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Appendix 1: Case No. 19 cv 2170 # 2050, entered April 23, 2024

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
ILLINOIS EASTERN DIVISION

IN RE: ETHIOPIAN AIRLINES FLIGHT ET 302 CRASH

Case No. 19 C 2170 (Consolidated) Hon. Jorge L. Alonso

This Order Relates to: Case No. 19 C 6153
Hon. Jorge L. Alonso

CHEN ZHAO, Plaintiffs,
as personal representatives of the ESTATE OF YETAO JIN,

v.

THE BOEING COMPANY,
ROSEMOUNT AEROSPACE, and
ROCKWELL COLLINS, INC., Defendants.

ORDER

For the reasons stated herein, plaintiff Chen Zhao's petition for determination of dependency [1957] is granted. The Court determines that, based on the parties' relative levels of dependency on the decedent, the appropriate percentages of distribution are 75% to Chen Zhao, 12.5% to Jian Zhen Li, and 12.5% to Ang Jin.

STATEMENT

This case is one of the dozens brought by family members or other representatives of passengers who were killed in the tragic crash of Ethiopian Airlines flight ET 302 on March 10, 2019. The plaintiffs assert products liability claims against defendant, the Boeing Company, the manufacturer of the airplane that was carrying their decedents on that fateful flight.

Plaintiff Chen Zhao, the decedent Yetao Jin's widow, settled this action in July 2023. Under the Illinois Wrongful Death Act, the Court is required distribute the settlement funds "to each of the surviving spouse and next of kin" of the decedent, "in the proportion, as determined by the court, that the percentage of dependency of each such person upon the deceased person bears to the sum of the percentage of dependency of all such persons upon the deceased person." 740 ILCS 180/2(b). Under Illinois law, dependency "connotes, in part, the support obtained by a party from a previously existing relationship with the deceased," as well as the party's "loss of society." *Williams v. Rush-Presbyterian-St. Luke's Medical Center*, 899 N.E.2d 1241, 1246 (Ill. App. Ct. 2008).

In November 2021, Boeing and the plaintiffs in 143 of these consolidated cases stipulated to Boeing's liability for any duly proven compensatory damages and to dismiss the two supplier defendants, Rosemount Aerospace, Inc. ("Rosemount"), and Rockwell Collins, Inc. ("Rockwell"), in what this Order will refer as "the Negotiated Stipulation." (ECF No. 1220, see ECF No. 1217- 1.) Under the Negotiated Stipulation, "next of kin"

includes “any parents who are or would be recognized as intestate heirs in the decedent’s domicile.” Yetao Jin was domiciled in China, where (unlike in Illinois) parents are recognized as intestate heirs, even of adult children with surviving spouses. Yetao Jin’s mother, Jian Zhen Li, and father, Ang Jin, are not married. The three beneficiaries, mother, father, and widow were unable to agree how to divide the settlement funds among themselves.

Per the Negotiated Stipulation, disputes regarding distribution of damages are to be submitted to Judge O’Connell. (See Stip. ¶ B.3., ECF No. 12-17-1 (“The parties stipulate and agree that in the event of any disputes under this Stipulation regarding distribution of damages, such disputes may be submitted by agreement of the parties for resolution by the appointed mediator, Hon. Donald P. O’Connell, (Ret.).”) Judge O’Connell determined that Chen Zhao, the decedent’s wife, is entitled to 75% of the settlement, and the decedent’s parents should split the other 25% equally. The father, Ang Jin, notified Judge O’Connell by letter that the determination is “unacceptable.” Now, plaintiff “petitions this Court for an order determining each heir’s proportionate dependency upon the decedent.” (Pl.’s Mot. at 3, ECF No. 1957.) Per our request, the plaintiff’s counsel (Clifford Law Offices, P.C.) has submitted, in camera, the materials that were submitted to Judge O’Connell.

Plaintiff does not address whether Judge O’Connell’s decision is entitled to any deference, but, considering that the parties apparently “submitted” the issue to him “for resolution” by “agreement,” in accord with the Negotiated Stipulation, it seems appropriate to treat his decision with some deference, based on general principles of fairness and judicial economy. To give Ang Jin another bite at the apple, after the parties already covered the same ground with a different third-party neutral, at the parties’ request, would not be fair to the other parties or respectful of the time and resources that have been spent on this matter. Additionally, the Court is mindful of Judge O’Connell’s greater experience with these issues, given that he has mediated so many of these cases. Therefore, although the Court does not consider itself bound by Judge O’Connell’s decision, it considers his decision a reasonable starting point and begins by asking whether the decision has a reasonable basis in the facts the parties submitted to him.

