

Commonwealth of Pennsylvania

COUNTY OF CUMBERLAND

APPLICATION FOR
SEARCH WARRANT
AND AUTHORIZATIONDocket Number
(Issuing Authority):Police Incident
Number: 08-002757Warrant Control
Number: SW-2

Det. Timothy D. LIVELY

North Middleton Township Police

717-243-7910

7/12/2008

AFFIANT NAME

AGENCY

PHONE NUMBER

DATE OF APPLICATION

IDENTIFY ITEMS TO BE SEARCHED FOR AND SEIZED (Be as specific as possible):

Business records to include, receipts, credit card receipts, cash, checks and other forms of payment, computers, computer hardware, computer software and any other magnetic/recording device used for the purpose of keeping inventory, business records, receipts and orders.

SPECIFIC DESCRIPTION OF PREMISES AND/OR PERSON TO BE SEARCHED (Street and No., Apt. No., Vehicle, Safe Deposit Box, etc.):

Roadway Inn Motel
1252 Harrisburg Pike
Middlesex Township, Cumberland Couty
Room 318

NAME OF OWNER, OCCUPANT OR POSSESSOR OF SAID PREMISES TO BE SEARCHED (If proper name is unknown, give alias and/or description):

Roadway Inn

VIOLATION OF (Describe conduct or specify statute):

18/911(b)(1)(2)(3) Corrupt Orgainizations, 18/4119(a) Trademark Counterfeiting
and 18/3922 Theft by Deception.

DATE(S) OF VIOLATION:

7/11/2008 & 7/12/08

☒ **Warrant Application Approved by District Attorney – DA File No. DJS-08-089 (7/12/2008 1615)**

(If DA approval required per Pa.R.Crim.P. 202(A) with assigned File No. per Pa.R.Crim.P. 507)

☐ **Additional Pages Attached (Other than Affidavit of Probable Cause)**
☐ **Probable Cause Affidavit(s) MUST be attached (unless sealed below) Total number of pages: _____**

TOTAL NUMBER OF PAGES IS SUM OF ALL APPLICATION, PROBABLE CAUSE AND CONTINUATION PAGES EVEN IF ANY OF THE PAGES ARE SEALED

The below named Affiant, being duly sworn (or affirmed) before the Issuing Authority according to law, deposes and says that there is probable cause to believe that certain property is evidence of or the fruit of a crime or is contraband or is unlawfully possessed or is otherwise subject to seizure and is located at the particular premises or in the possession of the particular person as described above.

North Middleton Township Police Department
2051 Spring Road, Carlisle, PA 17013

26-08

Signature of Affiant

Agency or Address if private Affiant

Badge Number

Sworn to and subscribed before me this 12th day of July, 2008. Mag. Dist. No. 04-2-01

Signature of Issuing Authority

Office Address

SEARCH WARRANT
TO LAW ENFORCEMENT
OFFICER:

WHEREAS, facts have been sworn to or affirmed before me by written affidavit(s) attached hereto from which I have found probable cause, I do authorize you to search the premises or person described, and to seize, secure, inventory and make return according to the Pennsylvania Rules of Criminal Procedure.

☒ This Warrant shall be served as soon as practicable and shall be served only between the hours of 6AM to 10PM but in no event later than:

☐ This Warrant shall be served as soon as practicable and may be served any time during the day or night but in no event later than:

4:30 P M, o'clock 7-14-08

* The issuing authority should specify a date not later than two (2) days after issuance. Pa.R.Crim.P. 205(4).

** If the issuing authority finds reasonable cause for issuing a nighttime warrant on the basis of additional reasonable cause set forth in the accompanying affidavit(s) and wishes to issue a nighttime warrant, then this block shall be checked. Pa.R.Crim.P. 206(7).

Issued under my hand this 12th day of July, 2008 at 4:30 P M, o'clock.

Signature of Issuing Authority

Mag. Dist. or Judicial Dist. No.

