

STATE OF RHODE ISLAND
PROVIDENCE, SC

SUPERIOR COURT

STATE OF RHODE ISLAND

Plaintiff,

v.

C.A. No. PC-2024-04526

AECOM TECHNICAL SERVICES, INC., *et al.*

Defendant.

**DEFENDANT AECOM TECHNICAL SERVICES, INC.’S ANSWER AND
AFFIRMATIVE DEFENSES TO VANASSE HANGEN BRUSTLIN, INC.’S CROSS
CLAIMS**

Defendant AECOM Technical Services, Inc. (“AECOM”), by and through its undersigned counsel, hereby answers Defendant Vanasse Hangen Brustlin, Inc.’s (“VHB”) Cross Claims dated October 31, 2024 (the “Cross Claims”), and states *in seriatim* as follows:¹

1. Admitted.
2. AECOM is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.
3. The allegations in this paragraph call for legal conclusions to which no response is required. To the extent that a response is required, AECOM denies the same.

AFFIRMATIVE DEFENSES

AECOM further asserts the following affirmative defenses to VHB’s Cross Claims:

1. AECOM denies all allegations not expressly admitted herein.

¹ On October 31, 2024, Defendant AECOM filed a Motion to Dismiss all counts that Plaintiff State of Rhode Island asserted in its complaint directed at AECOM in this case. In filing this Answer, AECOM incorporates its Motion to Dismiss and without waiving its pending Motion to Dismiss, but files it solely to comply with procedural requirements. AECOM further notes that if the Court grants AECOM’s Motion to Dismiss in whole or in part, then VHB’s Cross Claims are moot in whole or in part, depending upon how the Court so rules. AECOM further notes that by filing this Answer, AECOM is not admitting or acknowledging that this case is at issue.

2. VHB's Cross Claims are barred, in whole or in part, for failure to state a claim upon which relief can be granted.

3. VHB's Cross Claims are barred, in whole or in part, by the doctrines of laches, unclean hands, and *in pari delicto*.

4. VHB's Cross Claims are barred, in whole or in part, by the doctrine of equitable estoppel.

5. VHB's Cross Claims are barred, in whole or in part, by the doctrines of waiver and release.

6. VHB's Cross Claims are barred, in whole or in part, by the statute of limitations.

7. VHB's Cross Claims are barred, in whole or in part, by the statute of repose.

8. VHB's Cross Claims are barred, in whole or in part, because VHB has suffered no damages.

9. VHB's Cross Claims are barred, in whole or in part, because AECOM is not the proximate cause of VHB's alleged damages.

10. VHB's Cross Claims are barred, in whole or in part, by VHB's failure to mitigate its alleged damages.

11. VHB's Cross Claims are barred, in whole or in part, by the prevention doctrine.

12. VHB's Cross Claims are barred, in whole or in part, by the doctrine of assumption of risk.

13. VHB's Cross Claims are barred, in whole or in part because VHB lacks legal standing or authority to assert its Cross Claims against AECOM.

14. VHB's recovery, if any, against AECOM is barred or should be diminished by the doctrine of comparative negligence.

15. VHB's Cross Claims are barred, in whole or in part, by the same defenses and arguments set forth in AECOM's pending Motion to Dismiss, including, to the extent applicable, the economic loss doctrine; a want of privity of contract; the lack of any right to seek declaratory relief and other arguments.

16. AECOM reserves the right to raise additional defenses as the same become apparent through its investigation of this matter and discovery.

AECOM TECHNICAL SERVICES, INC.

By Its Attorneys,

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Dated: November 21, 2024

CERTIFICATE OF SERVICE

I hereby certify that on November 21, 2024, I electronically filed and served this document through the electronic filing system on all counsel of record.

The document is available for viewing and/or downloading from the Rhode Island Judiciary's electronic filing system.

/s/ Amanda R. Prosek
Amanda R. Prosek