

No. 20-7650

In The
Supreme Court of the United States

In re BO ZOU —PETITIONER

vs.

LINDE ENGINEERING NORTH AMERICA, INC. —RESPONDENT

ON PETITION FOR A WRIT OF PROHIBITION TO
THE UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

REPLY BRIEF FOR PETITIONER

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QUESTION PRESENTED

May Respondent and Respondent's counsels be blatantly in contempt of this Court and the lower courts by concealing Respondent's two parent corporations LINDE PLC and LINDE ENGINEERING US LLC since November 25, 2019?

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REPLY BRIEF FOR PETITIONER

Petitioner hereby respectfully submits the reply brief for new points and facts in support of his Petition for Writ of Prohibition.

Moreover, Petitioner respectfully requests this Court to sanction Respondent and Respondent counsels' blatant contempt of this Court by concealing Respondent's two parent corporations in its DISCLOSURE STATEMENT filed to this Court on May 3, 2021.

Furthermore, Respondent filed its Brief in Opposition to mislead this Court by distorting Petitioner's points and factual evidence, which satisfy magistrate judge's disqualification. Respondent asserted that Petitioner's requests for a writ of prohibition are only based on Petitioner's disagreement with the magistrate judge's rulings on various discovery-related motions. It's knowingly misleading to this Court.

Petitioner's Writ of Prohibition to disqualify magistrate judge is based on magistrate judge's misconduct in actively initiating *ex parte* communication with Respondent in violation of Code of Conduct for United States Judges Cannon 3A(4); in asking Respondent to provide her extra other documents in Camera; in abusing her discretion and usurping judicial authority; and in openly guiding and helping Respondent to sanction Petitioner and restrict Petitioner's legal right, etc.; **not** based on Petitioner's disagreement with magistrate judge's rulings.

Except the indisputable and irrefutable factual evidence and facts provided in Petitioner's Writ of Prohibition, Petitioner provides following new points and facts in support of Petitioner's Writ of Prohibition.

1. Respondent should be sanctioned by this Court due to Respondent's blatant contempt.

Except being in contempt of the court by refusing to produce documents RFP 2, 3, 4, 6, 7, 21, 26, Respondent is also in contempt of this Court and the lower courts as follows:

(1). Respondent has been blatantly in contempt of this Court and the lower courts by

concealing Respondent's two parent corporations in Respondent's **CORPORATE DISCLOSURE STATEMENT** since November 25, 2019.

In Respondent's **DISCLOSURE STATEMENT** filed to this Court on May 3, 2021, Respondent stated:

“it is a wholly owned subsidiary of Linde Holdings, LLC.
There are no publicly held corporations that own ten percent
or more of Respondent Linde Engineering North America
LLC's or Linde Holdings, LLC's stock”.

The false statement is the same as that in Respondent's **CORPORATE DISCLOSURE STATEMENT** filed to the district court on November 25, 2019, i.e. Respondent is only wholly owned subsidiary of Linde Holdings, LLC. *See* APPENDIX “F”, a32.

However, except Linde Holdings, LLC, LINDE PLC and LINDE ENGINEERING US LLC are Respondent's parent corporations, too. The evidence is got from (a) the subsidiaries of Linde PLC filed to the United States Securities and Exchange Commission (“SEC”) by Linde PLC on March 1, 2021. *See* APPENDIX “G”, a36; (b) Respondent's another discrimination case in the same district court and around the same period. *See* APPENDIX “H”, a37.

Linde PLC, one of Respondent's parent corporations, is registered with the United States Securities and Exchange Commission (“SEC”) and traded on the New York Stock Exchange (“NYSE”) under the ticker symbol “LIN”. From the document “SUBSIDIARIES OF LINDE PLC”, this Court can clearly see Respondent (Linde Engineering North America LLC) is one of the subsidiaries of Linde PLC. *See* APPENDIX “G”, a36.

Respondent and its counsels have knowingly and willfully concealed the information and provided improper CORPOATE information to the court since the beginning of the case.