Date Commission Expires:

Title of Issuing Authority: ☒ Magisterial District Judge ☐ Common Pleas Judge ☐ _____
☐ For good cause stated in the affidavit(s) the Search Warrant Affidavit(s) are sealed for _____ days by my certification and signature. (Pa.R.Crim.P. 211)

(Date) (SEAL)

Signature of Issuing Authority (Judge of the Court of Common Pleas or Appellate Court Justice or Judge).

TO BE COMPLETED BY THE ISSUING AUTHORITY



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PROBABLE CAUSE BELIEF IS BASED UPON THE FOLLOWING FACTS AND CIRCUMSTANCES:

Your AFFIANT is a detective with the North Middleton Township Police Department, Cumberland County, Pennsylvania. Your AFFIANT has been a police officer for over ten years and assigned as a detective for over five years. Your AFFIANT has completed over 1,000 criminal investigations. Your AFFIANT has investigated a variety of crimes including, but not limited to TRADEMARK COUNTERFEITING and DEALING IN PROCEEDS OF UNLAWFUL ACTIVITIES.

On Wednesday, May 28th 2008, Officer Peter CASTLE of the North Middleton Township Police Department received a phone call from Dennis ANDRE of the Chrysler Corporation. ANDRE advised CASTLE that a vendor selling counterfeit Chrysler products will be attending the Carlisle All-Chrysler Nationals event in July, 2008, at the Carlisle Fairgrounds.

On Friday, June 13th 2008, Officer Peter CASTLE met with Dennis ANDRE, of the Chrysler Corporation, and Robert HORTON, president and CEO of Trademarking Resources, the company Chrysler has contracted with to investigate trademark counterfeiting. During this meeting ANDRE and HORTON identified the vendor as Layson's Restorations. ANDRE and HORTON advised that Layson's Restorations is run by David LAYSON of Lakewood, Washington. The Chrysler Corporation has not permitted David LAYSON, nor his business, Layson's Restorations to sell tail lights, lenses, side marker lenses and vehicle emblems or any other merchandise that bears the Chrysler, Dodge, Plymouth and Mopar insignias. Herein this affidavit of probable cause the term "Trademark", "brandmark", or "counterfeit items" shall refer to Chrysler, Dodge, Plymouth, Mopar items.

On Monday, July 7th 2008, I spoke with Officer Rick GROVE of the North Middleton Township Police Department. GROVE reported that he contacted Carlisle Productions. A representative of Carlisle Productions informed GROVE that Carlisle Productions is the All-Chrysler Nationals event organizer and confirmed that Layson's Restorations reserved a vending location for the event. Carlisle Productions identified the vending premises for Layson's Restoration as section IH 96 to 101, which is located in North Middleton Township, Cumberland County, Pennsylvania.

On Wednesday, July 9th 2008, I spoke to Robert HORTON and his associate, Mike RACHUY, executive vice presiden, by phone. HORTON and RACHUY stated that since 2001 Chrysler and Trademarking Resources has identified David LAYSON and his company, Layson's Restorations, as sellers of counterfeit vehicle products that include tail lights, lenses, side marker lenses and vehicle emblems for Chrysler products that include Chrysler, Dodge, Plymouth, Mopar and Jeep.

I, THE AFFIANT, BEING DULY SWORN ACCORDING TO LAW, DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

Affiant Signature7/12/08
Date
Issuing Authority Signature7-12-08
Date

(SEAL)



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HORTON stated that Chrysler holds a registered trademark for these products and restricts the licensed creation of these products to the Chrysler Corporation. HORTON said that he has checked the records from Chrysler Corporation and found that neither David LAYSON nor LAYSON's Restorations have purchased legitimate products from Chrysler or the other firm. HORTON said that in the 1970's a counterfeiter developed special tools that would create unauthorized Chrysler merchandise emblems that would make and item purport to be an authentic product. HORTON said that during previous investigations and arrests of Chrysler merchandise counterfeiters the tools have not been located.

HORTON stated that in 2003 he spoke with David LAYSON about ceasing to sell the counterfeit goods and becoming a licensed distributor of legitimate products. HORTON said that LAYSON agreed, but did not follow through with becoming a licensed distributor.

