

S218176

IN THE  
SUPREME COURT OF CALIFORNIA

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FLAVIO RAMOS et al.,  
*Plaintiffs and Appellants,*

SUPREME COURT  
FILED

SEP 8 - 2014

v.

BRENTAG SPECIALTIES, INC. et al.,  
*Defendants and Respondents.*

Frank A. McGuire Clerk  
Deputy

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AFTER A DECISION BY THE COURT OF APPEAL,  
SECOND APPELLATE DISTRICT, DIVISION FOUR, CASE No. B248038

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**DEFENDANTS AND RESPONDENTS UNITED STATES  
GYPSUM CO. AND WESTSIDE BUILDING MATERIAL  
CORP.'S JOINDER IN THE OPENING BRIEF ON THE  
MERITS OF DEFENDANT AND  
RESPONDENT ALCOA, INC.**



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HURRELL CANTRALL LLP  
Thomas C. Hurrell, SBN 119876  
Melinda Cantrall, SBN 198717  
mcantrall@hurrellcantrall.com  
700 South Flower Street, Suite 900  
Los Angeles, CA 90017-4121  
Telephone: (213) 426-2000  
Facsimile: (213) 426-2020

ATTORNEYS FOR DEFENDANTS AND RESPONDENTS  
UNITED STATES GYPSUM CO. AND WESTSIDE BUILDING MATERIAL CORP.

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HURRELL CANTRALL LLP  
Thomas C. Hurrell, SBN 119876  
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mcantrall@hurrellcantrall.com  
700 South Flower Street, Suite 900  
Los Angeles, CA 90017-4121  
Telephone: (213) 426-2000  
Facsimile: (213) 426-2020

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**DEFENDANTS AND RESPONDENTS UNITED  
STATES GYPSUM CO. AND WESTSIDE  
BUILDING MATERIAL CORP.'S JOINDER IN  
THE OPENING BRIEF ON THE MERITS OF  
DEFENDANT AND RESPONDENT ALCOA,  
INC.**

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Defendants and respondents United States Gypsum Co. and Westside Building Material Corp. 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), to avoid duplication and needless waste of paper, and yet to protect the interests of defendants and respondents United States Gypsum Co. and Westside Building Material Corp.

By this joinder, respondents United States Gypsum Co. and Westside Building Material Corp. hereby join in and incorporate by reference the entire Opening Brief on the Merits.

United States Gypsum Co. and Westside Building Material Corp. are similarly situated to Alcoa, Inc. in that plaintiffs make identical allegations as to each defendant, and United States Gypsum Co. and Westside Building Material Corp., like Alcoa, supplied raw materials and/or component parts for a manufacturing process undertaken by plaintiff's 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 United States Gypsum Co. and Westside Building Material Corp.

Plaintiffs allege United States Gypsum Co. and Westside Building Material Corp. supplied a raw material, plaster, to Plaintiff's employer, which Plaintiff used to manufacture molds used in the employer's manufacturing process. Plaintiff Ramos 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, Ramos worked with and around various sand, plaster, and metal products. [9 AA 2280] Plaintiffs allege United States Gypsum Co. supplied USG Hydrocal White Gypsum Cement, USG Hydroperm Plaster, and USG Hydroperm Metal Casting Plaster Regular to Supreme Castings, and Westside Building Material Corp. supplied Hydroperm Metal Casting Plaster Regular to Supreme Castings. [9 AA 2277-2279]

United States Gypsum Co. and Westside Building Material Corp.'s products are raw materials and/or component parts susceptible to numerous applications. Plaintiffs failed to identify any defect in United States Gypsum Co. and Westside Building

Material Corp.'s products. There is not anything inherently dangerous about these products. Plaintiffs did not allege, and United States Gypsum Co. and Westside Building Material Corp. did not have any influence or control over the innumerable manufacturing processes undertaken by the purchasers of its products, including Mr. Ramos's employer.

United States Gypsum Co. and Westside Building Material Corp. demurred to Plaintiffs' Fourth Amended Complaint. [9 AA 2483-2498] The trial court sustained United States Gypsum Co. and Westside Building Material Corp.'s Demurrer to Plaintiff's Fourth Amended Complaint, on the same bases as Defendant Alcoa's Demurrer. [12 AA 2969-2970]

The ruling by Division Four of the Second Appellate District improperly expands the duties of raw material and/or component parts suppliers based on mistakes of law and fact, and should be reversed.

