


25. The accident, injury and/or damage of which Plaintiffs complain was caused or contributed to by the alteration, modification and/or other change in the condition in which the subject ladder originally was sold by Sherwin-Williams to the Plaintiff and, thus, Plaintiffs' claims herein are barred by the same.

26. Plaintiff's claims are barred or otherwise limited by the spoliation doctrine.

27. The injury and/or damage of which Plaintiffs complain was caused or contributed to by a pre-existing condition which Sherwin-Williams did not cause or contribute to and for which Sherwin-Williams cannot be held liable.

WHEREFORE, Defendant, Sherwin-Williams, denies liability to Plaintiffs under any theory and respectfully request that judgment be entered in its favor.

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