

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

THE AMERICAN AUTOMOBILE)
ASSOCIATION, INC.,)
)
)
Plaintiff,)
)
v.)
)
HCM BROTHERS, INC. d/b/a CEDAR INN)
& SUITES, and FU SHEN HSIAO,)
Defendants.)
_____)

2:08-cv-02878

ORDER FINDING DEFENDANTS IN
CONTEMPT OF COURT AND WARNING
DEFENDANT FU SHEN HSIAO THAT
IF HE DOES NOT COMPLY WITH
THE COURT'S ORDER BY APRIL 19,
2010, A BENCH WARRANT FOR HIS
ARREST MAY ISSUE

On April 5, 2010, Plaintiff, The American Automobile Association, Inc. ("AAA"), appeared before the undersigned judge as required by the court's Order to Show Cause filed on February 12, 2010. Defendants did not appear.

AAA stated that Defendants continue to use AAA's trademark without authorization in violation of the permanent injunction issued by the court on October 29, 2009 (the "Permanent Injunction"). The Permanent Injunction enjoined Defendants from using, without authorization, any of AAA's trademarks and required that Defendants destroy any infringing term, logo and symbol. Although Defendants have apparently removed the AAA trademark from a display outside the

1 Cedar Inn & Suites hotel and from some of its webpages, as of April 5,
2 2010, Defendants continue to use the AAA trademark on at least two
3 webpages, which can be found at:

4 <http://www.cedarinntahoe.com/ski%20package.htm> and
5 http://www.cedarinntahoe.com/season_package.htm. Copies of these
6 continued uses are attached to this Order as Exhibit A.

7 To ensure compliance with the Permanent Injunction, AAA
8 requested that the court issue a bench warrant for the arrest of
9 Defendant Fu Shen Hsiao. AAA also requested that the court award it
10 the attorneys' fees and costs it has incurred to enforce the Permanent
11 Injunction.

12 After reviewing the papers submitted by AAA and oral
13 argument, IT IS HEREBY ORDERED AS FOLLOWS:

- 14 1. Since AAA has shown by "clear and convincing evidence"
15 that Defendants violated, and continue to violate, the
16 Permanent Injunction, Defendants are held in contempt
17 of court. See FTC v. Affordable Media, 179 F.3d 1228,
18 1239 (9th Cir. 1999) (articulating the "standard for
19 finding a party in civil contempt").
- 20 2. No later than April 19, 2010, Defendants shall comply
21 fully with the Permanent Injunction and cease all
22 remaining unauthorized uses of AAA's trademarks,
23 including but not limited to the uses demonstrated in
24 Exhibit A attached to this Order.
- 25 3. In the event that Defendants do not comply with this
26 Order by April 19, 2010, **a bench warrant may issue for**
27 **the immediate arrest of Defendant Fu Shen Hsiao,**
28 requiring the United States Marshal Service to seize

1 him and place him in jail until he complies with the
2 Permanent Injunction.

3 4. As a remedial sanction, Defendants shall also pay to
4 AAA the reasonable attorneys' fees and costs AAA
5 incurred in enforcing the Permanent Injunction. See
6 Donovan v. Burlington Northern, Inc., 781 F.2d 680, 683
7 (9th Cir. 1986) (stating that "the trial court should
8 have the discretion to analyze each contempt case
9 individually and decide whether an award of fees and
10 expenses is appropriate as a remedial measure"
11 (quotation and citations omitted)). AAA shall file an
12 affidavit supporting its request for attorneys' fees so
13 the court may determine the reasonableness of the sum
14 requested.

15 5. The parties are ordered to appear for further hearing
16 on this matter on April 19, 2010 at 9:00 a.m. in
17 Courtroom 10, located at 501 I Street in Sacramento,
18 California.

19 6. AAA shall serve a copy of this Order on Defendants by
20 mail and shall also hand deliver a copy of this Order
21 to the front desk of the Cedar Inn & Suites hotel,
22 located at 890 Stateline Avenue in South Lake Tahoe,
23 California, 96150, on or before April 12, 2010.

24 Dated: April 6, 2010



27 GARLAND E. BURRELL, JR.
28 United States District Judge

EXHIBIT A

Cedar Inn

lake tahoe



Reservations Toll Free

1-888-822-0199

or e-mail
cedarinntahoe@yahoo.com

129.00 1-night/2-lift tickets	1/2 Package: Per-couple. Starts any day. Friday or Saturday night \$20 extra fee. Skiing good only for Sierra-at-Tahoe and North star.
\$159.00 2-night/1-day skiing	2/1 Package: Starts Sunday, Monday, Tuesday, Wednesday ((per-couple, double occupancy).
\$289.00 3-night/2-day skiing	3/2 Package: Starts Sunday, Monday, Tuesday, Wednesday (per-couple, double occupancy).
\$419.00 4-night/3-day skiing	4/3 Package: Starts Sunday, Monday, Tuesday (per-couple, double occupancy).
\$559.00 5-night/4-day skiing	5/4 Package: Starts Sunday, Monday (per-couple, double occupancy).
\$729.00 7-night/5-day skiing	7/5 Package: Starts any day (per-couple, double occupancy).

