

STATE OF RHODE ISLAND
PROVIDENCE, SC.

SUPERIOR COURT

STATE OF RHODE ISLAND,)
)
Plaintiff,)
)
v.)
)
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 BRUSTLION, INC.)
)
Defendants.)
)

C.A. No. PC-2024-04526

**BARLETTA/AETNA I-195 WASHINGTON BRIDGE NORTH PHASE 2 JV'S
MEMORANDUM OF LAW IN SUPPORT OF ITS SECOND MOTION TO COMPEL**

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Defendant/Counter-Plaintiff Barletta/Aetna I-195 Washington Bridge North Phase 2 JV, a joint venture comprised of Barletta Heavy Division, Inc. (“**Barletta**”) and Aetna Bridge Company (“**Aetna**”) (collectively, the “**JV**”), by and through the undersigned counsel, respectfully moves this Court for an order (the “**Motion**”):

1. Compelling Plaintiff/Counter-Defendant, the State of Rhode Island (“**State**”) to:
 - a. produce in full all responsive documents and communications that the State has failed or refused to produce in response to the JV’s Requests for Production; and
 - b. serve complete, non-evasive written discovery responses to the JV’s Interrogatories and Requests for Admission.

INTRODUCTION

The JV served the discovery at issue on the State more than six months ago in June 2025. Despite multiple extensions, multiple deficiency letters to the State, and multiple meet-and-confer sessions, the State continues to withhold core documents and provide incomplete, evasive written responses. More critically, the State’s repeated promises to cure — coupled with continually missing self-set deadlines — have not only failed to resolve these deficiencies, but have delayed the JV’s ability to bring this matter before the Court sooner, which is shortening the discovery window that is set to close September 17, 2026. The State should be compelled to respond in full now.

The most glaring example is that the State still has not produced a complete version of the contract between the State and the JV (“**2021 Design-Build Contract**”) — the sole defining document as to the JV’s role and responsibilities on the Washington Bridge. The State’s failure to produce a complete copy of the 2021 Design-Build Contract underscores its unwillingness or inability to engage in even the most basic and central productions required in this litigation.

Other central categories of production remain unfulfilled, including documents related to the 2021 Design-Build Contract, such as the State’s solicitation documents regarding the contract (“**2021 RFP**”), and documents and communications related to the State’s prior projects regarding the Washington Bridge. In addition to these document production issues, the State’s written discovery responses contain deficiencies that include incomplete and evasive answers, objections without adequate explanation, and qualifications that obscure rather than clarify the State’s admitted facts.

The State’s persistent failures prejudice the JV’s ability to prepare its defense, prosecute its counterclaims, conduct dependent follow-on discovery, and prepare for depositions within the schedule set by the Court. The JV therefore seeks an order compelling the State to produce all withheld documents and to serve complete, non-evasive supplemental responses in full compliance with the Rhode Island Rules of Civil Procedure, to ensure the Scheduling Order entered by the Court is not jeopardized by the State’s refusal to timely participate in the discovery process.

The JV also joins in AECOM’s request to expand or remove the interrogatory limit for good cause under Rule 33(b) to at least seventy-five (75) interrogatories or more and incorporates by reference AECOM’s arguments in support thereof.

BACKGROUND¹

This discovery dispute arises from the JV’s First and Second Sets of Requests for Production of Documents to the State, the JV’s First Set of Requests for Admission to the State, and the JV’s First and Second Sets of Interrogatories to the State. The JV propounded these discovery requests in June 2025, seeking central documents, sworn statements, and factual admissions bearing on the Washington Bridge rehabilitation, the State’s claimed contractual

¹ The Court is already well aware of the factual allegations and background of this case from prior motion practice; therefore, the JV will not restate it here.

obligations of the JV, and related State projects. The State responded to the discovery on September 2, 2025. *See* **Exhibit A**, the State’s Responses to the JV’s Requests for Production Set One; **Exhibit B**, the State’s Responses to the JV’s Requests for Production Set Two; **Exhibit C**, the State’s Responses to the JV’s First Set of Requests for Admission (“**RFA**”); **Exhibit D**, the State’s Responses to the JV’s First Set of Interrogatories; and **Exhibit E**, the State’s Responses to the JV’s Second Set of Interrogatories.

After receiving the State’s responses, the JV sent a detailed deficiency letter to the State dated October 3, 2025. **Exhibit F**. The letter outlined the State’s shortcomings and identified, among other gaps²:

- Missing custodian-based email collections and lack of email production;
- Failure to produce RIDOT’s risk matrix for the 2021 Design-Build Contract;
- Failure to produce a complete version of the 2021 Design-Build Contract
- Failure to produce complete 2021 RFP materials, including omitted communications with design-build proposers and other proposals submitted for the project; and
- Failure to produce Project/BID #7461338 related materials;

The letter also identified deficiencies in the State’s written discovery responses, including the need for:

- Complete and non-evasive answers to cure the State’s deficient responses to Interrogatories Nos. 7 and 8; and
- Supplemental RFA responses for Nos. 2, 3, 4, 11, 12, 14, 15, 16, 17, 18, 19, and 21 that make clear which portion of the RFAs the State specifically admitted and which portion

² The JV’s Motion to Compel dated December 15, 2025 (“First Motion to Compel”) concerns the same October 3 deficiency letter, but addresses two specific subtopics within that letter — the State’s assertion of the deliberative process privilege and the purported “non-responsive privilege” — which are not addressed in this Motion. The JV’s First Motion to Compel is set for hearing on January 6, 2026.

was denied, that withdraw unexplained objections, and that remove argumentative commentary.