The Court has carefully reviewed the parties’ submissions, and nothing in them suggests that Judge O’Connell’s determination was unreasonable. There are disputes among the beneficiaries as to what kind of relationship Ang Jin had with his decedent son, and, on balance, the Court is not convinced that the decedent and his father were tremendously close either during the decedent’s childhood or in terms of frequent close contact during his adulthood. Ang Jin apparently has other family members, is employed, and is generally a person of independent means. The Court finds no basis for concluding that his level of dependency on the decedent was greater than Judge O’Connell’s determination allowed. Ang Jin devotes much of his argument to explaining the importance of support for parents by their grown children in Chinese culture, suggesting that Westerners may not appreciate Chinese customs in this regard. The Court assumes that Ang Jin is generally correct about this, but even if so, it would seem that Jian Zhen Li, the decedent’s mother, would have the same complaints, and it is perhaps telling that she makes none. In any case, the Court’s task here is to apply an Illinois statute, which uses the word “dependency.” Even allowing that, under Illinois law, “dependency” does not mean strictly economic dependency but also includes notions of loss of society, *Williams*, 387 Ill. App. 3d at 83, the Court fails to see what evidence demonstrates that Ang Jin had

a level of “dependency” on his son that is incommensurate with Judge O’Connell’s decision. See *id.* (affirming dependency determination of 65% to decedent’s widow and 35% to daughter, which is similar to the decision here of 75% to the widow and 25% to parents).

The Court has carefully reviewed and considered the parties’ submissions, and they reveal no error in Judge O’Connell’s decision, with which the Court is in full agreement. Therefore, the Court orders that the appropriate percentages of distribution are 75% to Chen Zhao, 12.5% to Jian Zhen Li, and 12.5% to Ang Jin.

SO, ORDERED. ENTERED: April 23, 2024

HON. JORGE ALONSO

United States District Judge

Appendix 2: Case No. 19 cv 6153 # 19, filed 06/28/24 Page ID 109

IN THE UNITED STATES DISTRICT COURT OR THE NORTHERN DISTRICT OF
ILLINOIS EASTERN DIVISION

IN RE ETHIOPIAN AIRLINES FLIGHT ET 302 CRASH

CHEN ZHAO, Individually and as Special Administrator and Special Representative
of the Estate of YETAO JIN, deceased,

Plaintiff,

v.

THE BOEING COMPANY, a Delaware corporation.

ROSEMOUNT AEROSPACE, INC., a

Delaware corporation.

ROCKWELL COLLINS, INC., a Delaware
corporation,

Defendants.

Lead Case No.: 19-cv-02170

This Filing Relates to: Case No. 19-cv-6153

ORDER

On the Motion of Plaintiff, CHEN ZHAO, Individually and as Special Administrator and Special Representative of the Estate of YETAO JIN, deceased, to Approve the Settlement of Claims and Dismiss All Claims, due notice given and the Court advised, the Court finds that:

A. Clifford Law Offices, P.C., Cotchett Pitre & McCarthy, LLP, and Z Wang & Associates, and their attorneys are competent to represent the interest of the beneficiaries.

B. The settlement reached by the parties in this case is fair and reasonable, and in the best interest of all parties

C. The allocations and distributions as submitted in Exhibit 1 to the Plaintiff's Motion are approved.

D. This approval of settlement and dismissal of claims on behalf of all heirs, including Jian Zhen Li and Ang Jin, and Chen Zhao's execution of the release agreement with Boeing effectuate the release of claims of each of them.

E. Clifford Law Offices, P.C. will hold the net amount distributable, after deduction of attorneys' fees and expenses, in its IOLTA account until there is a final resolution of any distribution dispute among the heirs, including exhaustion of appeals.

THEREFORE, IT IS HEREBY ORDERED:

1. The claims of Plaintiffs, CHEN ZHAO, Individually and as Special Administrator and Special Representative of the Estate of YETAO JIN, deceased, originally filed in case number 19-cv-6153 and consolidated with lead case number 19-cv-02170, are hereby dismissed in their entirety with prejudice, with each party to bear its own attorneys' fees and costs. This fully resolves Plaintiff's claims for the death of the Decedent;

2. The claims of all other Plaintiffs in this consolidated action proceeding under Case No. 19-cv-02170 are unaffected by this Order.

So Ordered. Dated: June 28, 2024

Judge Jorge L. Alonso

Appendix 3: Case No. 19 cv 2170 # 2169, filed 06/28/24 Page ID 7

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT
OF ILLINOIS EASTERN DIVISION

IN RE Ethiopian Airline Flight ET 302 Crash

CHEN ZHAO, Individually and as Special Administrator and Special Representative
of the Estate of YETAO JIN, deceased, Plaintiff,

v.

THE BOEING COMPANY, a Delaware Corp;

ROSEMOUNT AEROSPACE, INC., a

Delaware corporation;

ROCKWELL COLLINS, INC., a Delaware
corporation, Defendants.

