

STATE OF RHODE ISLAND

PROVIDENCE, SC.

SUPERIOR COURT

STATE OF RHODE ISLAND,

Plaintiff

v.

AECOM TECHNICAL SERVICES, INC.,
AETNA BRIDGE COMPANY,
RIES SUPPORT SERVICES, INC.,
BARLETTA HEAVY DIVISION, INC.,
BARLETTA/AETNA I-195 WASHINGTON
BRIDGE NORTH PHASE 2 JV, COLLINS
ENGINEERS, INC., COMMONWEALTH
ENGINEERS & CONSULTANTS, INC.,
JACOBS ENGINEERING GROUP, INC.,
MICHAEL BAKER INTERNATIONAL, INC.,
PRIME AE GROUP, INC. STEERE
ENGINEERING, INC., TRANSYSTEMS
CORPORATION and VANASSE HAGEN
BRUSTLIN, INC.,

Defendants.

C.A. No. PC-2024-04526

SCHEDULING ORDER

Following a conference with the Court on August 30, 2024 and by agreement of Plaintiff and Defendants (collectively, the “Parties”), by their undersigned counsel, it is hereby ordered as follows:

I. Joinder & Amendment

A. August 31, 2025: Deadline to file motions to join other parties or amend pleadings, without leave to amend pursuant to Rule 15.

II. Fact Discovery

A. Written Discovery (Requests for Production (Rule 34), Requests for Admission (Rule 36) and Interrogatories (Rule 33)).

The Parties agree that due to the size and complexity of this case, coupled with the large number of Parties, all discovery responses shall be provided within 45 days of the receipt of written discovery requests.

B. September 17, 2026: Deadline to complete all fact discovery.¹

III. Experts

A. October 18, 2026: Deadline for any Party that asserts an affirmative claim in this matter to make any expert witness disclosures and provide expert witness reports as to such affirmative claims pursuant to Rule 26(b)(4).

B. January 11, 2027²: Deadline for all Parties to serve rebuttal expert disclosures and expert witness reports, if desired, pursuant to Rule 26(b)(4). Rebuttal expert disclosures shall be allowed even if the Party making an affirmative claim has not disclosed an expert in support thereof.

C. February 1, 2027: Deadline for all Parties to serve responses to rebuttal expert disclosures and reports, if desired.

D. May 16, 2027: Deadline to complete expert depositions.

IV. Close of Discovery

A. May 16, 2027: Close of all discovery.

V. Pre-Trial/Daubert Motions

A. June 14, 2027: Deadline to file pre-trial dispositive motions, including Daubert motions.

¹ All responses to discovery must be served and responded to by this date.

² Deadline pushed to account for holidays.

- B. 60 Days after Motions are filed: Deadline to file Objections to pre-trial dispositive motions, including Daubert motions.
 - C. 30 Days after Objection: Deadline to file Replies to Objection to pre-trial dispositive motions, including Daubert motions.
 - D. September 27 and 28, 2027: Motion Hearings (Dispositive, Pretrial, Daubert Motions in *Liminie*.
- VI. September 29, 2027: Pretrial Conference
- VII. Motions in Limine
- A. June 14, 2027: Deadline to file Motions in *Limine*.
 - B. 30 Days after Motions in Limine are Filed: Deadline to file Objections to Motions in *Limine*.
 - C. 15 Days after Objections: Deadline to file Replies to Objections to Motions in *Limine*.
- VIII. Deposition Testimony
- A. 60 Days before Trial: Deadline to file/disclose Deposition Testimony to be presented at trial, if any.
 - B. 30 Days after Filing/Disclosure: Deadline to file objections to any Deposition Testimony and to file rebuttal Deposition Testimony to be presented at trial, if any.
 - C. 15 Days after Objections to Rebuttal Testimony: Deadline to provide objections to any rebuttal Deposition Testimony to be presented at trial, if any.
 - D. If the deposition is to be presented by video, the video shall include only those portions designated by counsel. The video shall be edited to remove all speeches

from counsel and all portions of the deposition that are not to be presented to the jury, including any portions of the deposition that the Court has excluded.

IX. 15 Days before Pre-Trial Conference: Deadline to file proposed *Voir Dire*, Joint Jury Instructions and Verdict Form.

X. Pre-Trial Memorandum October 12, 2027: Deadline to submit pre-trial memoranda.

Each party's pre-trial memorandum shall contain:

- A. A brief summary of the party's view of the case;
- B. A list of fact and expert witnesses expected to be called at trial together with a brief summary of their testimony;
- C. The estimated number of court days needed for the presentation of each party's case; and
- D. To the extent not addressed in a pretrial motion, a brief summary of any complex legal, procedural, or evidentiary issues that may be raised during the trial, together with copies of relevant legal authorities attached.

XI. Stipulated Facts: No later than two weeks prior to trial, counsel for the parties must confer and prepare a list of Stipulated Facts.

