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

THE AMERICAN AUTOMOBILE ASSOCIATION, INC.	)	
	)	
Plaintiff,	)	2:08-cv-02878-GEB-GGH
	)	<u>ORDER</u>
v.	)	
	)	
HCM BROTHERS, INC. d/b/a CEDAR INN	)	
& SUITES, and FU SHEN HSIAO,	)	
	)	
Defendants.	)	

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In an order issued on April 6, 2010, Defendants were held in contempt of court for their continued violation of the permanent injunction issued on October 29, 2009, which enjoined Defendants from using, without authorization, any of Plaintiff's trademarks. The April 6 order instructed Defendants that if they did not cease all remaining unauthorized use of Plaintiff's trademarks, including use on two webpages,<sup>1</sup> by April 19, 2010, a bench warrant could issue for the immediate arrest of Defendant Fu Shen Hsiao. A hearing was held on

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<sup>1</sup> The two webpages are located at <http://www.cedarinntahoe.com/ski%20package.htm> and [http://www.cedarinntahoe.com/season\\_package.htm](http://www.cedarinntahoe.com/season_package.htm).

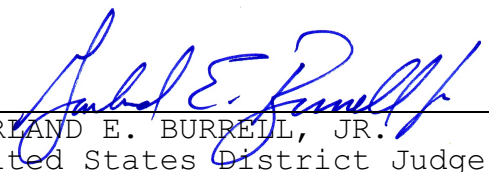
1 April 19, 2010, at which Plaintiff's counsel opined that Defendants  
2 remained in violation of the permanent injunction through their  
3 continued, unauthorized use of Plaintiff's trademark on the two  
4 webpages. Defendants did not appear at the April 19 hearing.

5 On April 20, 2010, Plaintiff filed a proposed order  
6 providing for the issuance of a bench warrant and the immediate arrest  
7 of Defendant Fu Shen Hsiao. Plaintiff attached to its proposed order  
8 evidence that Defendant Fu Shen Hsiao is the registrant for the domain  
9 name CEDARINNTAHOE.COM, which hosts the infringing webpages; however,  
10 Plaintiff has not shown that after April 19, 2010, Defendants continue  
11 to violate the permanent injunction. This evidence is a prerequisite  
12 to the issuance of a bench warrant requiring the United States Marshal  
13 service to seize Defendant Fu Shen Hsiao.

14 However, since Plaintiff has shown that the \$3,888 in  
15 attorneys' fees and costs previously requested is reasonable,  
16 Defendants shall pay Plaintiff a remedial sanction of \$3,888 as  
17 provided in the April 6 order.

18 Since Plaintiff's counsel has informed the Court that  
19 Defendants have repeatedly refused to accept documents sent from  
20 Plaintiff's counsel, the Clerk of the Court shall serve by mail a copy  
21 of this order and the order filed on April 6, 2010 on Defendant Fu  
22 Shen Hsiao at Cedar Inn & Suites, 890 Stateline Avenue, South Lake  
23 Tahoe, California 96150.

24 Dated: April 21, 2010

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