HORTON and RACHUY said that on November 10th 2004, David LAYSON and Layson's Restorations were served with a cease and desist letter from Chrysler to advise LAYSON to stop selling counterfeit goods as legitimate Chrysler products. HORTON and RACHUY stated that LAYSON agreed to cease and desist. RACHUY stated that in 2007, during a criminal investigation by law enforcement in Columbus, Ohio, law enforcement agents purchased counterfeit Chrysler products from Layson Restorations during a Chrysler event in that area. RACHUY viewed these items and found them to be counterfeit.

On Friday, July 11th 2008, your AFFIANT found the business, Layson's Restorations, located at the Carlisle Fairgrounds located at section IH 96 to 101 in North Middleton Township, Cumberland County, Pennsylvania. I observed the following vehicles: a 2004 Isuzu Van bearing WA registration A30263V, which the Cumberland County 911 Center, through the use of Washington State registration records, identified as being owned by Layson's Restorations of Lakewood, WA, and a 2008 Chevy van bearing FL registration 304LAJ, which Cumberland County Control identified as being owned by PV holding Corp. located in Orlando Florida. Based on your AFFIANT's training and and experience your AFFIANT accessed records by way of the Cumberland County 911 Center on a daily basis and knows that the records provided by the Cumberland County 911 Center are more often than not correct and accurate.

On Friday, July 11th 2008, Officer Richard GROVE, acting in the roll of a customer, purchased two lenses and four marker lights from Layson's Restorations located at the above address. To purchase the merchadise, GROVE used cash with the following serial numbers: three 100 dollar bills with serial numbers; CG05810941A, FF38348550A, DG73481547A; one 50 dollar bill with serial number AB37660592B, one five dollar bill with serial number FL52175197B and three 1 dollar bills with serial number A39618449B, F20657907I, E36400767E.

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Affiant Signature

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(SEAL)

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COUNTY OF CUMBERLAND

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Number: SW-1

PROBABLE CAUSE BELIEF IS BASED UPON THE FOLLOWING FACTS AND CIRCUMSTANCES:

GROVE stated that he observed well over 200 other items that purport to be Chrysler products that LAYSON's Restorations were selling. GROVE spoke with members of LAYSON's Restorations staff and was told that LAYSON's Restorations will be selling items on Saturday, July 12th and Sunday, July 13th 2008. One of the members of LAYSON's Restorations staff stated that he was staying at the Roadway Inn.

I went to the Roadway Inn Motel located at 1252 Harrisburg Pike, Middlesex Township, Cumberland County, Pennsylvania. I asked the staff at that location if David LAYSON or any member of LAYSON's Restorations was staying at their establishment. I was advised that room 318 was being rented by Matthew LAYSON until Sunday, July 13th 2008.

The items purchased by GROVE were shown to Robert HORTON, Micheal RACHUY, David HAKIM and Larry BENITZ. Each of these individuals are well versed in the field of Chrysler restoration products and licenses as stated below. Each of these individuals stated that each of the items purchased by GROVE that purport to be authentic Chrysler merchandise ARE NOT the same parts produced by Chrysler, nor has anyone other than Chrysler been licensed produce these parts. HORTON, RACHUY, HAKIM and BENTIZ agreed that regarding the four lights and the two parking lenses it is the PENTASTAR marking that is the counterfeit trademark.

Micheal RACHUY, and Larry BENITZ, Brand protection Manger of Chrysler Security Services, located the protected PENTASTAR trademark on the United State Patent and Trademark Office web site. This web site showed your AFFIANT a document with the Chrysler PENTASTAR image for use on motor vehicle such as automobiles, trucks, buses and the like, and tehri structural parts. This document showed that the regisrtaiton date of this trademark was establised on January 11th 1966, a copy of said document is marked exhibit "A" attached hereto and incorporated herein by

reference as if fully set forth below.

I photographed the items purchased by GROVE. Three of these photographs include the four mark lights and two parking light lenses, a close up of the PENTASTAR trademark on one of the marker lights (all four did possess the PENTASTAR) and a close up of one of the parking light lenses, a copy of these three photographs is marked exhibit "B" attached hereto and incorporated herein by referernce as if fully set forth below.

