

SUPREME COURT
FILED

FEB 17 2015

Frank A. McGuire Clerk
Deputy

S218176


**IN THE
SUPREME COURT OF CALIFORNIA**

FLAVIO RAMOS et al.,
Plaintiffs and Appellants,

v.

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

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

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

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.

S218176

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

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

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.

**IN THE
SUPREME COURT OF CALIFORNIA**

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

v.

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

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

Defendants and respondents United States Gypsum Co. and Westside Building Material Corp. hereby join in the Reply 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 incorporates 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 plaintiff's claimed injuries. The grounds set forth in the Reply Brief on the Merits are equally available to United States Gypsum Co. and Westside Building Material Corp.

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: February 12, 2015

HURRELL CANTRALL LLP

By: /s/ Melinda Cantrall

THOMAS C. HURRELL

MELINDA CANTRALL

Attorneys for Defendant/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 February 13, 2015, 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 REPLY BRIEF ON THE MERITS OF DEFENDANT AND RESPONDENT ALCOA, INC.**

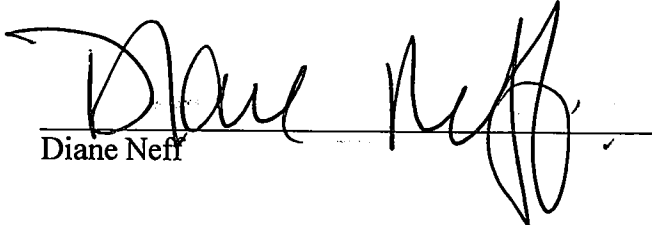
on the interested parties in this action as follows:

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 February 13, 2015, 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-mal: 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

**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

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

**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., 18th 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., 19th 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
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
A Professional Law Corporation
777 S. Figueroa St., Suite 4250
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

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

Susan L. Caldwell, Esq.
KOLETSKY, MANCINI, FELDMAN &
MORROW
3460 Wilshire Blvd., 8th 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