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

Attorneys for the United States

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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA v. EAGLE EYES TRAFFIC INDUSTRIAL CO., LTD.; E-LITE AUTOMOTIVE, INC.; HOMY HONG-MING HSU; and YU-CHU LIN, aka David Lin, Defendants.	No. CR 11- 0488 RS **SUPERSEDING INDICTMENT** VIOLATION: Title 15, United States Code, Section 1 (Price Fixing) San Francisco Venue

The Grand Jury charges:

I.

DESCRIPTION OF THE OFFENSE

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

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

(b) E-LITE AUTOMOTIVE, INC.;

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(c) HOMY HONG-MING HSU; and

(d) YU-CHU LIN.

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

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

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

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

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

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

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

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

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

II.

DEFENDANTS AND COCONSPIRATORS

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

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

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

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

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

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

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

III.

TRADE AND COMMERCE

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

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

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

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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

[redacted]

FOREPERSON

Sharis A. Pozen
Acting Assistant Attorney General

Phillip H. Warren
Chief, San Francisco Office

Scott D. Hammond
Deputy Assistant Attorney General

Peter K. Huston
Assistant Chief, San Francisco Office

John F. Terzaken
Director of Criminal Enforcement

Jacklin 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

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