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NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

FRANCISCO URIARTE, Plaintiff and Appellant, v. SCOTT SALES CO. et al., Defendants and Respondents.	B244257 (Los Angeles County Super. Ct. No. BC452512)

APPEALS from judgments of the Superior Court of Los Angeles County. Joseph E. DiLoreto and Ross M. Klein, Judges. Reversed with directions.

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Metzger Law Group and Raphael Metzger; Simon Greenstone Panatier Bartlett and Brian P. Barrow for Plaintiff and Appellant Francisco Uriarte.

Snider, Diehl & Rasmussen, Stephen C. Snider, Trenton M. Diehl, and Kristina O. Lambert for Defendant and Respondent J.R. Simplot Company.

Schaffer, Lax, McNaughton & Chen, Jill A. Franklin, and Yaron F. Dunkel for Defendant and Respondent Scott Sales Co.

Alexander Law Group and Richard Alexander for Amici Curiae Council for Education and Research on Toxics, Dr. Jerrold Abraham, Dr. Richard W. Clapp, Dr. Ronald Crystal, Dr. David A. Eastmond, Dr. Arthur L. Frank, Dr. Robert J. Harrison, Dr. Ronald Melnick, Dr. Lee Newman, Dr. Stephen M. Rappaport, Dr. David Joseph Ross, and Dr. Janet Weiss in support of Plaintiff and Appellant Francisco Uriarte.

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J.R. Simplot Company (Simplot) and Scott Sales Co. (Scott) supplied silica sand to Francisco Uriarte's employer, for use as sandblasting media. Uriarte filed suit against Simplot and Scott, alleging that the airborne toxins produced by sandblasting with their silica sand caused him to develop interstitial pulmonary fibrosis and other illnesses. Simplot and Scott successfully moved for judgment on the pleadings on the basis of the component parts doctrine, which provides that "the manufacturer of a component part is not liable for injuries caused by the finished product into which the component has been incorporated unless the component itself was defective and caused harm." (*O'Neil v. Crane Co.* (2012) 53 Cal.4th 335, 355.) Simplot and Scott relied on the decision in *Maxton v. Western States Metals* (2012) 203 Cal.App.4th 81 (*Maxton*) (disapproved in *Ramos v. Brenntag Specialties, Inc.* (2016) 63 Cal.4th 500, 509 (*Ramos*)), which extended the component parts

doctrine to actions arising from injuries caused during the process of manufacturing the finished product.

Uriarte timely appealed from both judgments, and we granted his motion to consolidate the two appeals. In June 2014, we reversed the judgment with directions to deny Simplot's and Scott's motions. We expressly disagreed with *Maxton*'s interpretation and application of the component parts doctrine, and concluded that because Uriarte's injuries were allegedly caused by the use of the silica sand during the manufacturing process, rather than by the finished product that was produced by that process, the component parts doctrine did not apply.

In rejecting *Maxton*, we followed a then-recent decision from Division 4 of this Court that had also disagreed with *Maxton*: *Ramos v. Brenntag Specialties, Inc.* (2014) 224 Cal.App.4th 1239, review granted July 9, 2014, S218176, opinion affirmed by *Ramos*, *supra*, 63 Cal.4th 500. In July 2014, our Supreme Court granted review of *Ramos* to resolve the conflict between *Maxton* and *Ramos*. Two months later, the Supreme Court granted review of our decision in this case and deferred further action pending its review of *Ramos*.

On June 23, 2016, the Supreme Court decided *Ramos*, affirming the Court of Appeal's judgment in that case and disapproving *Maxton*. (*Ramos*, *supra*, 63 Cal.4th at pp. 508-510.) The Supreme Court thereafter transferred the instant case to this court for reconsideration in light of *Ramos*.[1]

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[1] None of the parties filed a supplemental brief after the Supreme Court's transfer of the case to us. (See Cal. Rules of Court, rule 200(b).)

Because *Ramos* is consistent with our prior decision, we again reverse the judgment with directions to deny Simplot's and Scott's motions.

BACKGROUND

According to the allegations of the operative first amended complaint, from approximately 2004 to 2008 Uriarte worked as a sandblaster for Lubeco, Inc. He filed suit against Scott, Simplot, and numerous other defendants, alleging claims for negligence, negligence per se, strict liability for failure to warn, strict liability for design defect, fraudulent concealment, and breach of implied warranties. All of the named defendants allegedly supplied sandblasting media to Lubeco. When Uriarte and his coworkers at Lubeco used that sandblasting media in the manner intended by the media's manufacturers and suppliers, such use allegedly "resulted in the generation and release of toxicologically significant amounts of toxic airborne fumes and dusts," which Uriarte "was thereby exposed to and inhaled." Uriarte alleges that, "[a]s a direct result of said exposure," he "developed interstitial pulmonary fibrosis and other consequential injuries, which will require extensive medical treatment, hospitalizations, and organ transplantation as the disease progresses."

