

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
Northern District of California

United States of America
v.

HOMY HONG-MING HSU

Defendant(s)

Case No.

3 11 70758

FILED

JUL 12 2011

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

CRIMINAL COMPLAINT

MEJ

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of Nov. 2001- Sept. 2008 in the county of San Francisco in the
Northern District of California, the defendant(s) violated:

Code Section
15 U.S.C. s 1

Price-fixing

Offense Description

This criminal complaint is based on these facts:

Please see the attached affidavit of Deborah S. Bond, Special Agent, Federal Bureau of Investigation.

(Approved as to form Jacklin Chou Lem, Trial Attorney)

☒ Continued on the attached sheet.

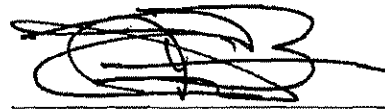

Complainant's signature

Deborah S. Bond, Special Agent, FBI
Printed name and title

Sworn to before me and signed in my presence.

Date:

7/12/11


Judge's signature

City and state: San Francisco, California

Timothy J. Bommer
Printed name and title

**AFFIDAVIT OF SPECIAL AGENT DEBORAH BOND
IN SUPPORT OF ARREST WARRANT**

I, Special Agent Deborah S. Bond, U.S. Department of Justice, Federal Bureau of Investigation ("FBI"), being duly sworn, state as follows:

INTRODUCTION

1. My investigation has revealed that there is probable cause to find that Homy Hong-Ming Hsu (a/k/a/ Homy Hsu) did fix the prices of aftermarket auto lights with his competitors in violation of 15 U.S.C. § 1.

BACKGROUND AND EXPERTISE OF AFFIANT

2. I am an FBI Special Agent in the San Francisco Division of the FBI, 450 Golden Gate Avenue, 13th Floor. I have been assigned to this Division since September 2005. I have approximately twenty-four years of experience working on white collar cases and have almost four years of experience working on antitrust cases. In my tenure as a FBI Special Agent I have investigated numerous criminal cases involving white collar crime, public corruption, health care fraud, and antitrust.

3. Following my training at the FBI Academy, I received hundreds of hours of training in various aspects of criminal investigation and attended classes and seminars dealing specifically with white collar prosecution.

CHARGE

4. I make this Affidavit in support of an Arrest Warrant and a Criminal Complaint. The information set out below establishes probable cause to believe that:

- a. Beginning no later than in or about November 2001 and continuing to until in or about September 2008 ("relevant period"), Homy Hsu and others fixed the prices of aftermarket auto lights.

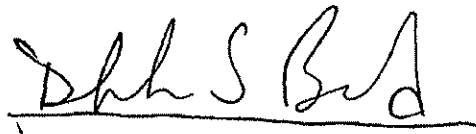
- b. During the relevant period, Homy Hsu was Vice Chairman and head of sales at Eagle Eyes Traffic Industrial Co., Ltd. (hereinafter "Eagle Eyes"), an entity organized and existing under the laws of Taiwan, the Republic of China, and with its principal place of business in Tainan, Taiwan, Republic of China. During the relevant period, Eagle Eyes was a producer of aftermarket auto lights and was engaged in the sale of auto lights in the United States and elsewhere. Aftermarket auto lights are 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. Aftermarket auto lights are sold through U.S. distributors to aftermarket auto lights wholesalers, retailers, and automotive repair shops.
- c. During the relevant period, Homy Hsu participated in a conspiracy with other persons and entities engaged in the manufacture and sale of aftermarket auto lights, the primary purpose of which was to fix the price of aftermarket auto lights sold in the United States and elsewhere. In furtherance of the conspiracy, Homy Hsu engaged in conversations and attended meetings with representatives of other major aftermarket auto lights manufacturing firms. During such meetings and conversations, agreements were reached to fix the price of aftermarket auto lights to be sold in the United States and elsewhere. Homy Hsu was also aware of the existence of the conspiracy among the employees and officers of Eagle Eyes, and that these employees and officers were engaged in conversations and attended meetings, with representatives of other major aftermarket auto lights manufacturing firms. Homy Hsu was aware that during such meetings and

conversations, agreements were reached to fix the price of aftermarket auto lights to be sold in the United States and elsewhere. Homy Hsu was a manager or supervisor in the conspiracy, which involved at least five participants.

- f. During the relevant period, aftermarket auto lights sold by one or more of the conspirator firms, and equipment and supplies necessary to the production and distribution of aftermarket auto lights, as well as payments for aftermarket auto lights, traveled in interstate and foreign commerce. The business activities of Eagle Eyes and coconspirators in connection with the production and sale of aftermarket auto lights that were the subjects of the conspiracy were within the flow of, and substantially affected, interstate and foreign trade and commerce.
- g. Acts in furtherance of this conspiracy were carried out within the Northern District of California within the last five years. Auto lights that were the subjects of the conspiracy were sold by one or more of the conspirators to customers in this District.

CONCLUSION

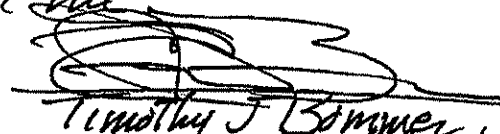
5. Based on the above information contained in this Affidavit, I believe there is probable cause to believe that Homy Hsu violated 15 U.S.C. § 1.


Deborah S Bond

7/12/11

Swear to before me

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Timothy J Sommer
U.S. Magistrate Judge