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

THE AMERICAN AUTOMOBILE  
ASSOCIATION, INC.,

Plaintiff,

v.

HCM BROTHERS, INC. d/b/a CEDAR  
INN & SUITES, and FU SHEN HSIAO,

Defendants.

Civil Case No.: 08-cv-02878-GEB-GGH

**BENCH WARRANT  
COMMANDING  
SEIZURE OF DEFENDANT FU  
SHEN HSIAO RE CIVIL  
CONTEMPT**

Defendants were held in contempt of court in an order issued on April 6, 2010 for their continued violation of the permanent injunction issued by the Court on October 29, 2009, which enjoined Defendants from using any of Plaintiff's trademarks without authorization. The April 6 order instructed Defendants that if they did not cease all remaining unauthorized use of Plaintiff's trademarks by April 19, 2010, a bench warrant could issue for the immediate arrest of Defendant Fu Shen Hsiao. A hearing was held on April 19, 2010, at which Defendants did not appear. Defendants have refused to acknowledge or otherwise participate in this litigation.

1                   On April 20, 2010, Plaintiff filed a proposed order providing for the issuance of a  
2 bench warrant and the immediate arrest of Defendant Fu Shen Hsiao. Plaintiff attached to its  
3 proposed order evidence that Defendant Fu Shen Hsiao is the registrant for the domain name  
4 CEDARINNTAHOE.COM, which hosts the infringing webpages. At that time, Plaintiff did not  
5 attach evidence showing that after April 19, 2010, Defendants continued to violate the  
6 permanent injunction. However, on April 21, 2010, Plaintiff submitted evidence, which is  
7 attached to this order as Exhibit A, demonstrating that Defendants continue to violate the  
8 permanent injunction filed on October 29, 2009. Specifically, Plaintiff has provided printouts of  
9 webpages located at:

- 10                   • [http://www.cedarinntahoe.com/room\\_rate.htm](http://www.cedarinntahoe.com/room_rate.htm),
- 11                   • [http://www.cedarinntahoe.com/season\\_package.htm](http://www.cedarinntahoe.com/season_package.htm), and
- 12                   • <http://www.cedarinntahoe.com/ski%20package.htm>

13 See Exhibit A. These printouts are dated April 21, 2010 and show that Defendants continue to  
14 use Plaintiff's trademarks without authorization after the April 19, 2010 deadline set by the  
15 Court.

16                   Based on the foregoing, IT IS HEREBY ORDERED AS FOLLOWS:

17                   1.       Since Defendants remain in violation of the permanent injunction filed on  
18 October 29, 2009, and failed to comply with the April 6, 2010 order, to effectuate compliance  
19 with the Court's orders, a civil seizure warrant shall issue for Defendant Fu Shen Hsiao,  
20 requiring that he be immediately seized and incarcerated until the contempt is purged.

21                   2.       Following the seizure of Defendant Fu Shen Hsiao, the undersigned judge  
22 shall be notified so that a hearing may be scheduled to determine whether Defendant Fu Shen  
23 Hsiao is willing and able to comply with the October 29, 2009 order, a copy of which is  
24 attached as Exhibit B.

25                   3.       Defendant Fu Shen Hsiao is further advised that if he wishes to purge  
26 himself before the hearing, he shall remove Plaintiff's trademarks from the three webpages  
27 listed above and attached as Exhibit A, and from any other place they are displayed.

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Since Defendants have repeatedly refused to accept documents sent from Plaintiff's counsel, the Clerk of the Court shall serve by express mail a copy of this order on Defendant Fu Shen Hsiao at Cedar Inn & Suites, 890 Stateline Avenue, South Lake Tahoe, California, 96150.

April 22, 2010

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

# **EXHIBIT A**

# Cedar Inn

lake tahoe





Reservations Toll Free

1-888-822-0199

or e-mail  
[cedarinntahoe@yahoo.com](mailto: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
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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](mailto:cedarinntahoe@yahoo.com)

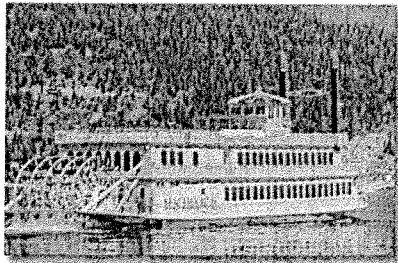
# Cedar Inn Lake Tahoe



Reservations Toll Free

1-888-822-0199

or e-mail  
[cedarinntahoe@yahoo.com](mailto:cedarinntahoe@yahoo.com)



Courtesy of M.S. Dixie II

## Cruises Package

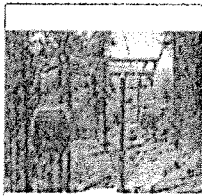
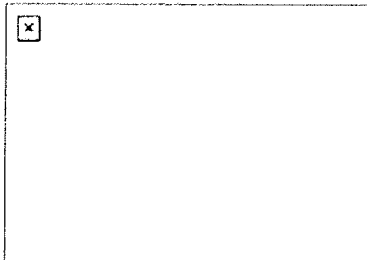
Year-round sightseeing cruise with M.S. Dixie II to Tahoe's pearl "Emerald Bay " plus 2 nights lodging only \$130 per couple Sun-Thurs . (Weekend & Holiday higher)

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

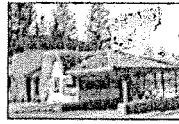
For weekends add \$20-\$40

[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](mailto:cedarinntahoe@yahoo.com)

# Cedar Inn

lake tahoe



Reservations Toll Free

1-888-822-0199

or e-mail  
[cedarinntahoe@yahoo.com](mailto:cedarinntahoe@yahoo.com)

<b>129.00</b> 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.
<b>\$159.00</b> 2-night/1-day skiing	2/1 Package: Starts Sunday, Monday, Tuesday, Wednesday ((per-couple, double occupancy).
<b>\$289.00</b> 3-night/2-day skiing	3/2 Package: Starts Sunday, Monday, Tuesday, Wednesday (per-couple, double occupancy).
<b>\$419.00</b> 4-night/3-day skiing	4/3 Package: Starts Sunday, Monday, Tuesday (per-couple, double occupancy).
<b>\$559.00</b> 5-night/4-day skiing	5/4 Package: Starts Sunday, Monday (per-couple, double occupancy).
<b>\$729.00</b> 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](mailto:cedarinntahoe@yahoo.com)

# **EXHIBIT B**



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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-2878-GEB-GGH

vs.

HCM BROTHERS, INC. D/b/a/ CEDAR  
INN & SUITES, and FU SHEN HSIAO,

Defendants.

ORDER

\_\_\_\_\_ /

On September 3, 2009, the magistrate judge filed findings and recommendations herein which were served on the parties and which contained notice that any objections to the findings and recommendations were to be filed within ten days. No objections were filed.

Accordingly, the court presumes any findings of fact are correct. See Orland v. United States, 602 F.2d 207, 208 (9th Cir. 1999). The magistrate judge's conclusions of law are reviewed de novo. See Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir. 1983).

The court has reviewed the applicable legal standards and, good cause appearing, concludes that it is appropriate to adopt the Findings and Recommendations in full.

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Accordingly, IT IS ORDERED that:

1. The Findings and Recommendations filed September 3, 2009, are ADOPTED;
2. Plaintiffs' motion for entry of default judgment is GRANTED in the amount of \$11,782.85; and
3. Defendants are permanently enjoined from using without authorization any of AAA's trademarks; and, within five days of the date on which this Order is served shall destroy any such infringing term, logo, and symbol.

Dated: October 28, 2009

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