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4 U.S. Department of Justice
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8 Attorneys for the United States

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION
12

13 UNITED STATES OF AMERICA

14 v.
15

16 EAGLE EYES TRAFFIC INDUSTRIAL
17 CO., LTD.; E-LITE AUTOMOTIVE, INC.;
18 HOMY HONG-MING HSU; and YU-CHU
LIN, aka David Lin,

19 Defendants.
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) No. CR 11-0488 RS

) **DECLARATION OF MAY LEE
HEYE IN SUPPORT OF UNITED
STATES' OPPOSITION TO
MOTIONS FOR BILL OF
PARTICULARS**

) Date: March 6, 2012

) Time: 2:30 p.m.

) Place: Rm. 3, 17th Floor

) Trial Date: June 18, 2012

) Hon. Richard Seeborg, United States
District Judge

1 I, May Lee Heye, hereby declare under penalty of perjury as follows:

2 1. I am a Trial Attorney for the San Francisco Office of the United States
3 Department of Justice's Antitrust Division (the "Government") and am admitted to practice in
4 the State of California and before this Court. I make this declaration of my own personal
5 knowledge, and, if called as a witness, I could and would testify competently to the facts set forth
6 in this declaration.

7 2. Shortly after each of the defendants was indicted, the government sent counsel for
8 defendants a draft protective order to allow for the production of confidential and grand jury
9 material. Counsel for Homy Hsu entered into the Stipulated Protective Order on August 19,
10 2011, and the government began rolling production to her on August 23, 2011. Counsel for
11 Eagle Eyes and E-Lite entered into the Stipulated Protective Order on December 28, 2011, and
12 the government began its rolling production to him on that same day.

13 3. The document production has included (1) approximately 23 write-ups of witness
14 interviews, including interviews of coconspirators who have pled guilty in this case and other
15 employees of companies who have pled guilty or are cooperating with the government; (2) FBI
16 302s; (3) immunity letters and cooperation agreements; (4) plea agreements for all of the
17 companies and individuals that have pled guilty; (5) the agreement between the government and
18 the company that was granted leniency; and (6) transcripts of witness depositions in the
19 government's possession taken in the class action litigation. In addition, the discovery includes
20 meeting minutes where the pricing agreement is discussed and calendar entries.

21 4. Virtually all of the documents produced are in electronic form and were produced
22 in word searchable tiff/text or native format. They were produced in formats compatible with the
23 commonly used Summation or Concordance litigation support programs. Along with the
24 underlying documents, the government produced "load files." The load files contain document
25 unitization information so that if the documents are loaded into a document review software
26 program with the underlying data, the documents will appear unitized, and it will be clear where
27 each document begins and ends. For the documents produced to the government in hard copy,
28 the government electronically scanned all of the hard copy documents and produced them in

1 tiff/text format with accompanying load files. For both electronic and hard-copy documents, the
2 government provided indices containing the names of custodians, a description of the documents,
3 type of document, and corresponding Bates ranges. For the production of civil depositions, the
4 government provided an index of the CD containing these deposition transcripts including the
5 name of the witness, the witness' title and organization, the type of document, and the date the
6 deposition was taken.

7 5. In the course of the investigation, lawyers from the Antitrust Division working on
8 the investigation have interviewed many witnesses. In each instance, paralegals or attorneys
9 prepared interview write-ups. The write-ups of these interviews are much more detailed than a
10 typical FBI 302. The write-ups of initial interviews are typically between 10- to 25-pages long.
11 The interview write-ups generally provide detailed information on the following topics:
12 employment history of the witness; the witness' contacts with competitors; a description of the
13 witness' communications with competitors, including discussions on market pricing and pricing
14 formulas; the time and place of meetings with competitors; their knowledge of the antitrust laws
15 and their state of mind while they were engaged in the conspiratorial conduct; and their
16 knowledge of the DOJ investigation. The interview write-ups also identify by Bates number all
17 documents, including meeting minutes, shown to the witness. Where the identifying numbers in
18 the interview write-ups do not correspond to Bates numbers that defendants have, the
19 government has provided defendants with charts showing the corresponding numbers. An
20 example of one of the interview reports is filed under seal as Exhibit 1. **[FILED UNDER**

21 **SEAL]**

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EXHIBIT 1

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) **EXHIBIT 1 FILED UNDER SEAL**

) Date: March 6, 2012
) Time: 2:30 p.m.
) Place: Rm. 3, 17th Floor
) Trial Date: June 18, 2012

) Hon. Richard Seeborg, United States
District Judge

EXHIBIT 2



U.S. Department of Justice

Antitrust Division

San Francisco Field Office

450 Golden Gate Avenue
Box 36046, Room 10-0101
San Francisco, CA 94102-3478

415/436-6660
FAX 415/436-6687

January 18, 2012

Emailed to: kjulian@manatt.com

Kenneth B Julian
Manatt, Phelps & Phillips, LLP
695 Town Center Drive, 14th Floor
Costa Mesa, CA 92626

Dear Mr. Julian:

I have reviewed your letter dated December 30, 2011 and respond as follows to your 27 numbered requests.

