

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE**

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**TROY SHANE SMITH and ALLYSON JANE
SMITH,**

Plaintiffs,

- against -

84 LUMBER COMPANY., et al.,

Defendants.

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VERIFIED ANSWER

Index No. 814633/2023

Defendant DAP, Inc. k/n/a La Mirada Products Co., Inc. (“DAP”), by its attorneys, Landman Corsi Ballaine & Ford P.C., hereby answers Plaintiffs’ Verified Complaint herein as follows:

1. DAP lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 1.
2. DAP lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 2.
3. DAP lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 3.
4. DAP lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 4.
5. DAP denies the allegations contained in Paragraph 5 as they pertain to DAP, except admits that at certain times DAP has conducted business in the State of New York, and lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 5 as they pertain to other defendants.
6. DAP lacks knowledge or information sufficient to form a belief as to the truth of

the allegations contained in Paragraphs 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23.

7. DAP denies the allegations contained in Paragraph 24, except admits that at certain times DAP has conducted business in the State of New York.

8. DAP lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in the Paragraphs 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60 and 61.

9. DAP denies the allegations contained in Paragraph 62 as they pertain to DAP, except admits that at certain times DAP has conducted business in the State of New York, and lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 62 as they pertain to other defendants.

10. DAP denies the allegations contained in Paragraph 63 as they pertain to DAP and lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 63 as they pertain to other defendants.

11. DAP denies the allegations contained in Paragraph 64 as they pertain to DAP and lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 64 as they pertain to other defendants.

12. DAP denies the allegations contained in Paragraph 65 as they pertain to DAP and lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 65 as they pertain to the other defendants.

13. DAP denies the allegations contained in Paragraph 66 as they pertain to DAP and lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 66 as they pertain to the other defendants.

14. DAP denies the allegations contained in Paragraph 67 as they pertain to DAP and lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 67 as they pertain to the other defendants.

15. DAP denies the allegations contained in Paragraph 68 as they pertain to DAP and lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 68 as they pertain to the other defendants.

16. DAP denies the allegations contained in Paragraph 69 as they pertain to DAP and lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 69 as they pertain to the other defendants.

FIRST CAUSE OF ACTION

17. DAP repeats and realleges it answers to the allegations contained in Paragraphs 1 through and including 16 as though set forth at length herein.

18. DAP denies the allegations contained in Paragraph 71 as they pertain to DAP and lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 71 as they pertain to the other defendants.

19. DAP denies the allegations contained in Paragraph 72 as they pertain to DAP and lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 72 as they pertain to the other defendants.

20. DAP denies the allegations contained in Paragraph 73 as they pertain to DAP and lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 73 as they pertain to the other defendants.

21. DAP denies the allegations contained in Paragraph 74 as they pertain to DAP and lacks knowledge or information sufficient to form a belief as to the truth of the allegations

contained in Paragraph 74 as they pertain to the other defendants.

22. DAP denies the allegations contained in Paragraph 75, including subparagraphs (a-m), as they pertain to DAP and lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 75, including subparagraphs (a-m), as they pertain to the other defendants.

23. DAP denies the allegations contained in Paragraph 76 as they pertain to DAP and lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 76 as they pertain to the other defendants.

24. DAP denies the allegations contained in Paragraph 77 as it pertains to DAP and lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 77 as they pertain to other defendants.

25. DAP denies the allegations contained in Paragraph 78 as it pertains to DAP and lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 78 as they pertain to other defendants.

SECOND CAUSE OF ACTION

26. DAP repeats and realleges its answers to the allegations contained in Paragraphs 1 through and including 25 as though set forth at length herein.

27. DAP denies the allegations contained in Paragraph 80 as they pertain to DAP and lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 80 as they pertain to other defendants.

28. DAP denies the allegations contained in Paragraph 81 as they pertain to DAP and lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 81 as they pertain to other defendants.

29. DAP denies the allegations contained in Paragraph 82 as they pertain to DAP and lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 82 as they pertain to other defendants.

30. DAP denies the allegations contained in Paragraph 83 as they pertain to DAP and lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 83 as they pertain to other defendants.

THIRD CAUSE OF ACTION

31. DAP repeats and realleges its answers to the allegations contained in Paragraphs 1 through and including 30 as through set forth at length herein.

32. DAP denies the allegations contained in Paragraph 85 as they pertain to DAP and lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 85 as they pertain to other defendants.

33. DAP denies the allegations contained in Paragraph 86 as they pertain to DAP and lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 86 as they pertain to other defendants.

34. DAP denies the allegations contained in Paragraph 87 as they pertain to DAP and lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 87 as they pertain to other defendants.

35. DAP denies the allegations contained in Paragraph 88 as they pertain to DAP and lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 88 as they pertain to other defendants.

36. DAP denies the allegations contained in Paragraph 89 as they pertain to DAP and lacks knowledge or information sufficient to form a belief as to the truth of the allegations

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