Case No. B293479

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION THREE

ALFRED MATA and LETICIA MATA,

Plaintiffs, Appellants and Cross-Respondents,

vs.

AIR & LIQUID SYSTEMS CORPORATION, ET AL.,

Defendants, Respondents and Cross-Appellants.

APPEAL FROM THE SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR LOS ANGELES COUNTY, HONORABLE MICHELE FLURER AND HONORABLE STEVEN J. KLEIFIELD, JUDGES, CASE NOS. BC655564 AND JCCP4674.

AMICUS CURIAE BRIEF OF THE CIVIL JUSTICE ASSOCIATION OF CALIFORNIA IN SUPPORT OF DEFENDANTS, RESPONDENTS AND CROSS-APPELLANTS AIR & LIQUID SYSTEMS CORPORATION (LIBERTY UTILITIES [PARK WATER] CORP.)

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INTRODUCTION: INTEREST OF AMICUS

The Civil Justice Association of California ("CJAC") welcomes the opportunity to address as *amicus curiae*[1] two issues this take-home asbestos case presents – (1) does the defendant owe a *duty* to plaintiffs to do more than it did under the circumstances to prevent their injury from asbestos exposure, and (2) is evidence of "any exposure" to plaintiffs from asbestos by members of their household who are themselves exposed occasionally to asbestos at their workplace legally sufficient to show *causation*?

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[1] By separate accompanying application, CJAC requests the court accept this brief for filing.

Duty and causation are essential elements to negligence actions. The scope and application of these elements in voluminous asbestos exposure cases have proven to be challenging and frustrating issues for courts and litigants alike, prompting the Supreme Court to refer to asbestos litigation nationally as an "elephantine mass" jamming courts (*Ortiz v. Fireboard Corp.* (1999) 527 U.S. 815, 821) and legal commentators to call the asbestos litigation explosion "a blight on the American judicial system." Henderson & Twerski, *Asbestos Litigation Gone Mad: Exposure-Based Recovery for Increased Risk, Mental Distress, and Medical Monitoring* (2002) 53 *S. C. L. REV.* 815, 816.

And the beat goes on: "In 2012, the number of [asbestos] filings increased [from the previous year's total of 206] . . . [by] 47% – for a total of 303 filings that year." Kayatta & Patel, *Asbestos Research Project: Tracking Trends in Litigation and the Response by the Defendants* (2013), p. 3. "Since 2016 there has been an increase in filings in California by about 11%, due to six new firms filing in the state, and an uptick in California's main filers, such as [plaintiff asbestos law firm] Brayton Purcell. The number of non-resident filings has actually increased by a larger margin of 28% . . .." *Asbestos Litigation: 2017 Year in Review*, KCIC Industry Report (2018), p. 12.

CJAC is a 40-year-old nonprofit organization whose members are businesses, professional associations and financial institutions. Our principal purpose is to educate the public on ways to make laws for determining who gets paid, how much, and by whom when the conduct of some occasions harm to others – more fair, certain, and economical. Toward this end, CJAC regularly participates in the courts as amicus curiae,[2] including asbestos cases.[3] CJAC weighs-in on this case because it affords an opportunity for this court to further clarify the issues of duty and causation in asbestos litigation so they are less *sui generis* and more congruent with negligence law and California Supreme Court opinions.

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[2] See, *e.g.*, *Southern California Gas Leak Cases* (2019) 7 Cal.5th 391; *Kim v. Toyota Motor Corp*. (2018) 6 Cal.5th 21; *King v. CompPartners, Inc*. (2018) 5 Cal.5th 1039; *Verdugo v. Target Corp*. (2014) 59 Cal.4th 312; and *Saheli v. White Memorial Medical Center* (2018) 21 Cal.App.5th 308.

[3] See, *e.g.*, *Kesner v. Superior Court* (2016) 1 Cal.5th 1132 ("*Kesner*"); *O'Neil v. Crane Co*. (2012) 53 Cal.4th 535; *Anderson v. Owens-Corning Fiberglas Corp*. (1991) 53 Cal.3d 549; *Soto v. BorgWarner Morse TEC Inc*. (2015) 239 Cal.App.4th 165; and *Wilson v. John Crane, Inc*. (2000) 81 Cal.App.4th 847.

