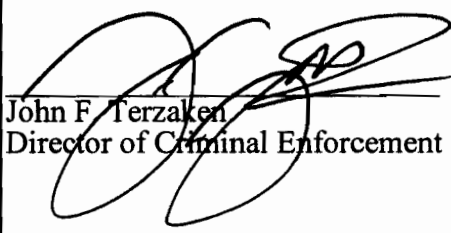
1 ALL IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 1.


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3   
4 Christine A. Varney  
5 Assistant Attorney General

  
Phillip H. Warren  
Chief, San Francisco Office

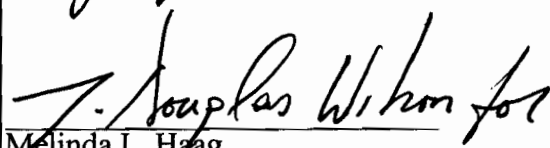
6   
7 Scott D. Hammond  
8 Deputy Assistant Attorney General

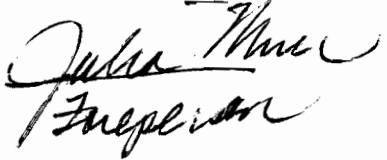
  
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12  
13 United States Department of Justice  
14 Antitrust Division

15  
16 Dated:  
17 July 19, 2011  
18  
19   
20 Melinda L. Haag  
21 United States Attorney  
22 Northern District of California

A True Bill  
  
Inspector

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