Based on HORTON, RAUCHEUY, HAKIM and BENTZ's experience, Layson's Restorations still possess additional unauthentic and unauthorized Chrysler merchadise at his vending location in North Middleton Township, Cumberland County, Pennsylvania.

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PROBABLE CAUSE BELIEF IS BASED UPON THE FOLLOWING FACTS AND CIRCUMSTANCES:

HORTON stated that he is president and CEO of Trademarketing Resources and has been for ten years. HORTON stated that he has been in the vehicle restoration industry for fifteen years, which included hands on experience with vehicle restoration personal restoration of vehicle, product review on over 2,000 restoration parts to establish authenticity of restoration parts. HORTON stated he has been involved in thousands of trademark investigations.

HORTON stated that based on his many years of experience vendors selling items purported to be legitimate products, but are actually counterfeit use their illgotten gains from the selling of those products to maintain their on going business. HORTON stated that this would included using the illegitimate funds to purchase more inventory, transport the merchandise, keep records of the sales and inventory, which more likely than not involves computer material, attend trade and consumer shows, pay staff members, pay for the lodging of staff members, advertise, display and warehouse the merchandise.

Based on HORTON, RAUCHEUY, HAKIM and BENTZ's experience, Layson's Restorations still possess additional unauthentic and unauthorized Chrysler merchandise at his vending location in North Middleton Township, Cumberland County, Pennsylvania.

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Date

Issuing Authority Signature

Date

(SEAL)



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David HAKIM, Mopar Brand Licensing Manager stated that he agrees with HORTON's statements. HAKIM stated that he has worked for Mopar for eight years as the licensing and restoration program manager. HAKIM functions as the defacto historian for the restoration parts and chrysler muscle cars for the arwaof 1962 to 1972. HAKIM stated that David LAYSON knows that the part number and the PENTASTAR insignia considerably increases the value of merchandise, than if the merchandise did not have those markings.

Based on your AFFIANT's training and experience, businesses, such as Layson's Restorations, that sell counterfeit merchandise collect money for the counterfeit merchandice and use those funds to continue their criminal enterprise by purchasing and/or creating more counterfeit merchandice and/or legitimate merchandice tell. It is more likely than not that a business dealing in proceeds of unlawful activitie will use the illegitimate funds to pay for storage, transportation and materials and locations to display of legitimate and illegitimate items. It is more likely than not that these funds are used to pay for lodging during events where these items are sold and for vehicles to transport and/or sleep and live in during and between the times and locations the merchandise is being sold.

During your AFFIANT's review of LAYSON's restorations catalog dated 4/2007, your AFFIANT found on page 462 under the section "About Our Company", that "in 1994 Dave [LAYSON] change dthe company's direction more towards finding sources for reproducing parts than just being a re-seller of NOS and Used Mopar parts. Today it has developed into a leading Manufacturer / Supplier of A-body, B-Body, C-Body, E-body and other Chrysler Mopar Parts...." Under "Future Outlook" your AFFIANT found it to state, "We also will be expanding our manufacturer sources to find better and cheaper ways of reproducing parts in order to help facilitate lower costs....". A copy of said document is marked exhibit "C" attached hereto and incorporated herein by reference as if fully set forth below. GROVE informed your AFFIANT that NOS means Nitrious Oxide Systems.

Officer GROVE reported that while he was present at the LAYSON's Restorations premisis he observed the following:

- LAYSON's Restorations customers paying for merchandise with credit cards
- A sign posted at LAYSON's restorations to inform customers of LAYSON's restorations policy for accepting personal checks.
- More than twenty-five items for sale that bore the trademark or brandmarkings described above by HORTON/HAKIM.
- Chairs, tent, table, displays, storage containers that contained marked an/or branded merchandise.
- A box truck with "LAYSON's Restorations" painted on the side (see below).
- LAYSON's Restorations employees taking orders from customers.
- Employees writing receipts and keeping records of sales and orders.

