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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA)	No. CR 11-0488 SI
)	
v.)	MOTION TO ESTABLISH
)	PROCEDURE FOR
)	CRIME VICTIM NOTIFICATION
)	PURSUANT TO 18 U.S.C. § 3771
HOMY HONG-MING HSU,)	
)	
Defendant.)	

Pursuant to 18 U.S.C. § 3771(d)(2), the United States Department of Justice, Antitrust Division makes a motion requesting that this Court adopt a “reasonable procedure” for providing notice to “crime victims” as provided for under the Crime Victims’ Rights Act, 18 U.S.C. § 3771 (the “Act”). This procedure has been approved by this Court and is being followed by the United States in criminal case *United States v. Polo Shu-Sheng Hsu*, CR 11-0061 RS and *United States v. Chien Chung Chen, a/k/a Andrew Chen*, CR 11-0166 RS. The United States has filed a Notice of Related Case in a Criminal Action to relate the above-captioned case to these two earlier cases.

The Act requires that the Department of Justice use its “best efforts” to see that “crime victims are notified of, and accorded,” rights as described in 18 U.S.C. § 3771(a). 18 U.S.C.

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1 § 3771(c)(1). The Act defines “crime victim” as a “person directly and proximately harmed as a
2 result of the commission of a Federal offense or an offense in the District of Columbia.”

3 18 U.S.C. § 3771(e).

4 The rights of a crime victim under the Act include the “right to reasonable, accurate, and
5 timely notice of any public court proceeding, or any parole proceeding, involving the crime or of
6 any release or escape of the accused.” 18 U.S.C. § 3771(a)(2). Where, however, the court finds
7 that the number of crime victims makes it “impracticable” to accord all of the crime victims the
8 rights in § 3771(a), the court “shall fashion a reasonable procedure to give effect” to the Act that
9 does not “unduly complicate or prolong the proceedings.” 18 U.S.C. § 3771(d)(2).

10 In this case, Homy Hong-Ming Hsu is charged with participating in a conspiracy to
11 suppress and eliminate competition by fixing the prices of aftermarket automotive lighting
12 equipment. *United States v. Homy Hong-Ming Hsu*, Indictment (N.D. Cal., July 19, 2011). The
13 government submits that the number of “crime victims” directly and proximately harmed by this
14 conspiracy would make it impracticable for the government to provide to each victim individual
15 notices about every public court proceeding or any parole proceeding involving the crime, or of
16 any release or escape of the accused. Furthermore, victims harmed by the conspiracy are already
17 on notice because several civil class action cases have been filed on behalf of the alleged
18 victims. *In re Aftermarket Automotive Lighting Products Antitrust Litigation*, No. 09-ML-2007
19 GW, consolidated in the United States District Court, Central District of California..

20 Accordingly, the government asks that the Court adopt a “reasonable procedure” for
21 providing notices to crime victims in the case before the Court. 18 U.S.C. § 3771(d)(2).
22 Specifically, the government proposes that for any proceeding requiring victim notice under
23 18 U.S.C. § 3771(a)(2), the government will provide reasonable notice of the proceeding on the
24 Internet, at the publicly accessible web site for the Antitrust Division, <http://www.justice.gov/atr>.
25 The government will also notify in writing lead counsel for the plaintiffs in the civil litigation
26 referenced above. The government has already informed interim lead counsel for the plaintiffs
27 of its intention to provide them notice pursuant to 18 U.S.C. § 3771. In addition, it is the
28 government’s practice to issue a widely distributed press release when charges are filed or

1 settlements reached. In this case, a press release was issued on July 19, 2011 announcing that
2 defendant Homy Hong-Ming Hsu has been indicted. See Attachment.

3 Providing notice on the Internet and written notice to lead counsel for the plaintiffs in the
4 class action would accomplish the purpose of the Act with respect to reasonable notice without
5 unduly complicating or prolonging the proceedings. 18 U.S.C. § 3771(d)(2). Moreover, this
6 procedure is consistent with the procedure ordered and followed in criminal cases *United States*
7 *v. Polo Shu-Sheng Hsu*, CR 11-0061 RS and *United States v. Chien Chung Chen, a/k/a Andrew*
8 *Chen*, CR 11-0166 RS, each of which the United States has noticed as a related criminal case.

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10 Dated: July 21, 2011

Respectfully submitted,

11
12 /s/ Howard J. Parker

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