Until now, Petitioner don't know whether there are any judges from the lower courts to this Court, who have interest confliction with two undisclosed corporations, such as owning the stocks of Linde PLC, to involve in this case. It's necessary and appropriate for this Court to

sanction Respondent and Respondent's counsels blatantly in contempt of this Court and the lower courts, including disbarring Respondent's counsels from the practice of law in this Court because Respondent's counsels violate Rule 5.4 of this Court, which requires the counsels to sign oaths or affirmation. Respondent and Respondent's counsels should be sanctioned by this Court due to Respondent's blatant contempt of this Court and the lower courts.

Also, it's necessary and appropriate for this Court to directly grant Petitioner the Writ of Prohibition based on Respondent's blatant contempt of this Court, and Petitioner's four genuine questions concerning magistrate judge's impartiality.

(2). Respondent changed its legal name to Linde Engineering North America, LLC on March 18, 2020. *See* Dkt. No. 151, EXHIBIT "8". Since then, Linde Engineering North America, Inc. has not existed in the United States. But, Defendant never reports to the district court and corrects its legal name. So, Linde Engineering North America, Inc., the non-existing company, has being sued in this lawsuit. Although Petitioner showed Respondent's contempt of the district court by using non-existing legal name in the case on January 21, 2021, Respondent has been refusing to file a notice to the district court to correct its legal name. The district court neither order Respondent to change its legal name, nor sanction on Respondent's contempt.

Based on the forgoing facts, Respondent and counsels should be sanctioned by this Court.

2. Petitioner cannot get any relief from the lower courts unless this Court issue a Writ of Prohibition.

(1). There is no other adequate means for Petitioner to attain relief.

(a). In the Petition for Writ of Prohibition, Petitioner has shown this Court that magistrate judge knowingly abused her discretion and usurped judicial authority to help and protect Respondent's guilt, crime, contempt and copyright infringement, etc. Magistrate judge's deeds have directly affected the findings because Respondent violated the court order and refused to produce documents without sanctioning under magistrate judge's protection.

Moreover, Respondent only produced three (3) requests for production of documents, rather than ten (10) requests ordered by magistrate judge. The discovery fails because Petitioner cannot get the evidence Petitioner should have got due to magistrate judge's injunctions and her protection to Respondent's guilt, crime and contempt. Further, since September 21, 2020, the discovery of this case has actually been terminated by magistrate judge's injunctions, which prohibit Petitioner from filing any further requests for discovery.

(b). Magistrate judge's deeds will directly affect the sentence because Respondent may be in contempt of the court to refuse to produce any documents without sanctioning. Also, Respondent may continue falsifying documents and submitting to the court without sanctioning. Magistrate judge made fair judgment impossible.

(c). The Tenth Circuit disregarded, ignored and never addressed the facts and factual evidence, and prohibition criteria, which satisfy the requirements to disqualify magistrate judge Jodi F. Jayne. Petitioner cannot attain relief from the Tenth Circuit, or in any other form. Petitioner must seek a writ of prohibition from this Court to correct the alleged abuse of discretion, and usurpation of judicial authority, etc. and ensure the lawsuit is ruled impartially.

(2). The right to issuance of the writ is clear and indisputable.

Under 28 U.S. Code § 1651(a), this Court has the right and power to issue a writ of Prohibition to prohibit magistrate judge from Petitioner's case in any further proceedings due to her misconduct, her abuse of discretion and usurpation of judicial authority, etc. because Petitioner cannot attain relief from the lower courts, or in any other form.

(3). The issuance of the writ is appropriate under the circumstances.

It is necessary and appropriate for this Court to correct the alleged abuse of discretion, usurpation of judicial authority, etc. to ensure laws to be respected and abided by, and correctly practiced at the district court. Also, it is necessary and appropriate for this Court to issue a writ of prohibition to prohibit magistrate judge from continuing knowingly abusing her discretion, usurping judicial authority, breaking laws and her oaths to help and protect

Respondent. Otherwise, other judges in U.S.A. may knowingly abuse their discretion, usurp judicial authority, and break laws and their oaths without disqualifying based on this case.