In the "Product Identification" section of his complaint, Uriarte alleged that Scott supplied two kinds of sandblasting media to Lubeco, identified as "Silica Sand #100" and "120 Nevada Mesh White Sand." Simplot allegedly supplied three kinds of sandblasting media, identified as "Silica Sand #100," "120 Nevada Mesh White Sand," and "#110 Sand." Because it appears to be undisputed that all of the sandblasting media in question consisted of silica sand, we will henceforth refer to it as such.

STANDARD OF REVIEW

We review the grant of a motion for judgment on the pleadings de novo. (*People ex rel. Harris v. Pac Anchor Transportation, Inc.* (2014) 59 Cal.4th 772, 777.) We accept as true all properly pleaded material factual allegations of the operative complaint and determine whether the alleged facts are sufficient to "support any valid cause of action against [defendants]." (*Kempton v. City of Los Angeles* (2008) 165 Cal.App.4th 1344, 1347.) If they are, then the motion should have been denied.

DISCUSSION

Uriarte argues that the component parts doctrine does not apply to the alleged facts in this case and that the superior court therefore erred by granting the motions for judgment on the pleadings, which were based solely on that doctrine. We agree.

In *Ramos*, our Supreme Court recently explained that the "component parts doctrine: . . . applies (1) when a supplier provides a component or raw material that is not itself defective (by virtue of a manufacturing, design, or warning defect), (2) the component or raw material is changed or transformed when incorporated through the manufacturing process into a different finished or end product, and (3) an end user of the finished product is allegedly injured by a defect in the finished product." (*Ramos*, *supra*, 63 Cal.4th at pp. 507-508, citing Rest.3d Torts, Products Liability, § 5, coms. a, b, and c, pp. 130-134.) When the doctrine applies, it protects "the supplier of the component or raw material, subjecting that entity to liability for harm caused by a product into which the component has been integrated only if the supplier '(1) . . . substantially participates in the integration of the component into the design of the product; and [¶] (2) the integration of the component causes the

product to be defective . . . ; and [¶] (3) the defect in the product causes the harm.' " (*Ramos*, at p. 508, quoting Rest.3d Torts, Products Liability, § 5(b).)

The purpose of the component parts doctrine is to protect sellers of nondefective components by prohibiting the imposition of liability that is based " 'solely on the ground that the manufacturer of the integrated product utilizes the component in a manner that renders the integrated product defective. Imposing liability would require the component seller to scrutinize another's product which the component seller has no role in developing' " and would " 'require the component seller to develop sufficient sophistication to review the decisions of the business entity that is already charged with responsibility for the integrated product.' " (*Ramos*, *supra*, 63 Cal.4th at p. 508, quoting Rest.3d Torts, Products Liability, § 5, com. a, p. 131.) That is, if a seller of a nondefective component is going to be held liable for every defective integrated product into which the nondefective component is incorporated, then the component seller, in order to protect itself, will have to develop expertise in the myriad integrated products that might incorporate the component. Imposing liability in such circumstances would thus be " 'inefficient,' " as well as " 'unjust.' " (*Ramos*, at p. 508.)

In *Maxton*—the case upon which Simplot and Scott based their motions for judgment on the pleadings—the defendants manufactured and supplied "steel and aluminum ingots, sheets, rolls, tubes and the like." (*Maxton*, *supra*, 203 Cal.App.4th at p. 86.) The plaintiff alleged that he worked for a manufacturer and, in that capacity, " 'worked with and around' the metal products manufactured and supplied by defendants." (*Ibid*.) He further alleged that when the defendants' metal products were melted, cut, ground, and so forth in the course of his employer's manufacturing

process, they generated " 'toxic airborne metallic fumes and dusts,' " and that his exposure to those fumes and dusts caused him to contract interstitial pulmonary fibrosis and other illnesses. (*Ibid.*) The defendants prevailed, some on demurrers and others on motions for judgment on the pleadings. (*Id.* at p. 87.) The Court of Appeal affirmed on the basis of the component parts doctrine even though the plaintiff's injuries were not caused by a finished product that integrated and transformed the materials supplied by the defendants. *Maxton* thus extended the component parts doctrine to apply to injuries caused during the manufacturing process in which the defendants' products were used as intended. (See *Ramos*, *supra*, 63 Cal.4th at p. 506.)