SUMMARY OF FACTS AND PROCEDURE[4]

Alfred Mata sued Park Water in negligence for damages from mesothelioma he contends was caused from take home exposure to asbestos cement pipe fibers that his father worked with and around as an employee of Park Water. Alfred's wife Leticia also sued for loss of consortium.

Francisco Mata, Alfred's father, worked for Park Water for 19 years starting in 1970. He worked in the construction, gardening and services departments. During his employment at Park Water, Francisco worked for three years on a construction crew where he sometimes cut pipes that he was told were made of asbestos. Park Water stopped using asbestos-cement pipe by 1985. Pipes to be cut were laid outdoors and end to end in a trench. At a connection point or the end of a line a cut was made to connect the pipe, sometimes requiring workers to bevel the ends to reconnect them with more pipe. The pipes were cut with a gas-powered saw or a chain "cutter." The power saw was faster but produced more dust than the chain cutter. Sometimes

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[4] These facts are mostly taken from the June 29, 2018 trial court ruling on defendant's Motion for JNOV and for New Trial and Order ("Order") along with a few additions from the parties' briefs, and are set forth to provide context for the issues addressed.

Francisco cut pipe or was around others who cut pipe. Pipe was cut maybe once every other day; it took "like a minute" and on days requiring more pipe cutting than usual, the crew might cut it three or four times.

OSHA inspections occurred at Park Water, yet there was no evidence that Park Water was aware of any exposure in excess of OSHA limits. Park Water's medical expert opined that 20-50% of mesotheliomas are not caused by asbestos, and Alfred's mesothelioma was not caused by asbestos. His basis for that opinion was that Francisco, who did not contract mesothelioma, was only exposed to low doses of asbestos for short durations, and Alfred's exposure would have been far less than Francisco's. Plaintiffs' medical expert testified that the asbestos Francisco brought home on his work clothes increased Alfred's risk of developing mesothelioma, though he could not say how much asbestos Francisco or Alfred was exposed to, how much asbestos is typically generated from cutting asbestos-cement pipe, or by what amount Alfred's risk would have been increased.

Francisco often returned home in his work clothes, though Park Water had a free laundry service and a shower available that he chose not to use. Upon arriving home in his work clothes, Francisco watched television in his living room, sitting on a chair and sometimes a couch. He would eat

dinner and shower after dinner. The family's hamper and washer were located in the kitchen until about 1976 when it was moved outside.

Plaintiff Alfred Mata lived with his father from about 1968 or 1969 through 1988. During that time he slept on the couch. He shared a car with his father and he sometimes wore his father's soiled work clothes to do repairs on the car.

After Alfred was diagnosed with mesothelioma, he and Leticia filed their complaint for compensatory and punitive damages on March 17, 2017 against several defendants, including Park Water, all of whom were accused of exposing plaintiffs to asbestos and contributing to their injuries. The matter proceeded to the jury on the sole cause of action for negligence. The jury awarded economic and non-economic damages to plaintiffs for a total amount of $6,406,500, and apportioned amongst five defendants 54% of the liability to Park Water. In the second phase of the trial, the jury imposed $5 million in punitive damages.

After trial, Park Water moved for judgment notwithstanding the verdict and a new trial on the issues of duty, causation, damages and punitive damages, which plaintiffs opposed. The court denied the motions with respect to all issues except punitive damages, which it reversed.

Plaintiffs appealed the judgment denying punitive damages, and Park Water cross-appealed.

SUMMARY OF ARGUMENT

There is no duty here. Defendant employer took reasonable precautions so its employees would not take home on their bodies and work clothes any asbestos fibers that might secondarily expose household members. Plaintiff's father did not avail himself of the worksite's shower and laundry facilities, but chose to wear his work clothes home and wash them there. Further, plaintiff's father was only exposed to asbestos at work on an episodic, infrequent and low-level basis, which accounts for why he did not contract any asbestos-related disease from his direct exposure. These factual "circumstances" are proper to consider in determining the defendant's duty to members of its employee's households who, like plaintiff, had no direct contact with his father's work site but did develop mesothelioma. When these defining circumstances are factored into the "duty" determination, it warrants a finding here of "no duty" and hence no liability.