RATES SUBJECT TO CHANGE WITHOUT NOTICE. FRIDAY AND SATURDAY NIGHTS: ADD \$10.00 PER PERSON. ADDITIONAL NIGHTS AVAILABLE AT DISCOUNTED RATES. HEAVENLY \$15.00 SURCHARGE.

Deposit Information:

All packages are subject to availability. Reservations must be made in advance. A deposit of \$50.00 is required at the time of booking. The Balance is due upon arrival. Check-in time is 2:00 PM and Check-out time is 11:00 AM.

Cancellation and Refunds:

A full refund of your deposit will be made if the reservation is cancelled 48 hours prior to scheduled arrival. There will be a partial refund on all unused lift tickets.

Accommodations include:

Color TV-HBO, Free Local Phone Calls, In-room Coffeemakers. Suites and rooms with Fireplaces are also available.

2005 / 2006 ski package includes:

*All Day Lift Tickets to Sierra at Tahoe, North star at Tahoe, Kirkwood, Heavenly (+15)

*Continental Breakfast

*Free Ski / Snowboard Hot Wax & Discounts Rental.

*Free shuttles to most Ski resorts

*Free "goodie" package

Home Season Package Room Rate Reservation Weather Driving Directions

First-time Ski/Snowboard package

Best Deal in Tahoe

\$129 for 2 (include 2 ticket, 1 night stay, lesson and equipment)

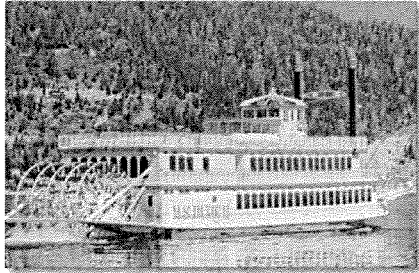
CEDAR INN & SUITES
890 Stateline Avenue
South Lake Tahoe, CA 96150
530.543.0159 or 888.822.0199
E-Mail: cedarinntahoe@yahoo.com

Reservations Toll Free

1-888-822-0199

or e-mail
cedarinntahoe@yahoo.com

Cedar Inn Lake Tahoe



Courtesy of M. S. Dixie II

Cruises Package

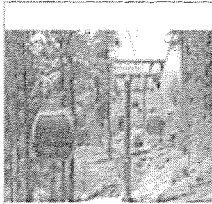
Year-round sightseeing cruise with M.S. Dixie II to Tahoe's pearl "Emerald Bay " plus 2 nights lodging only \$130 per couple Sun-Thurs . (Weekend & Holiday higher)

Summer Sunset Dinner Dance Cruise available.

Ski Packages

\$129 per couple 1 night's lodging 2 lift ticket to Sierra at Tahoe, North Star and Kirkwood (Squaw Valley add \$10 ,Heavenly add \$15) (2 ticket \$120+1 night stay \$39 you save \$30 for GAS to CEDAR INN)

For more choices, click on the photo.



BEAUTIFUL GONDOLA RIDE

One night stay with 2 Gondola tickets

\$69.00 1Q bed // \$79.00 with 2DD or 1Q&Sofa // \$89.00 2Q

For weekends add \$20-\$40

[Home](#) [Season Package](#) [Room Rate](#) [Reservation](#) [Weather](#) [Driving Directions](#)

CEDAR INN & SUITES
890 Stateline Avenue
South Lake Tahoe, CA 96150
530.543.0159 or 888.822.0199
E-Mail: cedarinntahoe@yahoo.com

Cedar Inn

l a k e t a h o e




Reservations Toll Free

1-888-822-0199

or e-mail
cedarinntahoe@yahoo.com

Room Rate

1 Queen Bed, 1-2 people	\$39
2 Double Beds, 2-4 people	\$49
2 Queen Beds, 2-4 people	\$59
3 Beds, 3-5 people	\$59
K Bed with fireplace	\$59
2 Bedroom suite with kitchen	\$110

mini suites (1Q bed sofa
and kitchen)



\$59

Above rates available from Sunday through Thursday. Fridays, Saturdays, Summer and Holidays may require 2-3 nights stay with higher rates. *Dates excluded: December 22- January 2.* Above rates are 50% off midweek rack rates. Cancellation, refund and reservation policies apply as mentioned in this web site.

MAKE A RESERVATION

[Home](#) [Season Package](#) [Room Rate](#) [Reservation](#) [Weather](#) [Driving Directions](#)

CEDAR INN & SUITES
890 Stateline Avenue
South Lake Tahoe, CA 96150
530.543.0159 or 888.822.0199
E-Mail: cedarinntahoe@yahoo.com