

SUPREME COURT
FILED

S218176

SEP - 8 2014

Frank A. McGuire Clerk

Deputy

**IN THE
SUPREME COURT OF CALIFORNIA**

FLAVIO RAMOS et al.,
Plaintiffs and Appellants,

v.

BRENNTAG SPECIALTIES, INC. et al.,
Defendants and Respondents.

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

**DEFENDANT AND RESPONDENT RESOURCE
BUILDING MATERIALS' JOINDER IN THE OPENING
BRIEF ON THE MERITS OF DEFENDANT AND
RESPONDENT ALCOA, INC.**

9th

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ATTORNEYS FOR DEFENDANT AND RESPONDENT
RESOURCE BUILDING MATERIALS

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INC.**

Defendant and Respondent Resource Building Materials hereby joins 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 defendant and respondent Resource Building Materials.

By this joinder, respondent Resource Building Materials hereby joins in and incorporates by reference the entire Opening Brief on the Merits.

Resource Building Materials is similarly situated to Alcoa, Inc. in that plaintiffs make identical allegations as to each defendant, and Resource Building Materials, like Alcoa, supplied


raw materials for a manufacturing process undertaken by plaintiff's employer, who exercised total control over the process that allegedly gave rise to plaintiff's claimed injuries. The grounds set forth in the Opening Brief on the Merits are equally available to Resource Building Materials.

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

DATED: September 4, 2014

CHUCK BIRKETT TSOONG

By:



STEPHEN C. CHUCK
TIFFANY M. BIRKETT
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Attorneys for Defendant/Respondent,
RESOURCE BUILDING MATERIALS

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 790 E. Colorado Boulevard, Suite 793, Pasadena, CA 91101.

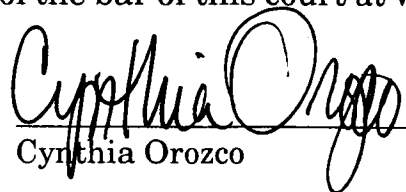
On September 4, 2014, I served the foregoing document described as DEFENDANT AND RESPONDENT RESOURCE BUILDING MATERIALS' JOINDER IN THE OPENING BRIEF ON THE MERITS OF DEFENDANT AND RESPONDENT ALCOA, INC. on the interested parties in this action by placing a true copy thereof enclosed in sealed envelope(s) addressed as follows:

SEE ATTACHED SERVICE LIST

BY U.S. MAIL: I caused copies of such document, enclosed in sealed envelopes, to be deposited in the mail at Pasadena, California with postage thereon fully prepaid to the persons and addresses indicated on the attached list. I am "readily familiar" with the firm's practice of collecting and processing correspondence for mailing. It is deposited with U.S. Postal Service on that same day in the ordinary course of business. I am aware that on motion of any party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after the date of deposit for mailing set forth in this affidavit.

Executed on September 4, 2014, at Pasadena, California 91101.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct and, that I am employed in the office of a member of the bar of this court at whose direction the service was made.


Cynthia Orozco

SERVICE LIST

(*Ramos v. Brenntag Specialties, Inc., et al.*, 2nd Civil Case No. B248038; LASC Case No. BC449958)

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