

SUPREME COURT
FILED

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No. S218176

**IN THE SUPREME COURT
OF THE STATE OF CALIFORNIA**

FLAVIO RAMOS, et al.,
Plaintiffs and Appellants

v.

BRENNTAG SPECIALTIES, et al.,
Defendants and Respondents

After Decision By The Court of Appeal,
Second Appellate District, Division Four, Case No. B248038

**DEFENDANTS AND RESPONDENTS P-G INDUSTRIES, INC. and THE
PRYOR-GIGGEY COMPANY'S JOINDER IN THE OPENING BRIEF ON THE
MERITS OF DEFENDANT AND RESPONDENT ALCOA, INC.**

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Defendants and respondents P-G Industries, Inc. and The Pryor-Giggey Company hereby join in the Opening Brief on the Merits filed by defendant and respondent Alcoa, Inc. This joinder is filed pursuant to California Rules of Court, rule 8.200(a)(5) in the interests of judicial economy and to avoid repetition, while protecting the interests of defendants P-G Industries, Inc. and The Pryor-Giggey Company.

By this joinder, defendants P-G Industries, Inc. and The Pryor-Giggey Company join in and incorporate by reference the entire Opening Brief on the Merits. Defendants P-G Industries, Inc. and The Pryor-Giggey Company are similarly situated to Alcoa, Inc. in that plaintiffs make the same allegations as to each defendant, and P-G Industries, Inc. and The Pryor-Giggey Company, like Alcoa, supplied raw materials for a manufacturing process undertaken by plaintiff Flavio Ramos' employer, who exercised total control over the process that allegedly gave rise to plaintiffs' claimed injuries. The grounds set forth in the Opening Brief on the Merits are equally available to each defendant and respondent.

In this regard, plaintiffs allege P-G Industries, Inc. and The Pryor-Giggey Company supplied raw materials, plaster and zircon sand, to plaintiff Flavio Ramos' employer, Supreme Castings, which were used to manufacture molds in the employer's manufacturing process. Plaintiff worked as a mold maker, machine operator and laborer at Supreme Castings from 1972 to 1978 and 1981 to 2009. [9 AA 2280.] During his employment, Flavio Ramos worked with and around various sand, plaster, and metal products. [9 AA 2280.] Plaintiffs allege defendants P-G Industries, Inc. and The Pryor-Giggey Company supplied breakaway plaster – denscal and brown zircon sand to Supreme Castings. [9 AA 2273-2274.]

P-G Industries, Inc. and The Pryor-Giggey Company's products are raw materials, susceptible to numerous applications, including but not limited to architecture, ceramics, as well as various arts and crafts. Indeed, courts have expressly identified sand as a "versatile", "basic raw material". *Maxton*, 203 Cal.App.4th at 90; *Arena v. Owens Corning Fiberglas Corp.* (1998) 63 Cal.App.4th 1178, 1190; *In re TMJ Implants Products Liability Litigation* (1996) 97 F.3d 1050, 1057.

Plaintiffs failed to identify any defect in P-G Industries, Inc. and The Pryor-Giggey Company's products. There is nothing inherently dangerous about these products. Plaintiffs did not allege, and defendants did not have, any influence or control over the innumerable manufacturing processes undertaken by the purchasers of its products, including Mr. Ramos's employer.

P-G Industries, Inc. and The Pryor-Giggey Company demurred to plaintiffs' fourth amended complaint. [10 AA 2521-2563.] The trial court sustained defendants' demurrer on the same bases as defendant Alcoa's demurrer. [12 AA 2969-2970, Typed Opn. 3.]

The ruling by Division Four of the Second Appellate District improperly expands the duties of raw material suppliers, including defendants P-G Industries, Inc. and The Pryor-Giggey Company, based on mistakes of law and fact, and should be reversed.

Dated: September 5, 2014

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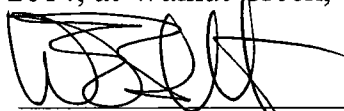
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CERTIFICATE OF WORD COUNT

(Cal. Rules of Court, rule 8.504(d)(1))

The foregoing Petition for Review contains 465 words (including footnotes, but excluding tables and this Certificate). In preparing this certificate, I have relied on the word count feature generated by Microsoft Office Word 2003.

Executed on September 5, 2014, at Walnut Creek, California.

A handwritten signature in black ink, appearing to read 'W. Eric Blumhardt', written over a horizontal line.

W. Eric Blumhardt

PROOF OF SERVICE

I declare that I am over the age of eighteen years and not a party to this action or proceeding. My business address is 2033 North Main Street, Suite 800, Walnut Creek, California 94596-3728.

On the date set forth below, I served the foregoing **DEFENDANTS AND RESPONDENTS P-G INDUSTRIES, INC. and THE PRYOR GIGGEY COMPANY'S JOINDER IN THE OPENING BRIEF ON THE MERITS OF DEFENDANT AND RESPONDENT ALCOA, INC.** by placing a true copy thereof in a sealed envelope, and transmitted said documents via **UPS OVERNIGHT MAIL (EXPRESS DELIVERY, AM delivery)** addressed as follows:

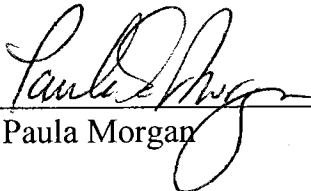
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350 McAllister Street
San Francisco, CA 94102-7303**

On the same day, I also served the foregoing:

<input checked="" type="checkbox"/>	by placing a true copy of the document(s) listed above, enclosed in a sealed envelope, addressed as set forth below, for collection and mailing on the date and at the business address shown above following our ordinary business practices. I am readily familiar with this business' practice for collection and processing of correspondence for mailing with the United States Postal Service. On the same day that a sealed envelope is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service with postage fully prepaid.
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SEE ATTACHED SERVICE LIST

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 5, 2014, at Walnut Creek, California.



Paula Morgan

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