

1 JACKLIN CHOU LEM (CA Bar No. 255293)
2 MAY LEE HEYE (CA Bar No. 209366)
3 HOWARD J. PARKER (WA Bar No. 7233)
4 KELSEY C. LINNETT (CA Bar No. 274547)
5 Antitrust Division
6 U.S. Department of Justice
7 450 Golden Gate Avenue
8 Box 36046, Room 10-0101
9 San Francisco, CA 94102
10 Telephone: (415) 436-6660
11 Fax: (415) 436-6687
12 jacklin.lem@usdoj.gov

FILED
2011 NOV 30 A 9 34
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

E-filing

13 Attorneys for the United States

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN FRANCISCO DIVISION

17 UNITED STATES OF AMERICA

18 v.

19 EAGLE EYES TRAFFIC INDUSTRIAL CO., LTD.;
20 E-LITE AUTOMOTIVE, INC.;
21 HOMOY HONG-MING HSU; and
22 YU-CHU LIN, aka David Lin,

23 Defendants.

No. CR 11- 0488 RS

**SUPERSEDING
INDICTMENT**

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

San Francisco Venue

24 The Grand Jury charges:

25 I.

DESCRIPTION OF THE OFFENSE

26 1. The following corporations and individuals are hereby indicted and made
27 defendants on the charge stated below:

28 (a) EAGLE EYES TRAFFIC INDUSTRIAL CO., LTD.;

(b) E-LITE AUTOMOTIVE, INC.;

1 (c) HOMY HONG-MING HSU; and

2 (d) YU-CHU LIN.

3 2. The defendants and other coconspirators entered into and engaged in a
4 combination and conspiracy to suppress and eliminate competition for aftermarket auto lights,
5 which began at least as early as July 2001 and continued until at least as late as September
6 2008, the exact dates being unknown to the Grand Jury ("the period covered by this
7 Indictment"), by agreeing to fix the prices of aftermarket auto lights sold to customers in the
8 United States and elsewhere. The combination and conspiracy engaged in by the defendants
9 and other coconspirators was in unreasonable restraint of interstate and foreign trade and
10 commerce in violation of Section 1 of the Sherman Act (15 U.S.C. § 1).

11 3. The charged combination and conspiracy consisted of a continuing agreement,
12 understanding, and concert of action among the defendants and other coconspirators, the
13 substantial terms of which were to agree to fix the prices of aftermarket auto lights in the
14 United States and elsewhere.

15 4. For the purpose of forming and carrying out the charged combination and
16 conspiracy, the defendants and other coconspirators did those things that they combined and
17 conspired to do, including, among other things:

18 (a) participated in meetings, conversations, and communications among
19 competitors in Taiwan and the United States to discuss the price
20 structure for aftermarket auto lights;

21 (b) agreed, during those meetings, conversations, and communications, to
22 set prices for aftermarket auto lights in accordance with pricing
23 formulas jointly determined among competitors;

24 (c) issued list price announcements to customers in accordance with the
25 jointly determined price structure;

26 (d) collected and exchanged information on prices of aftermarket auto
27 lights for the purpose of monitoring and enforcing adherence to the
28 jointly determined price structure;

1 (e) authorized, ordered, and consented to the participation of subordinate
2 employees in the conspiracy; and

3 (f) took steps to conceal the conspiracy and conspiratorial contacts,
4 conversations, and communications through various means.

5 II.

6 DEFENDANTS AND COCONSPIRATORS

7 5. During the period covered by this Indictment, defendant EAGLE EYES
8 TRAFFIC INDUSTRIAL CO., LTD. was an incorporated entity organized and existing under
9 the laws of Taiwan. Since at least July 2003, its principal place of business has been located
10 in Yongkang City, Tainan County, Taiwan. Defendant EAGLE EYES TRAFFIC
11 INDUSTRIAL CO., LTD. joined and participated in the conspiracy from at least as early as
12 July 2001 and continuing at least until in or about September 2008. During the period covered
13 by this Indictment, EAGLE EYES TRAFFIC INDUSTRIAL CO., LTD. was a manufacturer
14 of aftermarket auto lights sold in the United States and elsewhere.

15 6. Within the period covered by this Indictment, defendant E-LITE
16 AUTOMOTIVE, INC. was an incorporated entity organized and existing under the laws of the
17 State of California with its principal place of business located in Chino, California.
18 Defendant E-LITE AUTOMOTIVE, INC. joined and participated in the conspiracy from in or
19 about March 2006 and continuing at least until in or about September 2008. Within the period
20 covered by this Indictment, E-LITE AUTOMOTIVE, INC. distributed aftermarket auto lights
21 to customers located in the United States.

22 7. Defendant HOMY HONG-MING HSU is a resident of Taiwan. During the
23 period covered by this Indictment, defendant HOMY HONG-MING HSU was Vice Chairman
24 of defendant EAGLE EYES TRAFFIC INDUSTRIAL CO., LTD. Defendant HOMY HONG-
25 MING HSU joined and participated in the conspiracy from at least as early as November 2001
26 and continuing at least until in or about September 2008.

27 8. Defendant YU-CHU LIN is a resident of Taiwan. During the period covered
28 by this Indictment, defendant YU-CHU LIN was Chairman of defendant EAGLE EYES

1 TRAFFIC INDUSTRIAL CO., LTD. Defendant YU-CHU LIN joined and participated in the
2 conspiracy from at least as early as July 2001 and continuing at least until in or about
3 September 2008.

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

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

12 III.

13 TRADE AND COMMERCE

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

18 12. During the period covered by this Indictment, the defendants and their
19 coconspirators sold and distributed aftermarket auto lights in a continuous and uninterrupted
20 flow of interstate and foreign trade and commerce to customers located in states or countries
21 other than the states or countries in which the defendants and their coconspirators produced
22 aftermarket auto lights.

23 13. During the period covered by this Indictment, the business activities of the
24 defendants and their coconspirators that are the subject of this Indictment were within the flow
25 of, and substantially affected, interstate and foreign trade and commerce.

26 //

27 //

28 //

IV.

JURISDICTION AND VENUE

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

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

DATED:

November 29, 2011

A TRUE BILL



FOREPERSON

[Signature]
Sharis A. Pozen
Acting Assistant Attorney General

[Signature]
Phillip H. Warren
Chief, San Francisco Office

[Signature]
Scott D. Hammond
Deputy Assistant Attorney General

[Signature]
Peter K. Huston
Assistant Chief, San Francisco Office

[Signature]
John F. Terzaken
Director of Criminal Enforcement

[Signature]
Jaglin Chou Lem
May Lee Heye
Howard J. Parker
Kelsey C. Linnett
Attorneys
U.S. Department of Justice
Antitrust Division
450 Golden Gate Avenue
Box 36046, Room 10-0101
San Francisco, CA 94102
(415) 436-6660

United States Department of Justice
Antitrust Division

[Signature]
Bryan J. Stretch
Attorney for the United States
Acting Under Authority Conferred by 28 U.S.C. § 515
Northern District of California