3. New facts for magistrate judge's abuse of discretion.

(1). On July 31, 2020, Petitioner filed the motion to compel for production of documents and sanction on Respondent's perjury and falsification on documents. *See* Dkt. No. 86. On August 6, 2020, Petitioner filed the motion for contempt (Dkt. No. 89) because Respondent refused to produce documents RFP 2, 3, 4, 6, 7, 21, 26, which were ordered twice to produce by magistrate judge Jodi F. Jayne herself. *See* APPENDIX "D", a18, a20, a21; and APPENDIX "E", a30 in the Petition for Writ of Prohibition. Petitioner's two key motions (Dkt. Nos. 86, 89) can demonstrate Respondent's perjury and falsification on documents, and contempt of the court. On August 11, 2020, Respondent filed a motion for a protective order without any base in law and facts to assert that Petitioner abused motion or discovery requests, and requested the district court to grant Respondent not responding to Petitioner's two key motions. *See* Dkt. No. 94, Pgs. 6, 7. The next day (08/12/2020), magistrate judge immediately granted Respondent not answering Petitioner's two key motions with the *pretext* to avoid unnecessary litigation expense without a hearing even though Petitioner requested a hearing over and over before. In her minute order (Dkt. No. 95), magistrate judge stated:

"For good cause shown and to avoid unnecessary litigation expense, Defendant is excused from filing a response brief to ECF Nos. 85, 86, and 89. Plaintiff shall respond to Defendant's Motion for Protective Order (ECF No. 94) by August 20, 2020. Plaintiff shall not file any further motions until the Court has ruled on Defendants Motion for Protective Order,"

However, after magistrate judge's order issued, Respondent filed three (3) motions (Dkt. Nos. 112, 128, 129) and five (5) response briefs (Dkt. Nos. 106, 120, 122, 133, 147) without considering avoiding unnecessary litigation expense. In the five response briefs, it's absolutely unnecessary for Respondent to file four (4) responses briefs (Dkt. Nos. 106, 120, 122, 133)

objecting to (a) Petitioner's objections to four minute orders, and Respondent's Request for a Special Discovery Management Order (Dkt. Nos. 100–103, 105); (b) Petitioner's Motion for Stay for magistrate judge's Preliminary Injunctions and other Restriction (Dkt. No. 110); (c) Petitioner's objection to magistrate judge's order (Dkt. Nos. 111, 114); and (d) Petitioner's motion to expedite ruling on Plaintiff's motions (Dkt. No. 127). This Court can see that so-called avoiding unnecessary litigation expense is only a pretext for magistrate judge to help and protect Respondent's perjury, falsification on documents, and contempt of the court.

Also, magistrate judge usurped judicial authority to handle Petitioner's motion for contempt (Dkt. No. 89) and stopped proceedings without or in excess of her jurisdictions and authority in violation of 28 U.S. Code § 636 (e)(4) and Fed. R. Civ. P. 65(b).

(2). Petitioner issued the Notice of Deposition to Respondent for Respondent's deposition on June 5, 2020. *See* Dkt. No. 67, EXHIBIT "3". Petitioner requested to depose ten (10) fact witnesses from June 23 to June 26, 2020, in compliance with Fed. R. Civ. P. 30(a) and the joint status report agreed and granted by both parties on January 8, 2020. *See* Dkt. No. 16, Pg. 5. However, Respondent refused the deposition and filed another protective order to request the district court to limit deposition to four (4) fact witnesses. Magistrate judge granted Respondent's requests without a good cause and a hearing in violation of Fed. R. Civ. P. 30(a), which grants that a party may depose ten (10) fact witnesses without leave of the court, and the joint status report granted by both parties. Magistrate judge abused her discretion again.

4. Respondent's Brief in Opposition should be disregarded and ignored by this Court.

(1). Respondent cannot and never answer why magistrate judge may actively initiate *ex parte* communication with Respondent in violation of Code of Conduct for United States Judges Canon 3A(4), and why magistrate judge may actively ask Respondent to provide her extra other documents in Camera without disqualifying. Respondent only takes magistrate judge herself defense as a pretext. But, it is flimsy for anybody to believes her defense because it is indisputable for magistrate judge to actively initiate *ex parte* communication with

Respondent in violation of Code of Conduct for United States Judges Cannon 3A(4), and ask Respondent to provide her extra other documents in Camera written clearly on her order.