Lead Case No.: 19-cv-02170

This Filing Relates to: Case No. 19-cv-6153

**AGREED MOTION TO APPROVE SETTLEMENT OF CLAIMS AND DISMISS ALL
CLAIMS**

Plaintiff, CHEN ZHAO, Individually and as Special Administrator and Special
Representative of the Estate of YETAO JIN, deceased, move this Court to approve the
settlement of claims for the beneficiaries and dismiss all claims against Defendant, The
Boeing Company, and in support thereof states as follows:

FACTS

1. Plaintiff's Decedent was a passenger on board a certain Boeing 737 Max 8 aircraft,
registration ET-AVJ ("the Accident Aircraft") being operated by Ethiopian Airlines as
Flight ET302 from Addis Ababa, Ethiopia to Nairobi, Kenya on March 10, 2019 ("the
Accident Flight").

The Accident Flight crashed in Ethiopia shortly after takeoff, killing all 157 persons
on board the Accident Aircraft, including Plaintiff's Decedent.

2. This matter is a wrongful death and survival action arising from the death of
Plaintiff's Decedent filed by Plaintiff on behalf of Decedent's surviving heirs and next of
kin, including Decedent's spouse, mother, and father.

3. Plaintiff's Decedent was 32 years old at the time of the Accident Flight, and a
resident of China. Decedent is survived by his spouse, mother, and father.

PLAINTIFF'S ALLEGATIONS

4. Plaintiff filed a complaint alleging negligence, strict product liability, and other
claims against Defendant, and subsequently adopted the Master Complaint filed in the
Lead Case in this consolidated matter.

5. Plaintiff alleges, among other things, that Defendant Boeing designed,
manufactured, assembled, and sold the Accident Aircraft, the Accident Aircraft was
defective and negligently designed, manufactured, and/or assembled, resulting in the
crash of the Accident Aircraft.

6. Plaintiff further alleges as a direct and proximate result of the alleged defective condition and negligent design, manufacture, and assembly of the Accident Aircraft, Plaintiff and other heirs of Decedent suffered loss of household services, loss of care, comfort, companionship, guidance, and society and mental anguish, sorrow and grief, as well as various other damages as a result of the death of Plaintiff's Decedent.

7. Defendant Boeing agrees and stipulates, for purposes of this consolidated litigation only, that it is liable to Plaintiff and Plaintiff's Decedent's next of kin for all compensatory damages resulting from the death of Plaintiff's Decedent. (Dkt. #1217-1).

SETTLEMENT AGREEMENT

8. Counsel for Plaintiff and counsel for Boeing engaged in mediation before retired Cook County Circuit Court Chief Judge Donald O'Connell. The parties have agreed to settle the claims of Plaintiff (including claims on behalf of the Decedent's estate and surviving beneficiaries) against Defendant.

9. As a condition of the settlement, the parties have agreed to keep the amount of the settlement confidential. The terms of the settlement and allocation of proceeds are provided to the Court as Exhibit 1, filed under seal.

10. In connection with the mediation of these claims and in the course of negotiating this settlement, Plaintiff's counsel considered the strength of Plaintiff's claims against Defendant, Defendant's asserted defenses and various other relevant factors.

11. Plaintiff's counsel has extensive experience in the representation of families of victims of international aviation accidents and specializes in aviation litigation. Plaintiff's counsel believes the settlement amount is fair and reasonable under all the above-stated considerations.

12. The mediator, retired Chief Judge O'Connell, also has a great deal of experience as a judge and mediator in aviation matters, and believes this settlement to be fair and reasonable for all parties.

13. Plaintiff's counsel has fully explained all the above facts to Plaintiff, and Plaintiff agrees that the settlement amount is fair and reasonable. Plaintiff seeks the Court's approval of this settlement.

14. A dispute has arisen amongst the heirs regarding appropriate distribution of the settlement proceeds (see ECF 1957 and related filings), but there has been no objection by any heir to the gross settlement figure.

15. Plaintiff's counsel conferred with counsel for Defendant Boeing, and counsel for Defendant stated Boeing agrees with the relief requested herein.

WHEREFORE, Plaintiff prays that this Court enters an Order:

A. Finding the undersigned attorneys at Clifford Law Offices, P.C., Cotchett, Pitre & McCarthy, LLP, and Z Wang & Associates are competent attorneys representing the interests of the beneficiaries.

B. Approving on behalf of the beneficiaries the settlement of the claims of Plaintiff against Defendant resulting from the death of decedent YETAO JIN aboard Flight ET302 (including Plaintiff's claims on behalf of Decedent's estate and all surviving beneficiaries).