There is also no causation in this case based on the California Supreme Court's landmark *Rutherford* opinion. That opinion requires trial courts in toxic tort such as this to consider the length, frequency, proximity and intensity of

exposure, the peculiar properties of the individual product, and any other potential causes to which the disease could be attributed, as well as other factors affecting the assessment of comparative risk. That was not done here; instead the court relied on intermediate appellate opinions improperly interpreting *Rutherford* to permit a finding of causation from "any exposure" a plaintiff may have to asbestos. But appellate opinions in contravention of a Supreme Court precedent to which they pay-lip service are not authority. What the court below did in reliance on intermediate appellate decisions that conflict with *Rutherford* was to take "substantial" out of the "substantial factor" test for determining causation. This court should put it back in and reverse the judgment.

ARGUMENT

I. WHEN WORK EXPOSURE TO ASBESTOS IS EPISODIC, INFREQUENT AND LOW-LEVEL, AND THE EMPLOYER HAS TAKEN PRECAUTIONS TO PREVENT TAKE-HOME EXPOSURE BY EMPLOYEES TO HOUSEHOLD MEMBERS, THERE SHOULD BE NO DUTY OWED BY THE EMPLOYER TO A THIRD-PARTY HOUSEHOLD MEMBER WHO HAS NO DIRECT CONTACT WITH THE EMPLOYER.

Kesner, *supra,* 1 Cal.5th 1132 instructs that in a take-home asbestos case "[t]he law is not indifferent to considerations of degree" and "the significance of a plaintiff's relationship to a third party (an asbestos worker) lies in the

degree of exposure the plaintiff had to asbestos dust [due to] his . . . physical contact and cohabitation with the third party in an enclosed space." *Id.* at 1156. "Reasonable foreseeability" is the touchstone for finding "duty" in negligence actions, and the reasonableness of foreseeability varies according to the circumstances. The "existence and scope of an individual's or entity's common law duty of reasonable care is dependent upon a variety of circumstances." *Verdugo v. Target Corp.*, *supra*, 59 Cal.4th 312, 326. "Absent circumstances showing extraordinary foreseeability, we decline to recognize" [a duty on landlords to withhold rental units from those they believe to be gang members]. *Castenada v. Olsher* (2007) 41 Cal.4th 1205, 1216. "Duty . . . necessarily requires both a study of the factual data and the policies that may be affected." Green, *Identification of Issues in Negligence Cases* (1972) 26 *SW. L. J.* 531, 536.

As *Kesner* clarified, determining duty for take-home asbestos claims turns on "whether the category of negligent conduct . . . is sufficiently likely to result in the kind of harm experienced that liability may appropriately be imposed." *Kesner*, *supra*, 1 Cal.5th at 1145. *Kesner* implicitly recognizes that a different duty determination is called for between "large scale users of asbestos" involved in that case and ones where, as here, "there is only occasional interaction with asbestos-

containing materials . . .." Cross-Appellant's Reply Brief, p. 9. "[Asbestos] exposure and its resulting harms to human health were reasonably foreseeable to *large-scale users of asbestos* . . .." *Kesner* at 1156; emphasis added. Defendant's conduct here, however, involves a different category of exposure to asbestos: occasional, infrequent, outdoor exposure to workers who may bring asbestos fibers home with them on their clothes in contrast to *Kesner*'s everyday, frequent, indoor exposure by workers to asbestos fibers.

"[R]ecognizing a duty with respect to one set of potential plaintiffs does not imply that *any* plaintiff may make a similar claim." *Kesner*, *supra*, 1 Cal.5th at 1154; emphasis added. "If the actor's conduct creates such a recognizable risk of harm only to a particular class of persons, the fact that it . . . causes harm to a person of a different class, to whom the actor could not reasonably have anticipated injury, does not make the actor liable to the persons so injured." *REST.2D TORTS* § 281, com. (c), p. 5, cited in *Kesner*, *id.* Similarly, imposing a duty on some defendants but not others according to the circumstances of their comparative conduct is a guiding principle of negligence law. "[P]reventing injuries to workers' household members due to asbestos exposure does not impose a greater burden than preventing exposure and injury to the workers themselves." *Kesner*, 1 Cal.5th at 1153.

"[P]recautions to prevent transmission via employees to off-site individuals—such as changing rooms, showers, separate lockers, and on-site laundry," (*id.*) which defendant provided here in contrast to the defendant in *Kesner*, calls for a different analysis and conclusion as to defendant's duty.