(2). Respondent cannot and never answer why magistrate judge may abuse her discretion to help and protect Respondent and Respondent counsels' guilt and crime in perjury and falsifying documents on a large scale, and contempt of the court and copyright infringement without disqualifying. Petitioner has clearly shown this Court that **abuse of discretion occurs** when a court does not apply the correct law or if it bases its decision on a clearly erroneous finding of a material fact. *See Jeff D. v. Otter*, 643 f. 3d 278 (9th Cir. 2011). A court may also abuse its discretion when the record contains no evidence to support its decision. Magistrate judge knowingly disregarded, ignored the factual evidence to help and protect Respondent's guilt, crime, contempt and copyright infringement. Magistrate judge's deeds satisfy the requirements for abuse of her discretion. At the same time, magistrate judge broke law and her oaths, either.

(3). Respondent cannot and never answer why magistrate judge may usurp judicial authority to rule on Petitioner's two motions (Dkt. Nos. 34, 89) and issued temporary restraining order and issue preliminary injunctions without or in excess of her jurisdictions and authority without disqualifying.

Petitioner has clearly shown this Court that Writs of Prohibition arrest the proceeding of any "tribunal, corporation, board or person exercising judicial functions, when such proceedings are without or in excess of the jurisdiction of such tribunal, corporation, board or person. Such writ may be issued when no plain, speedy and adequate remedy exists in the ordinary course of law. Magistrate judge's deeds satisfy prohibition criteria.

(4). Respondent cannot and never answer why magistrate judge may openly instruct and guide Respondent how to file motion to sanction Petitioner and restrict Petitioner's legal rights, and make up some false statements against Petitioner and force Petitioner to answer Respondent's unilaterally Special Discovery Management Order to help Respondent in

violation of 28 U.S.C. § 455 (a) and Federal Rules of Civil Procedure without disqualifying.

Based on the forgoing facts, Respondent's Brief in Opposition should be disregarded and ignored by this Court because Respondent fails to respond to Petitioner's four genuine questions concerning magistrate judge's impartiality. Petitioner's Writ of Prohibition should be granted. The decisions made by magistrate judge based on her abuse of discretion and usurpation of judicial authority should be vacated by this Court.

5. Respondent knowingly misleads this Court by distorting Petitioner's points and factual evidence.

(1). Petitioner has clearly established four genuine questions concerning magistrate judge's impartiality. But, Respondent knowingly distorts Petitioner's points and factual evidence, and asserts that Petitioner filed the Petition for Writ for Prohibition because Petitioner disagreed with magistrate judge's rulings. Respondent knowingly misleads this Court.

(2). Respondent takes the denial decisions of the Tenth Circuit and the district judge as a *pretext* to try to disturb the review of this Court. Petitioner has clearly shown this Court that the decision made by the Tenth Circuit is wrong. The Tenth Circuit disregarded and ignored the factual evidence and facts to deny Petitioner's appeal under the pretext of judicial rulings. Respondent is using the same pretext to mislead this Court. But, Respondent's pretext makes no sense for this Court because Petitioner has clearly shown this Court Petitioner's points and factual evidence. Moreover, Respondent even takes false and vague language made by the Tenth Circuit as a pretext, i.e. so-called "*Petitioner ignores the several rulings issued in his favor.*" to cover that Respondent cannot respond to Petitioner's points and factual evidence, which satisfy magistrate judge's disqualification. This Court can see Petitioner never get any favor in magistrate judge's three orders. See APPENDICES "B", "D", "E" in the Petition for Writ of Prohibition.

Moreover, the district judge denied Petitioner's appeal with the pretext that "*Petitioner is not entitled to choose the judge assigned to the case*", and then directly concluded "*Judge*

Jayne's decision was not clearly erroneous or contrary to law", without any causes and facts to support his decision. See APPENDIX "C" in the Petition for Writ of Prohibition. District judge's decision is without base in facts. Therefore, Respondent's pretext makes no sense to this Court.