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Grove also observed other customers purchase branded or trademark items from LAYSON's Restorations. GROVE noted that LAYSON's Restorations employees did not inform any customers that the merchandise, trademarks or other brandmarkings were not authentic. GROVE also reported that he did not observe sign prominently displayed to inform customer that trademarking sor other brandmarkings are/were authentic.

Officer GROVE also reported that during a conversation with LAYSON's Restorations employee at the time of GROVE's purchases destribed above, the employee informed GROVE that the box truck stored additional merchandise and that all of the merchadise displayed for sale at the premises had fit inside the truck for transport to the All-Chrysler nationals event.

On July, 12th 2008 at about 1430 hours, your AFFIANT purchased a light lens and a emblem from LAYSON's Restorations. The light lens was identified by HORTON and HAKIM as being counterfeit. Your AFFIANT asked David LAYSON if the emblem was "the real thing". LAYSON stated that "it is a reproduction that we make." LAYSON stated, "the real emblem would be a NOS product which has a metal backing and this emblem has a plastic backing."

A few minutes later officer Ron MINCK purchased two MOPAR items from Davis LAYSON. The total cost of the items was \$116.00. MINCK gave LAYSON \$200.00. LAYSON gave MINCK \$4.00 in change. The items that MINCK purchased were identified by HORTON and HAKIM as being counterfeit.

During your AFFIANT's observation of the LAYSON vending area, your AFFIANT saw merchandise located in the Isuzu van, with "LAYSON's Restorations" painted on the side, and saw an employee enter the Chevy van with Florida plates and retrieve some type of item.

Based on your AFFIANT's training and experience in working with legitimate business and investigating illegitimate businesses and/or business acitivities for over 15 years, it is more likely than not the a motel room would be used as a business support location to house business records to include, receipts, credit card receipts, cash, checks and other forms of payment, computers, computer hardware, computer software and any other magnetic/recording device used for the purpose of keeping inventory, business records, receipts and orders.

THE AFFIANT, BEING DULY SWORN ACCORDING TO LAW, DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

Affiant Signature

Date

Issuing Authority Signature

Date

(SEAL)

EXHIBIT "A"

United States Patent and Trademark Office

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TESS was last updated on Fri Jul 11 04:08:44 EDT 2008

TESS HOME	NEW USER	STRUCTURED	FREE FORM	BROWSE DICT	SEARCH OG	BOTTOM	HELP	PREV LIST	CURR LIST
NEXT LIST	FIRST DOC	PREV DOC	NEXT DOC	LAST DOC					

Logout Please logout when you are done to release system resources allocated for you.

Start List At: OR Jump to record:

Record 36 out of 36

TARR Status	ASSIGN Status	TDR	TTAB Status
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 (Use the "Back" button of the Internet Browser to return to TESS)


Goods and Services	IC 012. US 019. G & S: MOTOR VEHICLES SUCH AS AUTOMOBILES, TRUCKS, BUSES, AND THE LIKE, AND THEIR STRUCTURAL PARTS. FIRST USE: 19620900. FIRST USE IN COMMERCE: 19621100
Mark Drawing Code	(2) DESIGN ONLY
Design Search Code	01.01.03 - Star - a single star with five points 26.05.13 - Triangles, exactly two triangles; Two triangles 26.05.21 - Triangles that are completely or partially shaded 26.15.09 - Polygons made of geometric figures, objects, humans, plants or animals 26.15.21 - Polygons that are completely or partially shaded
Serial Number	72214613
Filing Date	March 22, 1965
Current Filing Basis	1A
Original Filing Basis	1A
Registration Number	0801717
Registration Date	January 11, 1966
Owner	

(REGISTRANT) CHRYSLER CORPORATION CORPORATION DELAWARE P.O. BOX 1919
DETROIT MICHIGAN

LAYSON'S RESTORATIONS

About Our Company

Our current business started in June 1994, as a way to provide parts to our own restorations and for fellow A-body Mopar enthusiasts. It had developed from Dave's own personal need to find parts for his own cars and to support the cost of his personal hobby during the 1980's. During this time, Dave found many NOS (New Old Stock) parts via old stock on dealerships shelves and found that he needed to purchase many more NOS parts than he needed in order to support the Restorations he was doing, as well as being a supplier of NOS parts to other A-body Mopar restorers. During the late 80's and early 90's, Dave found it much more costly and difficult to find NOS parts and it was significantly burdening the business. As a direct result, in 1994 Dave changed the company's direction more towards finding sources for reproducing parts than just being a re-seller of NOS and Used Mopar parts.