DATED: September 5, 2014

HURRELL CANTRALL LLP

By: /s/ Melinda Cantrall

THOMAS C. HURRELL

MELINDA CANTRALL

Attorneys for Deftendant/Respondent,  
UNITED STATES GYPSUM CO. and  
WESTSIDE BUILDING MATERIAL  
CORP.

**PROOF OF SERVICE**

**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Los Angeles, State of California. My business address is 700 South Flower Street, Suite 900, Los Angeles, California 90017-4121.

On September 5, 2014, I served true copies of the following document(s) described as **DEFENDANTS AND RESPONDENTS UNITED STATES GYPSUM CO. AND WESTSIDE BUILDING MATERIAL CORP.'S JOINDER IN THE OPENING BRIEF ON THE MERITS OF DEFENDANT AND RESPONDENT ALCOA, INC.**

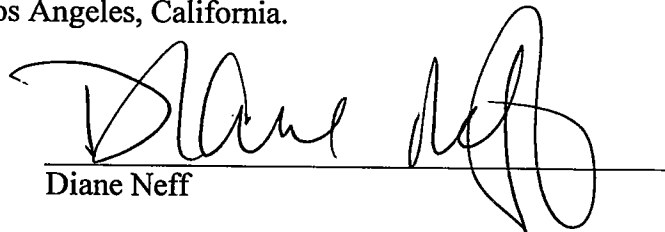
on the interested parties in this action as follows:

**SEE ATTACHED SERVICE LIST**

**BY MAIL:** I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Hurrell Cantrall's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on September 5, 2014, at Los Angeles, California.

  
\_\_\_\_\_  
Diane Neff

**SERVICE LIST**  
**Ramos, et al. v. Brenntag Specialties, Inc., et al.**  
**Case No. BC499958**  
**S218176**

Raphael Metzger, Esq.  
Greg Coolidge, Esq.  
METZGER LAW FIRM  
401 E. Ocean Blvd., Suite 800  
Long Beach, CA 90802  
Telephone: (562) 437-4499  
Fax: (562) 436-1561

**Attorney for Plaintiffs**

Brian P. Barrow, Esq.  
Simon Greenstone Panatier Bartlett, P.C.  
301 E Ocean Blvd Ste 1950  
Long Beach, CA 90802  
Telephone: (562) 590-3400  
Fax: (562) 590-3412  
E-mail: [bbarrow@sgpblaw.com](mailto:bbarrow@sgpblaw.com)

Stephen C. Snider, Esq.  
SNIDER, DIEHL & RASMUSSEN  
1111 W. Tokay Street  
P.O. Box 560  
Lodi, CA 95241  
Telephone: (209) 334-5144  
Fax: (209) 333-1034  
E-mail: [s.snider@lodilaw.com](mailto:s.snider@lodilaw.com)

**Attorneys for Defendant, J.R. Simplot  
Company**

Jill A. Franklin, Esq.  
Yaron Felix Dunkel, Esq.  
SCHAFFER, LAX,  
MCNAUGHTON & CHEN  
515 South Figueroa St., Suite 1400  
Los Angeles, CA 90071  
Telephone: (213) 337-1000  
Fax: (213) 337-1010  
email: [franklinj@slmclaw.com](mailto:franklinj@slmclaw.com)

**Attorneys for Defendant, Scott Sales Co.**

Eugene C. Blackhard Jr. Esq.  
Devon Downs, Esq.  
ARCHER NORRIS  
2033 N. Main St., Suite 800  
Walnut Creek, CA 94596

**Attorneys for Defendants, Valley Forge  
Insurance Company, Fireman's Fund  
Insurance Company and American  
Insurance Company**

**SETTLEMENT PENDING**

Douglas W. Beck, Esq.  
Law offices of Douglas W. Beck & Assoc.  
21250 Hawthorne Blvd., Suite 500  
Torrance, CA 90503  
Telephone: (310) 294-9631  
Fax: (310) 872-5614  
email: [dougbeck@iseeyouincourt.com](mailto:dougbeck@iseeyouincourt.com)

**Attorneys for Defendant, Schorr Metals,  
Inc.**

Don Willenburg  
Gordon & Rees, LLP  
1111 Broadway, Suite 1700  
Oakland, CA 94607

Paul Gerhardt Zacher, Esq.  
Matthew P. Nugent, Esq.  
GORDON & REES LLP  
101 W. Broadway, Suite 2000  
San Diego, CA 92101  
Telephone: (619) 696-6700  
Fax: (619) 696-7124

Paul Gerhardt Zacher, Esq.  
Matthew P. Nugent, Esq.  
GORDON & REES LLP  
101 W. Broadway, Suite 2000  
San Diego, CA 92101  
Telephone: (619) 696-6700  
Fax: (619) 696-7124