(3) Respondent misleads this Court by using vague words "numerous" and "a lot of" to assert that Petitioner filed a lot of motions, and sought numerous documents without the base in facts. This Court can see the motions filed by both parties for discovery and order issued by the district court from the following table.

Motion filed or Order issued:	Dkt. Nos. or Order Nos.	Total Dkt. Nos. or Order Nos.
By Plaintiff		
1. Motions for discovery, including sanctions	22, 29, 30, 34, 38, 40, 59, 60, 73, 85, 86, 89, 110, 127	14
2. Motions for hearing and Chinese translator	2, 18, 41, 42, 45, 97	6
By Defendant	8, 19, 32, 44, 50, 51, 53, 54, 94, 112, 128, 129	12
By the Court	9, 10, 11, 14, 21, 23, 37, 43, 46, 47, 55, 58, 61, 69, 70, 71, 81, 82, 83, 90, 91, 92, 93, 95, 108, 115, 130, 132, 136, 137, 138, 139, 140, 141, 142, 143, 144, 155	38

In discovery phase, Petitioner only filed fourteen (14) motions, including sanctions, for discovery. There are extra six (6) motions only for hearing and Chinese translator. But, Petitioner's motions for hearing all are denied by the district court, i.e. the district court did not make evidential rulings. Respondent filed twelve (12) motions. Except motions for hearing and Chinese translator, Plaintiff only filed two (2) motions more than those Defendant filed for discovery. How could Respondent mislead this Court to assert that Petitioner filed a lot of motions for discovery?

In contrast, there are thirty-eight (38) orders issued by the district court.

For Petitioner's requests for documents, this Court can see from the following table.

Petitioner's Requests	Production of Documents	Interrogatories	Admissions
The first set of RFP. <i>See</i> Dkt. No. 22, EXHIBIT "1"	47 (Only 10 requests granted after compel. But, Respondent refused to produce 7 of them.)		
The second set of RFP, first set of interrogatories and first set of requests for admissions. <i>See</i> Dkt. No. 30, EXHIBITS "1", "2", "3".	10 (compel denied)	17	13
The third set of RFP, second set of interrogatories and second set of requests for admissions. <i>See</i> Dkt. No. 60, EXHIBITS "1", "3".	8 (compel denied)	4	2
The fourth set of RFP, and third set of interrogatories and third set of requests for admissions. <i>See</i> Dkt. No. 86, EXHIBITS "1", "4".	6 (compel denied)	2	4
The fifth set of RFP	8		
Total Requests	79	23	19

In Petitioner's first request for Production of documents, Petitioner requested Respondent to produce forty-seven (47) documents. However, Respondent refused to produce any documents with the *pretext* that all documents are privileged documents, or confidential or protected as trade secret, etc. *See* Dkt. No. 22, EXHIBIT 1. After Petitioner filed motion for compel, magistrate judge only granted Petitioner ten (10) requests for production of documents, i.e. RFP 2, 3, 4, 6, 7, 21, 26, 36, 37, 38. *See* APPENDIX "D", a18—a22 in the Petition for Writ of Prohibition. Further, magistrate judge granted in part for RFP 32, 42, and RFP 15-19 being limited to two custodians only. But, Respondent did not produce any emails between two custodians.

However, in the ten granted requests, Respondent refused to produce seven (7) requests of them, i.e. RFP 2, 3, 4, 6, 7, 21, 26. *See* Dkt. No. 89. Respondent has been blatantly in

contempt of the court without sanctioning. After Petitioner's first request for production of documents, Petitioner's other requests for compel all were denied by magistrate judge. *See* APPENDICES "B", "E" in the Petition for Writ of Prohibition. Plaintiff has only got very small section of the documents ordered to be produced in this case since October 18, 2019.