Today it has developed into a leading Manufacturer / Supplier of A-body, B-Body, C-Body, E-body and other Chrysler Mopar Parts, many of which can be found in other major retailers' catalogs. The expanding product lines in Lenses, Emblems, Seat Foam, Door Panels, Weatherstripping, Chrome and Plastic parts has made it necessary to develop a web site and for future new edition catalogs always in development. During this time, Dave has tried to keep costs down by computerization and by staying a mail order / warehouse location versus a retail outlet with stores and additional personnel. In this way, Layson's Restorations Inc. has been able to place back into the company a significant portion of all product sales dollars into further development of hard to find parts for All 1960-76 Mopars as well as a start on other Mopar vehicles not being serviced currently by the major parts stores. Continued success in selling Reproduction Parts will continue this cycle of expanding into New Reproduction Parts for Mopars.

Future Outlook

Layson's Restorations is developing many New Reproduction Parts currently, which can be found on our Web site under "www.laysons.com". We hope to expand into a larger facility which will allow us to hold New Sheet metal parts which requires square footage space we currently don't have. This will allow us to provide new Quarter Panels, Valance Panels, Bumpers, and many other large parts that are in demand today. We also will be expanding our manufacturer sources to find better and cheaper ways of reproducing parts in order to help facilitate lower costs and which would result in lower retail prices. We are also listening to our customers and continue to have an ongoing statistical survey on all parts requests in order to see what the next reproduction parts will be.

About The Owner

Dave Layson has been working on A-body Mopars Since 1982, when he was fifteen with his first car, a 1964 Plymouth Valiant Signet-200 2 door Hardtop - family owned since purchase. You may see "Old Blue" hidden in various pictures throughout the catalog. After driving over 100K miles and learning how to keep up and maintain this car, Dave has developed quite a fond attachment to it and to other Mopar cars in general.

During the 80's, Dave repaired and slowly restored this 64 Valiant to the point that after graduating from Western Washington University in 1990, he completed the restoration on the car and has kept it in show condition ever since. This car won many first place class awards as well as Best of Shows up and down the West Coast. This success made Dave realize he had a talent with detailing out his car as well as the overall restoration. This resulted in acquiring other projects to work on and drive to the point where today, he has over 8 fully restored A-body Mopars in his garage with yet several more that he is working on currently. (Read on for a full listing of his cars).

Dave continues to drive an A-body Mopar everyday and loves to see any Mopar product at shows, meets, and other car events. The development of his business is a direct result of many years of frustration in finding A-body parts for cars being restored by himself or for others. Today, this interest has evolved into other Mopar restorer's car projects with different body classifications. The ongoing drive with Dave is to work on or provide quality reproduction parts for fellow Mopar lovers. His loving wife Victoria has played a major supporting role in allowing of his personal hobby to develop as well as his growing Mopar business - Layson's Restorations Inc. On any given day you may find her helping out on the Web site, Catalog, answering phones, or even doing some of the accounting work for Dave. Ron Crampton, a long time personal friend of Dave's, has helped in providing many long hours with the technical product development side of the business as well as in the Mopar Car technical questions and solutions area. Ron has more than thirty five years of experience as a professional mechanic and has a long history of owning and repairing Mopar vehicles, besides a personal interest in Mopars. Layson's is truly a family and friend owned and operated business with many other people, new and old, playing supporting roles in its development.

If you wish to talk to Dave directly with some comments or suggestions, please feel free to E-mail him at dave@laysons.com