Moreover, *Kesner* explains that courts may carve out exceptions to the general duty rule if "clearly supported by public policy." *Id.* at 1143, citing and quoting from *Cabral v. Ralphs Grocery Co.* (2011) 51 Cal.4th 764, 772. These policy factors famously listed in *Rowland v. Christian* (1968) 69 Cal.2d 108, 112 and applied in *Kesner* fall into two categories. "Three factors – foreseeability, certainty, and the connection between the plaintiff and defendant – address the foreseeability of the relevant injury, while the other four – moral blame, preventing future harm, burden and availability of insurance – take into account public policy concerns that might support excluding certain kinds of plaintiffs or injuries from relief." *Kesner*, 1 Cal.5th at 1145. While *Kesner* was decided on demurrer and the well pleaded facts were not disputed, here the decision is based on jury trial. Nonetheless, the undisputed facts in both cases are that the employer in *Kesner* did not supply work site showers and laundry facilities for employees who got asbestos fibers on their persons and clothes, but here those safety measures

were provided by the defendant employer so employees could avoid carrying asbestos home with them and expose their household members to it. Order, pp. 3, 13. Thus the factors of moral blame and steps taken to avoid harm in this case favor the employer, while that was not so in *Kesner*.

II. THE COURT'S FINDING THAT "ANY EXPOSURE" TO ASBESTOS IS ENOUGH TO SATISFY "CAUSATION" IN A TAKE-HOME ASBESTOS NEGLIGENCE ACTION IS LEGALLY WRONG.

The trial court found causation largely in reliance on *Davis v. Honeywell International, Inc.* (2016) 245 Cal.App.4th 477 ("*Davis*"). That opinion, echoing other intermediate appellate courts, proclaims "that every exposure can be a substantial factor in causing the disease [of mesothelioma]." *Id.* at 481. This "every exposure" or "any exposure" theory of causation for asbestos cases, however, eviscerates the "substantial factor" test for causation and contravenes *Rutherford v. Owens-Illinois, Inc.* (1997) 16 Cal.4th 953 ("*Rutherford*"), to which it pays lip-service. As a law review article explains:

> In contrast to the traditional tort approach requiring assessment of dose, some courts presiding over asbestos cases have permitted plaintiffs to demonstrate merely that they were exposed to a defendant's product, rather than require proof that any particular exposure was high enough to cause

> a plaintiff's disease. The result is that the causation dose requirement – real exposure, at quantities known to cause disease – was reduced to an exposure test, and a minimal one at that. Some verdicts have stretched the concept so far that virtually *any exposure*, regardless of degree or frequency, suffices.

Behrens & Anderson, *The "Any Exposure" Theory: An Unsound Basis for Asbestos Causation and Expert Testimony* (2008) 37 *SW. U. L. REV.* 479, 486; emphasis added.

Things did not start out this way. *Rutherford*, the landmark opinion establishing the causation standard for liability from exposure to asbestos, holds that plaintiffs in asbestos cases must carry their burden to prove liability under "traditional tort principles" just like other plaintiffs in negligence or product liability claims. Specifically, *Rutherford* explains,

> [i]n the context of a cause of action for asbestos-related latent injuries, the plaintiff must first establish some threshold exposure to the defendant's defective asbestos-containing products, and must further establish in reasonable medical probability that a particular exposure or series of exposures was a "legal cause" of his injury, *i.e.*, a substantial factor in bringing about the injury.

16 Cal.4th at 982.

According to *Rutherford*, while plaintiffs do not have to demonstrate that fibers from a defendant's product were the

ones that actually caused the asbestos-related disease, they must still show that the contribution of the defendant's product to the asbestos-related injury is more than negligible or theoretical. Specifically, *Rutherford* directs lower courts to take into account "the length, frequency, proximity and intensity of exposure, the peculiar properties of the individual product, and any other potential causes to which the disease could be attributed (e.g., other asbestos products, cigarette smoking), and perhaps other factors affecting the assessment of comparative risk." 16 Cal.4th at 975. In short, asbestos-injury plaintiffs must carry their burden to prove legal causation: "proof of 'any exposure' alone is not enough; and, while plaintiff's burden is not insurmountable, some exposures are too insignificant to be considered legal causes." Litt, Cuatto & DePalma, *Returning to Rutherford: A Call to California Courts to Rejoin the Legal Mainstream and Require Causation be Proved in Asbestos Cases Under Traditional Torts Principles* (2016) 45 *SW. L. REV.* 989, 997.