Moreover, until now, Petitioner only issued twenty-three (23) requests for interrogatories and nineteen (19) requests for admissions. Petitioner's twenty-three (23) interrogatories are less than twenty-five (25) interrogatories permitted by Fed. R. Civ. P. 33 (a)(1),¹ without leave of the court. Petitioner's nineteen (19) requests for admissions are less than twenty-five (25) requests for admissions permitted by Local Rule ***LCvR36.1***,² without leave of the court. Magistrate judge abused her discretion to prohibit Petitioner from filing any further discovery requests in violation of Fed. R. Civ. P. 33 (a)(1) and Local Rule ***LCvR36.1***, either.

This Court can see that Petitioner never violates Federal Rules of Civil Procedure and local rules to file a lot of motions and seek numerous documents. Petitioner has shown the facts and evidence to the district court on December 23, 2020. *See* Dkt. No. 146. However, Respondent still uses vague words "numerous" and "a lot of" to mislead this Court. Although it is not very closely related to the decision of Writ of Prohibition for Respondent to mislead this Court, Petitioner must show this Court how Respondent uses "vague" words and language in the case and gets favor from the district court.

Furthermore, magistrate judge violated 28 U.S. Code § 636 (b)(1)(A) to issue preliminary

¹ (a) IN GENERAL.

(1) Number. Unless otherwise stipulated or ordered by the court, a party may serve on any other party no more than 25 written interrogatories, including all discrete subparts. Leave to serve additional interrogatories may be granted to the extent consistent with Rule 26(b)(1) and (2).

² ***LCvR36.1 Admissions***.

Without leave of Court or written stipulation of the parties, the number of requests for admissions for each party is limited to twenty-five (25).

injunctions to prohibit Petitioner from issuing any further discovery requests to Respondent. The discovery in this case has been terminated by magistrate judge's injunctions. So, Petitioner cannot get any evidence or documents from Respondent anymore. It's unbelievable that Respondent only produced three (3) requests for production of documents ordered by magistrate judge in this case. Petitioner cannot get any relief from district court and the Tenth Circuit, or in any other form. It is very necessary and appropriate for this Court to issue the writ of prohibition to prohibit magistrate judge from Petitioner's case in any further proceedings, and vacate the decisions made by magistrate judge based on her abuse of discretion and usurpation of judicial authority.

CONCLUSION

Respondent is blatantly in contempt of this Court and the lower courts by concealing Respondent's two parent corporations. Respondent and Respondent's counsels should be sanctioned by this Court.

Moreover, Petitioner cannot attain relief from the lower courts, or in any other form. It is necessary and appropriate for this Court to issue a writ of prohibition directing magistrate judge Jodi F. Jayne to be prohibited from Petitioner's case in any further proceedings.

Petitioner's Writ of Prohibition should be granted by this Court.

Respectfully submitted,



Date: May 14, 2021

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

Bo Zou,

Plaintiff

vs.

Linde Engineering North America, Inc. ,

Defendant.

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§
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NO. 4:19-CV-00554-JED-JFJ

DEFENDANT'S CORPORATE DISCLOSURE STATEMENT

Pursuant to Rule 7.1 of the Federal Rules of Civil Procedure, Defendant Linde Engineering North America, Inc. ("Defendant"), states that it is a wholly-owned subsidiary of Linde Holdings, LLC. There is no publicly held corporation or company that owns 10% or more of Defendant's or Linde Holdings, LLC's stock.

APPENDIX "F"

Dated: November 25, 2019

Respectfully submitted,

/s/ Jonathan G. Rector

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**ATTORNEYS FOR DEFENDANT
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AMERICA, INC.**

CERTIFICATE OF SERVICE

This is to certify that on November 25, 2019, the undersigned filed the foregoing using the Court's CM/ECF system which will send notification of such filing to the appropriate CM/ECF participants. Additionally, the undersigned mailed a copy via U.S. mail, postage prepaid, to the following address for the *pro se* Plaintiff:

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Plano, TX 75075

Pro Se Plaintiff

/s/ Jonathan G. Rector

Jonathan G. Rector
Jessica L. Craft

4837-5571-7292.1 104712.1001

EX-21.01 3 lindeplc-20201231ex2101.htm EX-21.01

SUBSIDIARIES OF LINDE PLC**Linde plc and Subsidiaries
EXHIBIT 21.01**

The following is a list of the Linde plc's subsidiaries as of December 31, 2020.

