

HEARING DATE: JANUARY 6, 2026, at 11 AM

STATE OF RHODE ISLAND
PROVIDENCE, SC

SUPERIOR COURT

STATE OF RHODE ISLAND,

Plaintiff,

v.

C.A. No. PC-2024-04526

AECOM TECHNICAL SERVICES, INC.,
AETNA BRIDGE COMPANY,
ARIES 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 HANGEN BRUSTLIN, INC.,

Defendants.

**DEFENDANT VANASSE HANGEN BRUSTLIN, INC.'S
JOINDER TO MOTIONS TO COMPEL FILED BY
DEFENDANT, AECOM TECHNICAL SERVICES, INC. AND
BARLETTA/AETNA I 195 WASHINGTON BRIDGE PHASE 2 JV**

Defendant, Vanasse Hangen Brustlin, Inc. ("VHB") submits this joinder to two separate pending Motions to Compel both directed at the Plaintiff the State of Rhode Island ("State"). The first motion, by the Defendant Barletta/Aetna I 195 Washington Bridge, Phase 2 JV ("Joint Venture") Motion was filed on December 12, 2025. The second, by Defendant, AECOM Technical Services, Inc. ("AECOM") was filed on December 15, 2025. Both are scheduled for an in-person hearing on Tuesday, January 6, 2026 at 11 AM.

VHB will not rehash what this case is about or belabor the points raised. The court has more than enough material to read as it is. In general terms, however, there are 13 separate Defendants in this case and while each Defendant is situated somewhat differently than the others, all 13 Defendants have a mutual interest in obtaining at least some of the same discovery materials from the State. Both AECOM and the Joint Venture served Interrogatories and Requests for Production on the State and received responses. VHB did likewise and in fact filed supplemental discovery requests as well. The State timely answered all requests. To spare time, VHB will not attach those responses.

Because of the substantial overlap in the discovery requests, particularly document requests made by AECOM, the Joint Venture, VHB and the other Defendants, the State understandably has made blanket document productions designed to respond to all outstanding requests for production from all Defendants. The State made an initial production and then various supplemental productions. Along with those productions the State has provided an evolving privilege log. The relevant privilege logs are attached to AECOM and the Joint Venture's Motions to Compel and VHB will not attach them here.

As also detailed in those two Motions, both AECOM and the Joint Venture have engaged in written communication with the State, pursuant to Rule 37 to try to narrow the scope of issues before the court and engaged in several "meet and confers". VHB was aware of AECOM's efforts to some degree having been copied on an initial letter (also attached to AECOM's Motion) outlining deficiencies in the State's document production. VHB was aware that the Joint Venture was engaging in a similar line of communication with the State but had not seen copies of the specific correspondence between those parties until the Joint Venture filed its Motion.

On October 22, 2025, VHB sent a written letter to the State outlining a notice of deficiency in its responses to VHB's Request for Production of Documents. That letter (less lengthy attachment) is attached as Exhibit 1. VHB's deficiency letter essentially adopted AECOM's own original notice of deficiency and in fact attached AECOM's original September 19, 2025, deficiency letter as an Exhibit. As with this joinder, VHB sought to place its objections on the record without killing too many trees.

VHB never received a response to its deficiency letter, but in fairness to the State, understands that the State was engaging in similar dialogue with both AECOM and the Joint Venture. VHB notes that as a Defendant in this case it is subject to only a single count for negligence and that both AECOM and the Joint Venture are facing a wider array of legal claims against them based on multiple theories and in fact both entities have much deeper overall involvement with the project. Therefore, particularly in the case of the Joint Venture to whom VHB was a subconsultant, which subconsultant responsibilities are the reason VHB is named as a party in this lawsuit, more or less any concerns VHB had with the State's responses to VHB's own discovery responses would be subsumed within the issues raised by AECOM and the Joint Venture. Which is to say that while VHB does not share every concern raised by those two entities in their Motions to Compel, those Motions to Compel, taken in tandem, cover all of VHB's concerns.