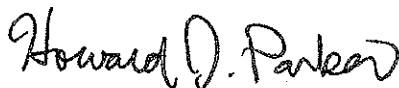
- (1) The government will provide all *Brady* or *Giglio* material no later than February 15, 2012. Any *Brady* or *Giglio* material that is later created or discovered after that date will be provided to you promptly.
- (2) The government will provide the supplemental disclosures that the local criminal rules require, in accordance with the timing in the proposed stipulation for pretrial scheduling.
- (3) See responses to Requests 1 and 7. Where a promise has been made to, or a plea, cooperation, amnesty, or leniency agreement has been reached with, a prospective government witness (or relevant employer), we are providing the promise or agreement itself.
- (4) At this point, we have not decided to call any investigatory agents as witnesses at trial. Also, if you have a more specific request than material "touching upon the investigatory process," we will consider that request. As drafted, your request is too broad and vague to identify anything to produce.
- (5) We will produce the written or recorded statements of defendants Eagle Eyes and E-Lite within the meaning of Rule 16(a)(1). Other than recordings supplied to the grand jury by Eagle Eyes itself, the government attorneys are unaware of the existence or likely existence of any recordings of Eagle Eyes or E-Lite personnel.

- (6) By February 15, we will make the required disclosures relating to rough notes of any government interviews in the course of this investigation of officers or employees of Eagle Eyes and/or E-Lite, including of Homy Hsu.
- (7) With regard to attorney “proffers” and “reverse” proffers in this matter, we will produce by February 15 any *Brady* or *Giglio* material.
- (8) We will comply with the requirements of *Brady*, producing by February 15 material evidence favorable to the defendants within the possession, custody, or control of the Antitrust Division or FBI in this investigation.
- (9) See response to Request 1. The extensive disclosures that we intend to make in this matter will enable defense counsel to identify individuals knowledgeable about the conduct at issue who may have information arguably favorable to the defense.
- (10) See response to Request 9. The government will provide a trial witness list in accordance with Crim. L.R. 17.1-1(b) (9). The following is contact information for Andrew Chen, Polo Hsu, and Chairman Hsu, respectively: Douglas Fuchs, Esq., 213-229-7605 (Andrew Chen); Edward Swanson, Esq., 415-477-3800 (Polo Hsu); Miles Ehrlich, Esq., 510-548-3600 (Chairman Hsu). The Manatt law firm has the contact information for the below-identified coconspirator companies as part of the service list in the parallel civil investigation.
- (11) The coconspirators in the conspiracy alleged in the Superseding Indictment included TYC Brother Industrial Co., Ltd. (“TYC”), Genera Corp. (“Genera”), Depo Auto Parts Industrial Co., Ltd. (“Depo”), Maxzone Vehicle Lighting Corp. (“Maxzone”), Eagle Eyes Traffic Industrial Co., Ltd. (“Eagle Eyes”), E-Lite Automotive, Inc. (“E-Lite), and Sabry Lee (U.S.A.), Inc. (“Sabry Lee”) and various individual officers, employees, and agents of those entities or subsidiaries and affiliates of those entities.
- (12) Indices of documents received during the investigation are being provided to the defendants along with documents that were received. The agents who have had access to or procured documents in connection with the investigation are those identified on 302s that are being disclosed.
- (13) There was no “electronic surveillance” by the government in the investigation in this matter.
- (14) To this point, there have been no scientific analyses or tests conducted in this matter.
- (15) We will provide Jencks Act statements of prospective government witnesses relating to this case by February 15.
- (16) We will provide relevant criminal history of government witnesses to defense counsel. To date, an inquiry has been made but no criminal history has been identified for any prospective witness.
- (17) See response to Request 1.
- (18) See response to Request 15.
- (19) See responses to Requests 1, 6, 7, and 15.
- (20) See response to Request 3.
- (21) We are aware of no discussions with any likely government witness or his attorney about, nor advice concerning, any possible prosecution of, or possible bargain with, any such witness, except with respect to those plea or leniency agreements that are being disclosed.

- (22) As required by *Giglio* and its progeny, we will make available information on bias or material false, misleading or inconsistent statements, to the extent such is known or becomes known to personnel of the Antitrust Division or FBI in the course of this matter. The FBI and Antitrust Division are the government agencies that have conducted the investigation here.
- (23) There have been no polygraph examinations as part of the investigation in this matter.
- (24) Should the government decide to call any law enforcement personnel as a witness in this matter, we will comply with the requirements of *Henthorn*.
- (25) No prospective government trial witnesses testified before the grand jury.
- (26) The government is currently unaware of any evidence that it would offer at trial under F.R.Evid. 609. The government will make disclosures within the ambit of F.R.Evid. 404(b) when it makes the supplemental disclosures required by Crim. L.R. 16-1(c)(3).
- (27) The government will exchange pre-marked exhibits per Crim. L.R. 17.1-1(b) (10), with the government using exhibit numbers 1-1000 and defendants using exhibit numbers 1001-2000, as has been agreed among the parties.

You have also inquired about translations. At one point, you orally requested that the government provide you translations in the prosecution's possession of the foreign-language documents (Chinese) that we provided in discovery. The government will produce to all defense counsel in this case certified translations of any foreign-language documents that it intends to introduce as exhibits in its case-in-chief at trial. These certified translations will be produced before trial to allow counsel sufficient time to review the accuracy of the translations. We are working now on creating the translations to be offered. Neither Rule 16(E)(i) nor any other provision of Rule 16 requires production of translations.

Respectfully,



Howard J. Parker
Attorney