But *Davis, supra,* 245 Cal.App.4th 477 and its progenitors have amended *Rutherford* to essentially delete "substantial" from the "substantial factor" test and provide instead that *any dose* of exposure qualifies as a "substantial factor" causing a plaintiff's mesothelioma injury. What *Rutherford* mandated a plaintiff must prove by way of a two

part test – first, exposure to asbestos, and second, that the exposure was a substantial factor in contributing to plaintiff's injury – intermediate appellate opinions like *Davis* have merged into one: exposure alone. This should not stand. "Under the doctrine of *stare decisis*, all tribunals exercising inferior jurisdiction are required to follow decisions of courts exercising superior jurisdiction. Otherwise, the doctrine of *stare decisis* makes no sense. The decisions of this court are binding upon and must be followed by all the state courts of California." *Auto Equity Sales, Inc. v. Superior Court* (1962) 57 Cal.2d 450, 455.

Several court decisions and scholarly articles explain why the intermediate opinions' departure from *Rutherford* are wrong and make no sense. *McIndoe v. Huntington Ingalls, Inc.* (9th Cir. 2016) 817 F.3d 1170, for instance, rejected what the trial court here, in reliance upon *Davis*, allowed. *McIndoe* involved a naval worker exposed to asbestos aboard ships. Plaintiffs in that case, like plaintiffs here, presented testimony from a "medical expert who asserted that *every* exposure to asbestos above a threshold level is necessarily a substantial factor in the contraction of asbestos-related diseases" sufficient to establish causation. *Id.* at 1177; emphasis added. The Ninth Circuit disagreed, explaining that under the substantial factor standard,

> [e]vidence of only minimal exposure to asbestos in insufficient; there must be a high enough level of exposure that an inference that asbestos was a substantial factor is more than conjectural. [¶] [E]ven if [plaintiff] was around asbestos dust several times, his heirs presented no evidence regarding the *amount* of exposure to dust . . ., or critically, the *duration* of such exposure . . . Without such facts, [plaintiff's] can only speculate as to the actual extent of his exposure to asbestos from the shipbuilder's materials.

Id. at 1176-77; emphasis original. *McIndoe* astutely warned that acceptance of the expert's "every exposure" testimony would create "precisely the sort of unbounded liability that the substantial factor test was developed to limit." *Id.* at 1177.

A federal district court in Ohio also held that the "any exposure" theory of causation is inadmissible because it cannot, as a matter of law, satisfy the substantial-factor test: "[Plaintiff's experts] testified that every exposure to asbestos [plaintiff] had during his working career, no matter how small, was a substantial factor in causing his peritoneal mesothelioma . . . If an opinion such as [this] would be sufficient for plaintiff to meet his burden, the . . . 'substantial factor' test would be meaningless." *Bartel v. John Crane, Inc*. (N.D. Ohio 2004) 316 F.Supp.2d 603, 611, *aff'd sub nom Lindstrom v. A-C Prod. Liab. Trust* (6th Cir. 2005) 424 F.3d 488.

Other federal district courts have rejected "any exposure" testimony. *Kirk v. Crane Co.* (N.D. Ill. 2014) 76 F. Supp.3d 747 excluded any reference to each and every exposure as a cause of disease because of (1) the inconsistency of the experts' admissions that lung cancer was a dose-dependent disease with their failure to assess plaintiff's dose at all; and (2) the experts' refusal to assess the actual facts of the case. The court noted the lack of any peer reviewed literature supporting the theory. *Id.* at 754. In *Sclafani v. Air & Liquid Systems Corp.* (C.D. Cal. 2014) 14 F. Supp.3d 1351, the court applied *Rutherford*'s causation standard to exclude testimony by two experts who relied on any exposure testimony in lieu of specifically addressing the alleged exposures and explaining their causation opinions.

State courts have also rejected the "any exposure" theory of causation that this court accepted. Specifically, the Pennsylvania Supreme Court in *Gregg v. V-J Auto Parts Co.* (Pa. 2007) 943 A.2d 216 considered and rejected the *any* or *every* exposure theory of causation. There, the plaintiff claimed his mesothelioma was caused by exposure to asbestos-containing brakes and gaskets, and presented expert testimony that "every exposure" is a substantial factor. The Court responded, "[W]e do not believe that it is a viable solution to indulge in a fiction that each and every exposure

to asbestos, no matter how minimal in relation to other exposures, implicates a fact issue concerning substantial-factor causation." *Id.* at 226-27.