C. Dismissing Plaintiff's claims with prejudice and without costs against any party; and

D. Providing Plaintiff with such other relief as this Court may deem just.

Dated: June 28, 2024

/ Robert A. Clifford Robert A. Clifford (ARDC No. 0461849) Kevin P. Durkin
(ARDC No. 3127906)

Tracy A. Brammeier (ARDC No. 6317792) John V. Kalantzis (ARDC No. 6283187)

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CERTIFICATE OF SERVICE

I hereby certify that on June 28, 2024, I electronically filed the foregoing Agreed Motion to approve Settlement of Claims and Dismiss All Claims with the Court using the CM/ECF system, which will send notification of such filing to all attorneys of record.

s/ Robert A. Clifford Robert A. Clifford (ARDC No. 0461849)

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Appendix 4: Case No. 24-2218 # 23, filed 02/13/2025 Page 3

NONPRECEDENTIAL DISPOSITION

To be cited only in accordance with FED. R. APP. P. 32.1

For the Seventh Circuit Chicago, Illinois 60604

Submitted February 13, 2025

Decided February 13, 2025

Before

FRANK H. EASTERBROOK, Circuit Judge

AMY J. ST. EVE, Circuit Judge

JOHN Z. LEE, Circuit Judge

No. 24-2218

IN RE: ETHIOPIAN AIRLINES FLIGHT Appeal from the United States District ET
302 CRASH Court for the Northern District of
Illinois, Eastern Division.

CHEN ZHAO, as personal representative of the ESTATE OF YETAO JIN,

Plaintiff-Appellee,

THE BOEING COMPANY,

Defendant,

APPEAL OF ANG JIN,

Objector-Appellant.

No. 19-cv-6153

Jorge L. Alonso, Judge.

We have agreed to decide the case without oral argument because the briefs and record adequately present the facts and legal arguments, and oral argument would not significantly aid the court. FED. R. APP. P. 34(a)(2)(C).

ORDER

Ang Jin, the father of a plane crash victim, appeals a judgment approving the apportionment of proceeds arising out of the wrongful-death settlement. We affirm.

The tragic crash of Ethiopian Airlines Flight 302 in 2019 killed all 157 people aboard, including Yetao Jin. His widow, Chen Zhao, filed this diversity action in the Northern District of Illinois on behalf of his estate, asserting state-law tort theories for relief against the plane's manufacturer, the Boeing Company. The district court consolidated Zhao's claims with other suits related to the crash.

In 2023, Zhao—along with other plaintiffs in the consolidated case—settled with Boeing. The settlement, which was governed by the Illinois Wrongful Death Act, see 740 ILCS 180, authorized the parties to submit to a mediator any disputes regarding the distribution of damages. Yetao Jin's three heirs—Zhao and his divorced parents—were unable to agree on the distribution of the settlement, so they entered mediation. The mediator determined that 75 percent of the settlement would go to Zhao and the remaining 25 percent would be evenly split between the parents.

Ang Jin disagreed with the mediator's decision. He asserted that it failed to apply Chinese Civil Law or account for the Chinese cultural norm that a grown child must support their parents as they age. Because of this dispute, Zhao—in her capacity as

personal representative of her husband's estate—petitioned the district court for a determination of “dependency.” See 740 ILCS 180/2(b).

The district court approved the mediator's decision and dismissed Zhao's claims.⁷ Relevant to this appeal, the court found no basis to conclude that Ang Jin's level of dependency on his son was greater than the mediator allowed. The court noted that Ang Jin did not have a “tremendously close” relationship with his son, that he was employed, and that he was a “person of independent means.” The court also rejected Ang Jin's argument about Chinese Civil Law and cultural norms, explaining that the settlement was controlled by the Illinois Wrongful Death Act, which has been construed to define “dependency” not merely in economic terms but through notions of loss of society. See, e.g., *IVilliams r. Rush-Presbyterian St. Lube's Med. Ctr.*, 899 N.E.2d 1241, 1246 (Ill. App. Ct. 2008).

Although the district court never entered a separate judgment, as required by Rule 58 of the Federal Rules of Civil Procedure, we understand the judgment to be final because the court unambiguously signaled its intent to be finished with this case when it dismissed Zhao's claims “in their entirety with prejudice.” See *Law Offices of David Freydin, P.C. v. Chamara*, 24 F.4th 1122, 1128 (7th Cir.2022).

On appeal, Ang Jin asserts that the district court excluded him from settlement negotiations, thereby depriving him of the opportunity to argue the proper choice of law. But in circumstances like these, only the estate's personal representative—e.g., Chen Zhao— “possesses the sole right of action or control over the suit; the beneficiaries or heirs have neither a right of action nor any control.” *IVill r. No. Unix.*, 881 N.E.2d 481, 492 (Ill. App. Ct. 2007). If Ang Jin thought Zhao was not adequately representing his beneficiary interests, he needed first to provide proof of her inability as the estate's personal representative to adequately represent his interests. See *Johnson v. Vill. of Libertyville*, 502 N.E.2d 474, 479 (Ill. App. Ct. 1986). This he failed to do.