WHEREFORE, VHB respectfully joins in the Motions to Compel filed by AECOM and the Joint Venture and seeks the same relief sought by those parties and for the same reasons from the State.

Respectfully submitted,
VANASSE HANGEN BRUSTLIN, INC.
By and through Counsel:

/s/ Brian C. Newberry, Esq.

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Date: December 19, 2025

CERTIFICATE OF SERVICE

I hereby certify that this document, filed through the Odyssey File & Serve System, will be sent electronically to the registered participants as identified on the Case Service Contacts List and/or paper copies will be sent, postage pre-paid, to those indicated as non-registered participants on this 19th day of December, 2025. The document is further available for viewing and/or downloading from the System.

/s/ Brian C. Newberry, Esq.

Brian C. Newberry, Esq.

Exhibit 1



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October 22, 2025

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Re: **Notice of Deficiency in the State of Rhode Island's
Responses to VHB's Request for Production of Documents**
State of Rhode Island v. AECOM Technical Services, Inc. et al
PC-2024-04526 – RI Superior Court

Dear Counsel,

I write pursuant to Rule 37 to draw your attention to various deficiencies in the State's responses to VHB's two separate Requests for Production and to ask for a meet and confer prior to the need to file a Motion to Compel in order to keep this dispute out of court.

Generally speaking, my concerns mirror those in Wendy Venoit's September 19, 2025 letter to you written on behalf of AECOM (Exhibit 1). Since that letter the State has provided an updated privilege log

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dated October 15, 2025 (Exhibit 2). I assume that this is an all-encompassing privilege log and there is nothing else that I am unaware of.

Wendy did an outstanding job of outlining my concerns and I do not intend to make this letter lengthier than need be, but I would draw your attention to, in particular, Sections B, C and D of her letter. Generally speaking, I echo her concerns that the "deliberative process privilege" simply does not apply in this case. I also echo her concerns that the privilege log that you have identified, though it has specific dates, author, etc., does not provide any indication with respect to other objections as to why the material is privileged. There is simply no way for me to assess whether those privileges are valid. Therefore, I need a much more descriptive explanation for why these documents are being withheld.

In addition, a number of the objections are for "personal information". I have no idea what that means. That is not an objection based on privilege but based on, I would assume, non-responsiveness. If your concern is that these communications have "personal information" that is not relevant to the litigation but is confidential and/or sensitive, redactions can be made. Likewise, some of the objections are for "non-responsive material" which raises the question of why they are included at all.

Beyond that, and with specific reference to VHB, I also raise these concerns:

With respect to the State's responses to VHB's first request for production of documents dated November 12, 2024, Response Nos. 24 and 29 state, "[s]ubject to those objections, and without waiving the same, Plaintiff will produce responsive documents, if any, in conformity with the forthcoming ESI protocol." On or around September 22, 2025, Judge Stern issued his amended order relative to the ESI protocol to be applied in this case. Notwithstanding, to date, the State has not amended Response Nos. 24 and/or 29, nor advised if any documents have been produced in response. Similarly, Response No. 28 provides "[s]ubject to those objections, and without waiving the same, Plaintiff will produce non-privileged responsive documents, if any, in conformity with the forthcoming ESI protocol." However, like Response Nos. 24 and 29, the State has taken no action to date to identify if any documents have been produced in response to Request No. 29 despite Judge Stern's order being in place for one month. Finally, Response No. 9 fails to advise if any non-expert witness statements or reports exist and/or whether such statements or reports will be produced at a later date.

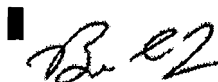
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I expect you may be receiving similar letters from other Defendants in this case, so I will not belabor the point. Put simply, we find your privilege log deficient in numerous respects, and we would like to resolve and/or at least narrow down the scope of these issues with you. If we are unable to do so, we can place the matter before the court on a proper Motion to Compel.

I look forward to hearing from you.

Very truly yours,

A handwritten signature in black ink, appearing to read "B. C. Newberry".

Brian C. Newberry of
LEWIS BRISBOIS BISGAARD & SMITH, LLP

BCN:ma