

SUPREME COURT
FILED

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Frank A. McGuire Clerk
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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

4th DEFENDANT AND RESPONDENT SCOTT SALES CO.'S
JOINDER IN THE REPLY BRIEF ON THE MERITS OF
DEFENDANT AND RESPONDENT ALCOA, INC.

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**IN THE
SUPREME COURT OF CALIFORNIA**

FLAVIO RAMOS et al.,
Plaintiffs and Appellants,

v.

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

**DEFENDANT AND RESPONDENT SCOTT
SALES CO.'S JOINDER IN THE REPLY BRIEF
ON THE MERITS OF DEFENDANT AND
RESPONDENT ALCOA, INC.**

Defendant and respondent SCOTT SALES CO. ("Scott Sales") hereby joins 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 defendant and respondent Scott Sales.

By this joinder, respondent Scott Sales hereby joins in and incorporates by reference the entire Reply Brief on the Merits.

Scott Sales is similarly situated to Alcoa, Inc. in that plaintiffs make identical allegations as to each defendant, and Scott Sales, 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 Reply Brief on the Merits are equally available to Scott Sales.

Plaintiffs have identified no defect in the silica sand sold by Scott Sales, nor is there anything inherently dangerous about silica sand. Nor does the record contain any allegations that Scott Sales had any control or influence over Mr. Ramos' employer's foundry operations and use of sand. As outlined in Scott Sales' Joinder to the Opening Brief and by other defendants/respondents, Sand is used in many number of ways to make many number of products. Indeed, courts have expressly identified sand as a "versatile", "basic raw material". [*Maxton v. Western States Metals* (2012) 203 Cal.App.4th 81, 90; *Arena v. Owens Corning Fiberglas Corp.* (1998) 63 Cal.App.4th 1178, 1191; *In re TMJ Implants Products Liability Litigation* (1996) 97 F.3d 1050, 1057.]

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.

February 11, 2015

SCHAFFER, LAX, McNAUGHTON &
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A Professional Corporation

By: 

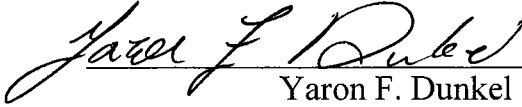
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CERTIFICATE OF WORD COUNT
(Cal. Rules of Court, rule 8.520(c).)

The text of this brief consists of 1,538 words as counted by the Microsoft Word version 2010 word processing program used to generate the brief.

Dated: February 11, 2015



Yaron F. Dunkel

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 515 South Figueroa Street, Suite 1400, Los Angeles, CA 90071.

On February 12, 2015, I served true copies of the following document(s) described as **DEFENDANT AND RESPONDENT SCOTT SALES CO.'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 the practice of Schaffer, Lax, McNaughton & Chen for collecting and processing correspondence for mailing. On the same day that 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 am a resident or employed in the county where the mailing occurred. The envelope was placed in the mail at Los Angeles, California.

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

Executed on February 12, 2015, at Los Angeles, California.



Temple Currie

SERVICE LIST
Ramos vs. Brenntag Specialties, et al.
Case No. BC449958

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