The Texas Supreme Court held that the requirement of a dose assessment for causation applied to all asbestos diseases. *Georgia-Pacific Corp. v. Bostic* (Tex. 2014) 439 S.W.3d 332. In doing so, the court addressed the scientific underpinnings of the plaintiff's expert testimony, and highlighted the illogical nature of any exposure testimony and the negative effect on tort principles acceptance of that testimony presented:

> The any exposure theory effectively accepts that a failure of science to determine the maximum safe dose of a toxin necessarily means that every exposure, regardless of amount, is a substantial factor in causing the plaintiff's illness. This approach negates the plaintiff's burden to prove causation by a preponderance of the evidence. [¶] The any exposure theory is also illogical in mesothelioma cases, where a small exposure can result in disease, because it posits that any exposure from a defendant above background levels should impose liability, while the background level of asbestos should be ignored . . . We fail to see how the theory can, as a matter of logic, exclude higher than normal background levels as the cause of the plaintiff's disease, but accept that any exposure from an individual defendant, no matter how small, should be accepted as a cause in fact of the disease.

Id. at 341. The court then described a line of cases from other states whereby liability was imposed with *de minimis* exposure as "not just." *Id*.

Numerous law review articles have criticized how California appellate opinions have deformed *Rutherford* to allow expert testimony that "any exposure" to asbestos counts as a substantial factor and how other jurisdictions have severely criticized its unscientific basis and undesirable effect. See, *e.g.*, Behrens & Anderson, *supra*, 37 *SW. U. L. REV.* 479, 494 ("The massive expansion of the number of asbestos defendants brought about by this [any exposure] theory is highly problematic."); Sanders, *The "Every Exposure" Cases and the Beginning of the Asbestos Endgame* (2014) 88 *TUL. L. REV.* 1153, 2257 ("The judicial reception [to the any exposure theory of causation] has been largely negative."); Anderson & Tuckley, *The Any Exposure Theory Round II: An Update on the State of the Case Law 2012-2016* (2016) 83 *DEF. COUNS. J.* 264, 279 ("California continues to be a difficult state for asbestos defendants, and its recent handling [by intermediate appellate courts] of any exposure theory is no exception."); and Hong & Haffke, *Apportioning Liability in Asbestos Litigation: A Review of the Law in Key Jurisdictions* (2009) 26 *T.M. COOLEY L. REV.* 681, 697 ("California appellate courts have

effectively gutted the causation standard set forth in *Rutherford* . . . [applying it] in such a manner that virtually any evidence of any exposure can be made sufficient to prove causation."

CONCLUSION

There is, under the circumstances of this case, no *duty* owed by defendant employer to plaintiff for the mesothelioma he contracted from possible household exposure to what his father brought home on his workplace clothing.

There is also no *causation* consistent with the holding and reasoning of *Rutherford*. Intermediate appellate opinions that have rewritten and contravene *Rutherford* to permit a finding of causation based on "any exposure" to asbestos are not proper authority for the trial court's decision.

For these reasons and the aforementioned analysis and authority, amicus urges the court to reverse the judgment.

Dated: November 22, 2019

/s/
Fred J. Hiestand
CJAC General Counsel

CERTIFICATE OF WORD COUNT

I certify that the WordPerfect software program used to compose and print this document contains, exclusive of the caption, tables, certificate and proof of service, approximately 4,600 words.

Dated: November 22, 2019

/s/
Fred J. Hiestand
CJAC General Counsel

PROOF OF SERVICE

I, David Cooper, am employed in the city and county of Sacramento, State of California. I am over the age of 18 years and not a party to the within action. My business address is 3418 Third Avenue, Suite 1, Sacramento, CA 95817.

On November 22, 2019, I served the foregoing document(s) described as: AMICUS BRIEF OF THE CIVIL JUSTICE ASSOCIATION OF CALIFORNIA IN SUPPORT OF DEFENDANTS, RESPONDENT'S AND CROSS-APPELLANTS in *Alfred and Leticia Mata v. Air & Liquid Systems Corporation, et al.*, B293479 on all interested parties in this action by placing a true copy thereof electronically or in the U.S. Mail (where indicated) addressed as follows:

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

Executed this 22nd day of November 2019 at Sacramento, California.

/s/
David Cooper