<u>Linde plc Subsidiaries</u>	<u>Place of Incorporation</u>
10 Riverview Drive LLC	Delaware
AB Held	Sweden
African Oxygen Limited	South Africa
AFRICAN WELDING COMPANY (Pty) Ltd	South Africa
AFROX - África Oxigénio, Limitada	Angola
AFROX (LESOTHO) (PTY) LTD	Lesotho
AFROX (PROPRIETARY) LIMITED	South Africa
AFROX AFRICAN INVESTMENTS (PTY) LIMITED	South Africa
AFROX GAS & ENGINEERING SUPPLIES (BOTSWANA) (PTY) LIMITED	Botswana
AFROX INTERNATIONAL LIMITED	Mauritius
Afrox Malawi Limited	Malawi
Afrox Moçambique, Limitada	Mozambique
AFROX PROPERTIES (PTY) LIMITED	South Africa
AFROX ZAMBIA LIMITED	Zambia
AGA Fastighet Göteborg AB	Sweden
AGA International Investment Aktiebolag	Sweden
Agatronic AB	Sweden
Agua y Gas de Sillunchi S.A.	Ecuador
AHP Alliance of Columbia	South Carolina
AHP Delmarva, LLP	Maryland
AHP Home Care Alliance of Gainesville	Florida
AHP Home Care Alliance of Tennessee	Tennessee
AHP Home Care Alliance of Virginia	Virginia
AHP Home Medical Equipment Partnership of Texas	Texas
AHP Knoxville Partnership	Tennessee
AHP-MHR Home Care, LLP	Nebraska
AIRCO COATING TECHNOLOGY LIMITED	United Kingdom
AIRCO PROPERTIES INC	Delaware
ALBOC (JERSEY) LIMITED	Jersey
ALLWELD INDUSTRIAL AND WELDING SUPPLIES LIMITED	United Kingdom
ALPHA RESPIRATORY INC.	Delaware
AMALGAMATED GAS AND WELDING (PTY) LIMITED	South Africa
AMALGAMATED WELDING AND CUTTING HOLDINGS (PROPRIETARY) LIMITED	South Africa
American HomePatient Arkansas Ventures, Inc.	Delaware
American HomePatient of Kingstree, LLC	South Carolina
American HomePatient of New York, Inc.	New York
American HomePatient of Sanford, LLC	North Carolina
American HomePatient of Texas, LLC	Texas
American HomePatient of Unifour, LLC	North Carolina
American HomePatient Tennessee Ventures, Inc.	Delaware
American HomePatient Ventures, Inc.	Tennessee
American HomePatient, Inc.	Nevada