As we noted at the outset, the Supreme Court in *Ramos* disapproved of *Maxton*. (*Ramos*, *supra*, 63 Cal.4th at p. 509.) In *Ramos*, the plaintiff worked for a business that manufactured metal parts using metals, plaster, and minerals supplied by the defendants. (*Id.* at p. 505.) The defendants were allegedly aware of and intended their materials be used by the plaintiff's employer in the manner in which the materials were actually used. As a result of the plaintiff's exposure to fumes from the molten metal and dust from the plaster and minerals supplied by the defendants, the plaintiff developed interstitial pulmonary fibrosis. (*Ibid.*) The component parts doctrine, the Supreme Court explained, was not applicable because the plaintiff's "injury was not caused by a finished product into which the materials supplied by defendants had been transformed and integrated . . . . Instead, the injury was allegedly caused directly by the materials themselves when used in a manner intended by the suppliers. According to the allegations of the complaint, defendants did not have to guess or speculate about the type of use to which their materials would be put, but rather

defendants were aware of and intended that the materials they supplied would be used in the manner in which the materials were actually used." (*Id.* at pp. 508-509.)

Ramos is on point. Here, Simplot and Scott allegedly supplied silica sand to Lubeco, Uriarte's employer, and Uriarte used that material in the manner intended by Simplot and Scott—as sandblasting media. Uriarte's alleged injury, like the plaintiff's alleged injury in *Ramos*, was not caused by a finished product into which the materials supplied by defendants had been transformed and integrated, it was caused directly by the defendant's materials when used in a manner defendants intended. Therefore, the component parts doctrine does not apply. (*Ramos*, *supra*, 63 Cal.4th at pp. 508-509; see also *Tellez-Cordova v. Campbell-Hausfeld/Scott Fetzger Co.* (2004) 129 Cal.App.4th 577, 581-585 [component parts doctrine did not apply where the plaintiff's injuries were caused by dust created by the defendant's power grinders when used as the defendant intended].)

Moreover, the rationale for the component parts doctrine does not support its application here. Uriarte alleges that he was injured by both his and his coworkers' use of the silica sand in precisely the way intended by its sellers, Scott and Simplot. His theory of liability thus does not require Scott or Simplot to scrutinize Lubeco's products or review Lubeco's business decisions. Scott and Simplot need only scrutinize *their own* products and warn about the scientifically known dangers of using those products in the manner that Scott and Simplot intend them to be used. That is not a novel requirement under California law. (See *Johnson v. American Standard, Inc.* (2008) 43 Cal.4th 56, 64-65.)

In light of *Ramos*, we conclude that the component parts doctrine is inapplicable in this factual setting because Uriarte does

not allege that he was injured by a finished product into which Scott's and Simplot's silica sand was incorporated. Rather, he alleges that the use of the silica sand itself, in precisely the way that Scott and Simplot intended it to be used (i.e., as sandblasting media), caused his injuries. The superior court therefore erred by granting the motions for judgment on the pleadings, and the judgments must be reversed.[2]

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[2] In *Ramos*, the Supreme Court concluded by "emphasiz[ing] the limited scope of [its] decision." (*Ramos*, *supra*, 63 Cal.4th at p. 509.) In particular, the Court stated that it held "only that the trial court erred in sustaining defendants' demurrer in reliance on *Maxton* . . . , and that decision's reliance on the component parts doctrine." (*Ibid.*) The court did "not address the applicability or scope of other products liability doctrines that may be implicated in this context," and noted that the plaintiffs, in order to "prevail on their strict products liability claim, . . . bear the burden of establishing either that the products supplied by defendants were defective by virtue of a design defect and that the defect caused plaintiffs' injury or that defendants breached a duty to provide adequate warnings of the dangers posed by the materials defendants supplied to [the plaintiffs' employer] and that such failure to warn caused plaintiffs' injury. [Citations.]" (*Ibid.*) These and other legal and factual issues, the Court cautioned, "remain to be resolved in this case." (*Ibid.*)

The scope of our decision in this case is similarly limited. Because Simplot's and Scott's motions for judgment on the pleadings were based on the contention that Uriarte's claims fail as a matter of law under the component parts doctrine as interpreted by *Maxton*, our review was limited to that issue, and we express no opinion on whether any of Uriarte's claims might suffer from other legal defects or be subject to other defenses. As in *Ramos*, other legal and factual issues remain to be resolved.

DISPOSITION

The judgments are reversed, and the superior court is directed to enter a new and different order denying Scott's and Simplot's motions for judgment on the pleadings. Uriarte shall recover his costs on appeal.

ROTHSCHILD, P. J.

We concur:

JOHNSON, J.

MILLER, J.*

* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.