**Attorneys for Defendant, Alcoa Inc. and co-  
counsel for Schorr Metals, Inc.**

Michele Cherie Barnes  
K&L Gates LLP  
4 Embarcadero Center, Suite 1200  
San Francisco, CA 94111

Jason Roger Litt  
Horvitz & Levy, LLP  
15760 Ventura Blvd., 18<sup>th</sup> Floor  
Encino, CA 91436



Roger M. Mansukhani, Esq.  
Brandon Daniel Saxon, Esq.  
GORDON & REES, LLP  
101 West Broadway, Suite 2000  
San Diego, CA 92101  
(619) 696-6700 Phone  
(619) 696-7124 - Fax

**Attorneys for Defendant, Laguna Clay  
Company**

Ruth Segal, Esq.  
Rosemary Do, Esq.  
LYNBERG & WATKINS  
888 S. Figueroa Street, Suite 1600  
Los Angeles, CA 90017  
Telephone: (213) 624-8700  
Fax: (213) 892-2763  
e-mail: rsegal@lynberg.com  
rdo@lynberg.com

**Attorneys for Defendant, Porter Warner  
Industries, LLC**

George E. Nowotny, Esq.  
Kevin L. Eng, Esq.  
LEWIS BRISBOIS BISGAARD & SMITH  
221 N. Figueroa St., Suite 1200  
Los Angeles, CA 90012

**Attorneys for Defendants, Valley Forge  
Insurance Company, Fireman's Fund  
Insurance Company and American  
Insurance Company**

Robert Kum, Esq.  
Mathew Groseclose, Esq.  
SEDGWICK LLP  
801 S. Figueroa St., 19<sup>th</sup> Floor  
Los Angeles, CA 90017-5556

**Attorneys for Defendant, Brenntag  
Specialties, Inc. and Brenntag North  
America, Inc.**

Stephen C. Chuck, Esq.  
Chuck Birkett Tsoong  
Victoria Jane Tsoong  
CHUCK BIRKETT TSOONG  
790 E. Colorado Boulevard, Suite 793,  
Pasadena, CA 91101  
Telephone: (626) 689-4000  
[schuck@cbtlegal.com](mailto:schuck@cbtlegal.com)  
[tbirkett@cbtlegal.com](mailto:tbirkett@cbtlegal.com)

**Attorneys for Defendant, Resource Building  
Materials**

Joan Shreffler Dinsmore  
McGuire Woods LLP  
434 Fayetteville St., Suite 2600  
Raleigh, NC 27601

**Counsel for CENTURY KENTUCKY, INC.**

Kevin L. Place  
ARCHER NORRIS  
333 S. Grand Ave., Suite 1700  
Los Angeles, CA 90071  
Telephone: (213) 437-4000  
Fax: (213) 437-4011

**Attorneys for Defendant, P-G Industries  
Inc. (formerly known as successor-in-  
interest to The Pryor Giggey Co.)**

W. Eric Blumhardt  
ARCHER NORRIS  
2033 N. Main St., Suite 800  
Walnut Creek, CA 94596

Sonja A. Inglin, Esq.  
Ryan D. Fischbach, Esq.  
BAKER & HOSTETLER LLP  
11601 Wilshire Blvd., Suite 1400  
Los Angeles, CA 90025  
Telephone: (310) 820-8800  
Fax: (310) 820-8859

**Attorneys for Defendant RTA SALES PTY  
LTD.**

David L. Winter  
Bates Winter & Cameron LLP  
925 Highland Pointe Dr., Suite 380  
Roseville, CA 95678  
Telephone: (916) 789-7080  
Fax: (916) 789-7090  
[DWinter@bwclawgroup.com](mailto:DWinter@bwclawgroup.com)

**Attorneys for Defendant SOUTHWIRE  
COMPANY (sued as DOE 5)**

Susan L. Caldwell, Esq.  
KOLETSKY, MANCINI, FELDMAN &  
MORROW  
3460 Wilshire Blvd., 8<sup>th</sup> Floor  
Los Angeles, CA 90010

**Attorneys for Defendants, TST, Inc.**

**Los Angeles Superior Court – 1 copy**

LASC – Central District

Hon. Amy D. Hogue

Dept. 48

111 N. Hill Street

Los Angeles, CA 90012

**California Court of Appeals – 1 copy**

The Court Of Appeal For the Second Appellate

District, Division Four

Ronald Reagan State Building

300 S. Spring Street

2nd Floor, North Tower

Los Angeles, CA 90013