Regarding the settlement itself, Ang Jin maintains that it should have been governed by Chinese Civil Law because his son lived in China before his death. But the settlement, which Zhao approved in her capacity as the estate's personal representative, stipulated that damages would be determined and apportioned under the Illinois Wrongful Death Act. Settlement agreements, with limited exceptions, are enforced just like any other contract. See, e.g., *Beverly v. Abbott Uh'ys*, 817 F.3d 328, 332-33 (7th Cir.

2016); *Lynch, Inc. v. SamataMason Inc.*, 279 F.3d 487, 489 (7th Cir. 2002). And Ang Jin has not argued that the settlement is unenforceable.

To the extent Ang Jin maintains that the court erred by neglecting the role of Chinese culture in its assessment, we see no reason to disturb the court's decision. As directed under the Act, the court considered Ang Jin's relative dependency on his son and found no reason to question the mediator's division of the settlement proceeds.

AFFIRMED

Appendix 5: Case No. 24-2218 # 24, filed 02/13/2025

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT
Everett McKinley Dirksen United States Courthouse
Room 2722 - 219 S. Dearborn Street Chicago, Illinois 60604
February 13, 2025

FINAL JUDGMENT

Office of the Clerk Phone: (312) 435-5850
www.ca7.uscourts.gov

Before

FRANK H. EASTERBROOK, Circuit Judge

AMY J. ST. EVE, Circuit Judge

JOHN Z. LEE, Circuit Judge

No. 24-2218 In re ETHIOPIAN AIRLINES FLIGHT ET 302 CRASH:
CHEN ZHAO, as personal representative of the ESTATE OF YETAO JIN,
Plaintiff - Appellee

v.

BOEING COMPANY,

Defendant

APPEAL OF ANG JIN,

Objector - Appellant

Originating Case Information:

District Court No: 1:19-cv-06153

Northern District of Illinois, Eastern Division

District Judge Jorge L. Alonso

The judgment of the District Court is **AFFIRMED**, with costs, in accordance with the decision of this court entered on this date.

Clerk of Court form name: c7_FinalJudgment (form ID: 132)

Appendix 6: Case No. 24-2218 # 28, filed 04/02/2025 Page 1

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT
Everett McKinley Dirksen United States Courthouse
Room 2722 - 219 S. Dearborn Street Chicago, Illinois 60604

April 2, 2025

By the Court:

ORDER

Office of the Clerk Phone: (312) 435-5850

www.ca7.uscourts.gov

No. 24-2218 In re ETHIOPIAN AIRLINES FLIGHT ET 302 CRASH:
CHEN ZHAO, as personal representative of the ESTATE OF YETAO JIN,
Plaintiff - Appellee

v.

BOEING COMPANY,

Defendant

APPEAL OF ANG JIN,

Objector - Appellant

Originating Case Information:

District Court No: 1:19-cv-06153

Northern District of Illinois, Eastern Division

District Judge Jorge L. Alonso

Upon consideration of the REQUEST TO REISSUE THE ORDER AS
PRECEDENTIAL AND MAKE AN OPINION, filed on March 31, 2025, by the pro se
appellant,

IT IS ORDERED that this motion is DENIED. This document appears to be an
untimely request for rehearing, or a proposal to write a new opinion, rather than a request
to designate as precedential the opinion the court actually issued. form name: c7 Order
BTC (form ID: 178)

Appendix 7: Case No. 24-2218 # 30, filed 04/14/2025 Page 1

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT
Everett McKinley Dirksen United States Courthouse
Room 2722 - 219 S. Dearborn Street Chicago, Illinois 60604
April 14, 2025
By the Court: Office of the Clerk Phone: (312) 435-5850 www.ca7.uscourts.gov
ORDER
No. 24-2218 In re ETHIOPIAN AIRLINES FLIGHT ET 302 CRASH:

CHEN ZHAO, as personal representative of the ESTATE OF YETAO JIN,
Plaintiff - Appellee

v.