XII. Exhibits:

- A. Determination of Stipulated and Contested Exhibits: Two weeks prior to the trial start date, the parties will exchange proposed exhibits. Within five business days thereafter, the parties will meet and confer to determine which exhibits will be marked as Stipulated and which are Contested. No party will be precluded from introducing at trial other exhibits for the purpose of impeachment or to respond to unanticipated evidence.

B. Marking: During the week prior to the start of the trial, counsel shall meet and mark all Stipulated Exhibits as full and all Contested Exhibits as for identification. Exhibit stickers may be obtained from the Court Clerk.

C. Binders:

- i. The parties shall provide the Court Clerk with three (3) binders of Stipulated Exhibits—one for the Judge, one for the witnesses, and the original for the Court Clerk which, ultimately, will be provided to the jury. A list of the Stipulated Exhibits shall be included at the front of each binder.
- ii. Each party shall provide the Court Clerk with three binders of Contested Exhibits marked, as appropriate, Plaintiff's Exhibits or Defendant's Exhibits. Each binder shall contain the number of tabs needed for the number of non-stipulated exhibits the party expects will be admitted at trial.
- iii. Each party should have available at trial three (3) three-hole punched copies of their Contested Exhibits that have been marked for identification and any other documents they intend to move for admission into evidence. As such exhibits are admitted, they will be added to the appropriate binders.

XIII. Opening Statement: If a party wishes to use a document other than a Stipulated Exhibit during opening statement, the document shall be shown to opposing counsel before the opening statement begins in sufficient time for any objections to be raised.

XIV. Demonstratives: The parties shall meet and confer in advance of trial regarding any demonstratives they intend to reference at any point in the trial.

XV. Technology: Any party intending to use technical equipment during the trial shall test that technology in the courtroom prior to commencement of trial. The party shall coordinate with the Court Clerk for such testing.

XVI. Depositions:

- A. There will be standalone periods to complete fact depositions and expert depositions. Fact depositions will be completed first and must be scheduled and completed by the deadline for completing fact discovery. All expert depositions must be scheduled and completed following the completion of fact discovery and before the deadline for completing expert discovery;
- B. A deposition date need only be agreed to by the Noticing Party and the deponent or the deponent's legal counsel, if represented;
- C. More than one deposition may take place in this case at the same time, except that no more than two (2) depositions may be scheduled on the same day absent agreement by the Parties or court order;
- D. Absent agreement of the Parties, all depositions for natural persons will be scheduled for one (1) day. The foregoing one (1) day limitation does not apply to depositions conducted pursuant to Rule 30(b)(6) of the Rhode Island Superior Court Rules of Civil Procedure;
- E. Unless otherwise agreed by the Parties or by court order, the witnesses being deposed will be physically present for the depositions in Providence at a location arranged with the Court Reporter;
- F. For any in-person deposition, counsel may participate remotely;
- G. If agreed by the Parties or by court order, depositions may be conducted remotely;

- H. To avoid multiple exhibit numbers for the same exhibit, all deposition exhibits will be numbered consecutively across all depositions; an objection entered by one Defendant an objection for all Defendants;
- I. All substantive objections, such as objections for relevance, are preserved;
- J. No speaking objections.

XVII. Experts:

- A. The Parties agree to exchange expert witness reports for testifying expert witnesses in advance of the depositions of expert witnesses. The testifying expert witness reports will include: (i) a complete statement of all opinions the witness will express and the basis and reasons for them; (ii) the facts or data considered by the witness in forming them; (iii) any exhibits that will be used to summarize or support them; (iv) the witness' qualifications, including a list of all publications authored in the previous 10 years; (v) a list of all other cases in which, during the previous 4 years, the witness testified as an expert at trial or by deposition; and (vi) a statement of the compensation to be paid for the study and testimony in the case.
- B. The Parties agree that communications between the Parties' counsel and their expert witnesses shall be privileged and undiscoverable, except to the extent that the communications: (i) relate to compensation for the expert's study or testimony; (ii) identify facts or data that the party's attorneys provided and that the expert considered in forming the opinions to be expressed; or (iii) identify assumptions that the Party's attorneys provided and that the expert relied on in forming the opinions to be expressed.

XVIII. Conclusion: As requested by the Court at the initial scheduling conference, which was held on August 24, 2024, the Court wishes to have a standing conference/hearing time to be conducted remotely on a monthly basis. That standing conference shall occur on the first Tuesday of the Month at 11:00 am and shall have a monthly WebEx Invite sent to all parties and chambers by Plaintiff's counsel. Also, any party may request a conference as needed with written notice to all other parties and upon clearing a date and time with Chambers. At least three (3) business days before a conference, the Parties shall provide a joint status report along with any issues they wish to raise at the conference and each side's position on the issue. The Parties shall meet and confer prior to the conference and attempt to resolve any issues.

The Parties anticipate that this matter will be tried over 6-8 weeks commencing on November 15, 2027.

The deadlines set forth herein may be amended by order of the Court for good cause shown.

ENTER:

Brian P. Stern, Jr.

JUSTICE STERN

PER ORDER:

/s/ Carin Miley
Senior Deputy Clerk I

SR. DEPUTY CLERK I
July 30, 2025

Dated: July 30, 2025