	Linde Engineering APAC Co., Ltd.	China
	Linde Engineering India Private Limited	India
	Linde Engineering Middle East LLC	United Arab Emirates
→	Linde Engineering North America LLC	Delaware
→	Linde Engineering South Africa (Pty) Ltd.	South Africa
	Linde Engineering US LLC	Delaware
	Linde EOX Sdn. Bhd.	Malaysia
	LINDE FINANCE	United Kingdom
	Linde Finance B.V.	Netherlands
	Linde France S.A.	France
	Linde Gas (H.K.) Limited	Hong Kong
	Linde Gas a.s.	Czech Republic
	Linde Gas A/S	Denmark
	Linde Gas AB	Sweden
	Linde Gas Algerie S.p.A.	Algeria
	LINDE GAS AS	Norway
	Linde Gas Asia Pte Ltd	Singapore
	Linde Gas Belgium NV	Belgium
	Linde Gas Benelux B.V.	Netherlands
	Linde Gas Bulgaria EOOD	Bulgaria
	Linde Gas Chile S.A.	Chile
	Linde Gas Cryoservices B.V.	Netherlands
	Linde Gas Curaçao N.V.	Curaçao
	LINDE GAS DOMINICANA, S.R.L.	Dominican Republic
	Linde Gas ehf.	Iceland
	LINDE GAS ESPAÑA SOCIEDAD ANONIMA	Spain
	Linde Gas GmbH	Austria
	LINDE GAS HOLDINGS LIMITED	United Kingdom
	Linde Gas Italia S.r.l.	Italy
	LINDE GAS MIDDLE EAST LLC	United Arab Emirates
	Linde Gas Ningbo Ltd.	China
	Linde Gas North America LLC	Delaware
	Linde Gas Products Malaysia Sdn. Bhd.	Malaysia
	Linde Gas Produktionsgesellschaft mbH & Co. KG	Germany
	Linde Gas s. r. o.	Slovakia
	Linde Gas Shenzhen Ltd.	China
	Linde Gas SIA	Latvia
	Linde Gas Singapore Pte. Ltd.	Singapore
	Linde Gas Southeast (Xiamen) Ltd.	China
	LINDE GAS SRBIJA Industrija gasova a.d. Bečej	Serbia
	Linde Gas Therapeutics Benelux B.V.	Netherlands
	Linde Gas Therapeutics GmbH	Germany
	Linde Gas Tunisie S.A.	Tunisia
	Linde Gas UAB	Lithuania
	Linde Gas Verwaltungs GmbH	Germany
	Linde Gas Vietnam Limited	Vietnam
	Linde Gas Xiamen Ltd.	China
	Linde Gas Zhenhai Ltd.	China
	Linde Gases (Changzhou) Company Limited	China

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

1. ANGELA GILMORE

Plaintiff(s)

vs.

Case Number: 19-CV-502-JED-JFJ

2. LINDE ENGINEERING NORTH A

Defendant(s)

CORPORATE DISCLOSURE STATEMENT

Pursuant to Fed.R.Civ.P. 7.1, which states:

A nongovernmental corporate party to an action or proceeding in a district court must file a statement that identifies any parent corporation and any publicly held corporation that owns 10% or more of its stock or states that there is no such corporation.

LINDE ENGINEERING NORTH AMERICA, INC.

[name of party]

who is a (check one) ☐ PLAINTIFF ☒ DEFENDANT in this action, makes the following disclosure:

1. **Is party a publicly held corporation or other publicly held entity?**

(Check one) ☐ YES ☒ NO

2. **Does party have any parent corporations?**

(Check one) ☒ YES ☐ NO

If YES, identify all parent corporations, including grandparent and great-grandparent corporations:

LINDE HOLDINGS LLC

LINDE ENGINEERING US LLC

LINDE PLC

3. **Is 10% or more of the stock of party owned by a publicly held corporation or other publicly held entity?**

(Check one) ☐ YES ☒ NO

If YES, identify all such owners:

APPENDIX "H"

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4. **Is there any other publicly held corporation or other publicly held entity that has a direct financial interest in the outcome of the litigation?**

(Check one) ☐ YES ☒ NO

If YES, identify entity and nature of interest:

5. **Is party a trade association?**

(Check one) ☐ YES ☒ NO

If YES, identify all members of the association, their parent corporations, and any publicly held companies that own 10% or more of a member's stock:

DATED this 17th day of December, 2019.

/s/ Christopher S. Thrutchley

Signature

Christopher S. Thrutchley

15859

Printed Name

Bar Number

GableGotwals

Firm Name

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CERTIFICATE OF SERVICE

I hereby certify that on December 17, 2019 (Date), I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants (names only are sufficient):

Charles C. Vaught, cvaught@a-vlaw.com
Jessica N. Vaught, jvaught@a-vlaw.com

I hereby certify that on _____ (Date), I served the same document by

- | | |
|--|---|
| <input type="checkbox"/> U.S. Postal Service | <input type="checkbox"/> In Person Delivery |
| <input type="checkbox"/> Courier Service | <input type="checkbox"/> E-Mail |

on the following, who are not registered participants of the ECF system:

Name(s) and Address(es): None, all parties are registered participants of the ECF system.

/s/ Christopher S. Thrutchley
Signature