BOEING COMPANY,

Defendant

APPEAL OF ANG JIN,

Objector - Appellant

Originating Case Information:

District Court No: 1:19-cv-06153

Northern District of Illinois, Eastern Division District Judge Jorge L. Alonso

Upon consideration of the REQUEST TO REEXAM THE DECISION THAT DENIED
REQUEST AND DESIGNATE THE ORDER AS PRECEDENTIAL, filed on
April 11, 2025, by the pro se appellant,

IT IS ORDERED that this motion is DENIED as duplicative. Because this appeal has
been closed since March 7 (when the mandate is issued), any further documents tendered
to the court will be filed without judicial action. form name: c7_Order_BTC (form ID:
178)

Appendix 8: Wu's Statement

Statements from psychologist Ding WU on Chen ZHAO during the counseling sessions
From August 31, 2020, to April 15, 2023, Chen ZHAO conducted a total of 42 psychological interviews with us. Each session lasts 90 minutes.

I. Main complaint:

Due to the sudden death of her husband, Chen ZHAO fell into emotional collapse, lost social functions, needed family care for life, lost weight, lost motivation for life goals and work, and the grief of losing her husband continued to lead to severe depression and despair.

After returning to work, she felt physically weak, mentally confused, and was unable to concentrate on her job. The persistent feelings of anxiety, depression, and helplessness made it challenging to maintain work and personal life.

She was torn between the caring concern of her parents, colleagues, and superiors and her longing thoughts for her husband's soul in the afterlife. This inner conflict left her feeling helpless and led her to seek psychological support in the hope of finding a way to move forward.

II. Consulting Objectives:

To develop the ability to manage emotions related to grief, despair, depression, and anxiety effectively.

To handle post-disaster matters with strength and courage, allowing for the reconstruction of life after the tragedy.

To focus on personal growth and strive to carry forward the virtues of her husband, including resilience, responsibility, optimism, altruism, stability, tolerance, and enthusiasm. The aim is to transform memories into a source of strength and to be capable of normal work and life, providing peace for her husband's soul in the afterlife.

III. Consultation Assessment and Work Objectives:

Assessment of Marital Relationship: At the time of the disaster, Chen ZHAO and her husband were expecting a child, and their marital relationship was characterized by deep affection and mutual reliance. Both were wholeheartedly dedicated to their family. Her husband was optimistic, enthusiastic, and helpful, with a good reputation. Their personal and professional lives were flourishing, and they were preparing to welcome a child. The loss of her husband shattered Chen ZHAO's sense of security, belonging, existence, and meaning in her love and family life.

Chen ZHAO had been immersed in fond memories for a long time, finding it difficult to accept reality. She questioned why she didn't prevent her husband from becoming overly involved in work and frequent business trips, which added to her significant psychological burden.

The goal is to help her accept reality, rebuild her confidence, and regain her sense of security and meaning.

Mother-in-law and daughter-in-law relationship assessment: Chen ZHAO is grateful and admiring for her mother-in-law's divorce and raising a positive and optimistic son alone, and after the disaster, Chen ZHAO took on the important task of supporting her mother-in-law and providing psychological support for her mother-in-law, which is also a relief for her husband in the spirit of heaven. The entanglement of the relationship between her mother-in-law and her father-in-law due to compensation has also caused

Chen ZHAO a certain amount of confusion and trouble, anxiety and chronic continuous pressure brought about by the dialogue to advance things.

The goal is to figure out how to withstand the psychological conflicts and impact of stagnant communications and years of long-standing grudges between in-laws, acknowledging their own limitations, and establishing boundary issues in the relationship.

Relationship with parents: Due to mental trauma, Chen ZHAO returned to live with his parents and was carefully cared for by her parents, which was Chen ZHAO's warm support after the disaster. Being a parent worried about their daughter's future work and life is the driving force for Chen ZHAO's physical and psychological recovery, and it is also a continuous source of tension and anxiety.

The goal is to communicate with parents and set psychological boundaries during special periods, manage influences, and improve internal stability.

Relationship at work: Chen ZHAO and her husband originally worked in a group unit, and after the disaster, they could not face the working environment, and could not see the common leaders and colleagues, which was a heavy psychological burden, and they could not bear the mental and physical ability to continue working.

The goal is to create possibilities and face variables during difficulties, and to experience stability in the heart.

Ding WU
2023.8.20

Attached is Counselor Ding WU's professional background:

Senior Practitioner of Satya Systems Translational Family Therapy Mentor of Satya Relationship Growth Workshop Facilitator for Personal Growth Groups
Specially Appointed Group Facilitator and Counselor for Enterprises and Schools
Co-lecturer/senior consultant of Beijing Qi Jia Satya College
National Level 2 Psychological Counselor Beijing Xishe Psychological Counseling Studio

Appendix 9: Chinese Laws

1. Chinese Civil Law Chapter II:

Article 1127, The inheritance is inherited in the following order: (I) First priority: spouse, parents, children.

Article 1130: 1. The shares of inheritance of heirs of the same order should generally be equal. shall have the right to request the infringer to bear the tort liability

Article 1181, [Determination of the subject of the claim after the death of the injured party]: If the injured party dies, his close relatives have the right to request the infringer to bear the tort liability.

