

BRIGID S. MARTIN (CA Bar No. 231705)
JACKLIN CHOU LEM (CA Bar No. 255293)
MAY LEE HEYE (CA Bar No. 209366)
Antitrust Division
U.S. Department of Justice
450 Golden Gate Avenue
Box 36046, Room 10-0101
San Francisco, CA 94102
Telephone: (415) 436-6660

Attorneys for the United States

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA

v.

POLO SHU-SHENG HSU

Defendant.

No. CR

INFORMATION

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

San Francisco Venue

FILED
2011 FEB - 8 A 9 38
RICHARD W. WICKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RS

CR 11 0061

The United States of America, acting through its attorneys, charges:

I.

DESCRIPTION OF THE OFFENSE

1. POLO SHU-SHENG HSU ("defendant") is made a defendant on the charge stated below:

2. From on or about April 2000 until on or about September 3, 2008, the defendant and coconspirators entered into and engaged in a combination and conspiracy in the United States and elsewhere to suppress and eliminate competition by fixing the prices of aftermarket auto lights. The combination and conspiracy engaged in by the defendant and his coconspirators was an unreasonable restraint of interstate and foreign trade and commerce in violation of Section 1 of the Sherman Act (15 U.S.C. § 1). The defendant knowingly joined

1 and participated in the charged conspiracy from as early as April 2000 until on or about
2 September 3, 2008.

3 3. The charged combination and conspiracy consisted of a continuing agreement,
4 understanding, and concert of action among the defendant and coconspirators, the substantial
5 terms of which were to agree to fix the prices of aftermarket auto lights.

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

- 9 (a) participated in meetings, conversations, and communications in
10 Taiwan, the United States, and elsewhere to discuss the prices of
11 aftermarket auto lights;
- 12 (b) agreed, during those meetings, conversations, and communications, to
13 charge prices of aftermarket auto lights at certain predetermined levels;
- 14 (c) issued price announcements and price lists in accordance with the
15 agreements reached;
- 16 (d) collected and exchanged information on prices and sales of aftermarket
17 auto lights for the purpose of monitoring and enforcing adherence to the
18 agreed-upon prices;
- 19 (e) authorized, ordered, and consented to the participation of subordinate
20 employees in the conspiracy;
- 21 (f) took steps to conceal the conspiracy and conspiratorial contacts,
22 conversations, and communications through various means.

23 II.

24 DEFENDANTS AND COCONSPIRATORS

25 5. During the time period covered by this Information, Defendant POLO SHU-
26 SHENG HSU was President and Chief Executive Officer of Company A, an entity organized
27 and existing under the laws of California. During the time period covered by this Information,
28 Company A was the exclusive United States distributor of auto lights produced by Company

1 B, an entity organized and existing under the laws of Taiwan, and since 2007, Company A has
2 been a wholly owned subsidiary of Company B. Companies A and B, during the time period
3 covered by this Information, were engaged in the business of producing and selling
4 aftermarket auto lights to customers in the United States and elsewhere.

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

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

13 III.

14 TRADE AND COMMERCE

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

19 9. During the period covered by this Information, Companies A and B and
20 coconspirators sold and distributed aftermarket auto lights in a continuous and uninterrupted
21 flow of interstate and foreign trade and commerce to customers located in states or countries
22 other than the states or countries in which Companies A and B and coconspirators produced
23 aftermarket auto lights.

24 10. During the period covered by this Information, the business activities of the
25 defendant and coconspirators that are the subject of this Information were within the flow of,
26 and substantially affected, interstate and foreign trade and commerce.

27 //

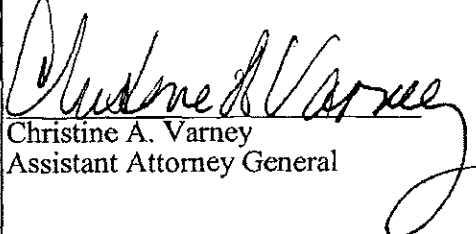
28 //


IV.

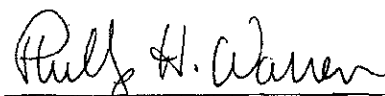
JURISDICTION AND VENUE

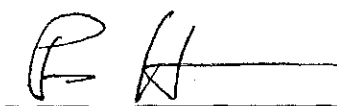
11. The combination and conspiracy charged in this Information was carried out, in part, in the Northern District of California, within the five years preceding the filing of this Information.


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


Christine A. Varney
Assistant Attorney General

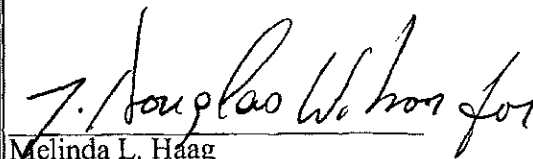

Scott D. Hammond
Deputy Assistant Attorney General


Phillip H. Warren
Chief, San Francisco Office


Peter K. Huston
Assistant Chief, San Francisco Office


Brigid S. Martin
Jacklin Chou Lem
May Lee Heye
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


Melinda L. Haag
United States Attorney
Northern District of California