2. Tort Liability Law:

Article 18: If the person whose rights are infringed dies, his immediate family members shall have the right to request the infringer to bear the tort liability.

3. Chinese Supreme Court Judicial Interpretation [2004] Case Min Yi Di Zi No. 26. March 22, 2005¹⁷.

In "Reply of the Supreme People's Court on whether the death compensation for air crash can be handled as inheritance" required by Guangdong Provincial High People's Court: The Supreme Court regulated: "Air crash death compensation is compensation paid to the deceased's immediate relatives based on the death of the deceased. The right holders of air crash death compensation are the deceased's immediate relatives, not the deceased. Therefore, air crash death compensation should not be recognized as inheritance" In reply on whether air crash death compensation can be treated as inheritance [2004] Case Min Yi Di Zi No. 26. March 22, 2005. See footnote for the original Chinese version.¹⁸

¹⁷ Original Link on www.chinesetortlaw.com, the website of Institute For Chinese Tort Law (ICTL) of RCCCJ 《最高人民法院关于空难死亡赔偿金能否作为遗产处理的复函》([2004]民一他字第 26 号, 2005 年 3 月 22 日) Contact: chinesetortlaw@gmail.com

¹⁸ 《最高人民法院关于空难死亡赔偿金能否作为遗产处理的复函》([2004]民一他 第 26 号, 2005 年 3 月 22 日 广东省高级人民法院:
你院粤高法民一请字 (2004) 1 号《关于死亡赔偿金能否作为遗产处理的请示》收悉。经研究, 答复如下:
空难死亡赔偿金是基于死者死亡对死者近亲属所支付的赔偿。获得空难死亡赔偿金的权利人是死者近亲属, 而非死者。故空难死亡赔偿金不宜认定为遗产。

Appendix 10: The excerpt from Shortie v George

In the court of appeal in the State of Mississippi
Shortie v. George, 233 So. 3d 883
Opinion: No. 2015–CA–00944–COA

¶ 16. The judge was incorrect to consider the laws of intestate succession. Our supreme court has held that the wrongful death "statute creates a new cause of action that accrues at [the] death [of the decedent] in favor of the heirs listed in the statute." England, 846 So.2d at 1066 (¶ 16). "Therefore, a wrongful death action cannot become a part of the wrongful death victim's estate except in the circumstance when, as provided by the statute, no statutory heirs survived the wrongful death victim." Id. at 1067 (¶ 19). In other words "[t]he deceased may not devise that which he does not have." Id

¶ 19. "[A] choice[-]of[-]law analysis arises only when there is a true conflict between the laws of two states, each having an interest in the litigation." Zurich Am. Ins. v. Goodwin, 920 So.2d 427, 432 (¶ 8) (Miss. 2006). Recently, in Williams v. Clark Sand Co. , 212 So.3d 804, 809 (¶¶ 17–18) (Miss. 2015), the Mississippi Supreme Court held:

The center-of-gravity analysis is a choice-of-laws mechanism that this Court uses to resolve conflicts of law. Mitchell v. Craft , 211 So.2d 509, 515 (Miss. 1968) ("This doctrine is a rule whereby the court trying the action applies the law of the place which has the most significant relationship to the event and parties, or which, because of the relationship or contact with the event and parties, has the greatest concern with the specific issues with respect to the liabilities and rights of the parties to the litigation."

¶ 21. In McDaniel v. Ritter, 556 So.2d 303, 310 (Miss. 1989), the supreme court itemized the "contacts to be taken into account [when] applying the principles ... to determine the applicable law." These contacts include: (a) the place where the injury occurred, (b) the place where the conduct causing the injury occurred, (c) the domicile, residence, nationality, place of incorporation, and place of business of the parties, (d) the place where the relationship, if any, between the parties is centered. Id. (citation omitted). "These contacts are evaluated according to their relative importance with respect to the particular issue." Id.

¶ 23. As to Rochelle's claim that Mississippi law controls every issue in the case, the supreme court has held that "the law of a single state does not necessarily control every issue in a given case. We apply the center[-]of [-]gravity test to each question presented" Boardman v. United Servs. Auto. Ass'n , 470 So.2d 1024, 1031 (Miss. 1985).

¶ 24. Mississippi law controlled whether the defendants were negligent, and whether the plaintiffs were entitled to recover. However, the question here only involves the distribution of the wrongful-death settlement proceeds. We must consider the factors relevant to this choice-of-law issue and evaluate the contacts "according to their relative importance with respect to the particular issue." McDaniel, 556 So.2d at 310.

¶ 28. This analysis leads quite definitely, we think, to the application of the substantive law of Mississippi in this case.

These relevant choice-of-law or conflict-of-law considerations are factual, realistic, and can be tested by a qualitative process of evaluation.

¶ 46. In order to consider whether Charles waived his right to assert that South Carolina law should govern the distribution of the proceeds obtained as a result of the

wrongful-death claim, we must determine when the issue should properly be brought to the attention of the trial judge.

We agree with Charles that the circuit judge incorrectly cited Owens. Charles is correct that he "clearly place[d]" the choice-of-law issue squarely before the trial court in his cross-motion for a declaratory judgment, which was filed after the settlement agreement was reached. Charles did not first assert this issue on appeal.

¶ 49. In Long, the supreme court considered many aspects of the wrongful-death case. The court announced certain procedures and guidance for the attorneys that are instructive here:

By our decision today and the procedure announced below, we intend to eliminate the inherent conflict of interest and simplify the decisions to be made by trial courts where more than one heir wishes to participate in the litigation to protect their individual interests. We also address the dilemma faced by counsel who have seemingly been forced into the uncomfortable position of representing a client with conflicts of interest.

The resolution of this case requires only that we address appropriate practice and procedure in wrongful death litigation.

Long, 897 So.2d at 171 (¶¶ 46–47). Then, the court said this about the "[d]etermination of wrongful death beneficiaries":

Section 11–7–13 provides that wrongful death litigation may be brought by the personal representative of the deceased or by any one or more of several statutory beneficiaries, for the benefit of all entitled to recover. Unless all persons entitled to recover join in the suit, those who do have a fiduciary obligation to those (who?) do not." "Those bringing the action, together with their counsel, have a duty to identify the beneficiaries, and they should do so early in the proceedings." "Where, as here, one of the wrongful death beneficiaries proposes to engage counsel and file a wrongful death suit without participation of the personal representative of the decedent and all other beneficiaries, the beneficiary who files suit does so as the representative of all statutory beneficiaries and must, within a reasonable time following the filing of the complaint, provide reasonable notice (i) to all other wrongful death beneficiaries; (ii) to the personal representative of the decedent if one has been appointed; and (iii) to each person who bears a relationship to the deceased specified in section 11–7–13. Such notice should, at a minimum, include the identity of the plaintiffs and defendants, the nature of the claims against those defendants, the identity of counsel representing the plaintiffs, and a copy of the complaint." "We recognize that ample dicta, and even some direct authority, exists under our prior case law which justifies the conclusions reached by the trial court here and by the federal court in Rappy [ex. rel. Rappy v. Austin, 718 F.Supp. 556, 561 (S.D. Miss. 1989)]. However, for several reasons, we must reject the proposition that the first heir to reach the courthouse with a lawyer will "control the litigation" to the exclusion of participation by other heirs who wish to join with other counsel of their choosing.

Perhaps the most glaring fallacy in such a policy is the potential for conflicts of interest which—should a view contrary to our view today prevail—would be both legislatively ordered and court sanctioned."

¶ 52. In addition, there is general law that provides that the "[e]arly determination of which state law governs a case is essential for judicial economy, efficiency and fairness to the parties." Bailey, 28 A.3d at 860. The Bailey court also explained that "a choice-of-law

issue should be raised as soon as prudently possible to avoid prejudice, surprise, waste and delay." *Id.* at 864. See also *Kucel*, 813 F.2d at 74 (holding that defendants have "an obligation to call the applicability of another state's law to the court's attention in time to be properly considered").

¶ 53. We rely primarily on *Long*. There, the supreme court made it clear that any dispute over the "determination of wrongful death beneficiaries" should be decided early in the litigation. *Long*, 897 So.2d at 175–76 (¶ 67). Specifically, the court held:

Section 11–7–13 provides that wrongful death may be brought by the personal representative of the deceased or by any one or more of several statutory beneficiaries, for the benefit of all entitled to recover. Unless all persons entitled to recover join in the suit, those who do have a fiduciary obligation to those (who?) do not. [Mississippi Code Annotated section] 91–1–27 (Rev. 2004) provides for a chancery determination of the heirs at law of a decedent; that is, those who inherit in the absence of a will. Although our statutes mandate no specific procedure for the identification of wrongful death beneficiaries, a chancery court may make such determinations. Those bringing the action, together with their counsel, have a duty to identify the beneficiaries, and they should do so early in the proceedings.

Id. (emphasis added, footnote omitted).

¶ 54. Because we find the "duty to identify the beneficiaries" includes a duty to identify the percentages that the beneficiaries would be entitled to take, we find that Charles was required by *Long* to bring the choice-of-law issue to trial court's attention "early in the proceedings," and he did not. Therefore, we find that the circuit judge was correct to find that Charles waived this issue. As a result, we affirm the trial court's decision to apply Mississippi law to the percentage of distribution by each wrongful-death beneficiary.