The State responded to the JV's letter on October 31, 2025 indicating it *may* serve revised written responses by November 18, 2025, but failing to address several categories of missing documents identified in the JV's deficiency letter. **Exhibit G**. In subsequent meet-and-confers, the State confirmed it would, in fact, supplement certain written responses by November 18 and begin custodian-based email production around that same time. The self-set November 18 deadline came and went without the promised supplemental responses or any custodian-email production.

On November 25, 2025, the State sent an email acknowledging that it still had not provided the promised supplemental responses or production, stating it would respond by providing updated answers shortly after the Thanksgiving Holiday and also begin production for the custodian emails on a rolling basis by December 10. **Exhibit H**. The State's December 10 commitment, however, applied only to an *initial* production of custodian-based emails, and the State gave no indication when the full custodian production would be completed, despite the fact that more than six months had already passed since the JV's original request.

On December 2, 2025, the JV sent a follow-up letter confirming the State's timeframe for delivering supplemental responses and highlighting the inadequacy of its open-ended plan for custodian-email production. **Exhibit I**. In light of the prolonged delays, the JV set a firm December 10 deadline for a full cure, meaning all supplemental responses served and complete custodian-email production delivered, rather than the partial production the State had proposed. The JV's letter placed the State on notice that failure to meet this deadline in full would result in the JV seeking the Court's intervention.

Through repeated good-faith efforts to obtain compliance, including providing extensions in response to the State’s requests for more time, the JV has sought to resolve these issues without the Court’s intervention. Yet as of the filing of this Motion, the State’s discovery failures remain uncured. In fact, the State’s November 25, 2025 email is the most recent communication the JV has received on these issues — despite the JV’s attempts to follow up. Thus, it is appropriate to bring these matters before the Court to prevent further delay and ensure compliance with the State’s discovery obligations.

LEGAL STANDARD

Rhode Island Superior Court Rule 26(b)(1) grants litigants the right to obtain information “regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery or to the claim or defense of any other party . . .” R.I. Super. R. Civ. P. 26(b)(1).

Requests for Production

Rhode Island Superior Court Rule of Civil Procedure 37(a)(2) governs motions to compel when a party fails to produce documents or permit inspection under Rule 34:

If a party, in response to a request for production or inspection submitted under Rule 34, fails to respond that inspection will be permitted as requested or fails to permit inspection as requested, the discovering party may move for an order compelling an answer, or a designation, or an order compelling production or inspection in accordance with the request.

R.I. Super. R. Civ. P. 37(a)(2)

Rule 37 authorizes the requesting party to seek court intervention to compel compliance when the producing party fails to produce responsive documents, permits only incomplete inspection, or otherwise does not comply with its obligations under Rule 34.

Interrogatories

Rhode Island Superior Court Rule of Civil Procedure 33 requires that “[e]ach interrogatory shall be answered separately and fully in writing under oath. If the interrogatory is objected to, the reasons for the objection shall be stated.” R.I. Super. R. Civ. P. 33.

If a party fails to answer an interrogatory as required under Rule 33, Rule 37(a)(2) authorizes the requesting party to move for an order compelling a proper answer. Rule 37 empowers the Court to compel full responses where an answer is incomplete, evasive, or made without valid objection. *See also Devaney v. St. Thomas More Cath. Church*, 285 A.3d 23, 27 (R.I. 2022) (“To be deemed to have failed to serve a written response, a party need not fail to respond entirely; instead, ‘an evasive or incomplete answer or response is to be treated as a failure to answer or respond.’ ”)

Requests for Admissions

Rhode Island Superior Court Rule of Civil Procedure 36(a) governs Requests for Admission. It requires that “[a] denial shall fairly meet the substance of the requested admission, and when good faith requires that a party qualify an answer or deny only a part of the matter of which an admission is requested, the party shall specify so much of it as is true and qualify or deny the remainder.” R.I. Super. R. Civ. P. 36(a).

Rule 36(a) further authorizes the requesting party to move to determine the sufficiency of the answers or objections:

The party who has requested the admissions may move to determine the sufficiency of the answers or objections. Unless the court determines that an objection is justified, it shall order that an answer be served. If the court determines that an answer does not comply with the requirements of this rule, it may order either that the matter is admitted or that an amended answer be served. The court may, in lieu of these orders, determine that final disposition of the request be made at a pretrial conference or at a designated time prior to trial.

R.I. Super. R. Civ. P. 36(a).

As the Rhode Island Supreme Court has recognized, “Rule 36 establishes a ‘procedure... for facilitating the proof at the trial by weeding out facts and items of proof over which there is no dispute, but which are often difficult and expensive to prove.’” *Cardi Corp. v. State*, 524 A.2d 1092, 1095 (R.I. 1987). The rule thus demands clarity and completeness so that the responding party’s position is understood and undisputed facts can be removed from the issues for trial.

ARGUMENT

I. REQUESTS FOR PRODUCTION — FAILURE TO PRODUCE RESPONSIVE DOCUMENTS³

A. THE STATE’S FAILURE TO PRODUCE CUSTODIAN-BASED EMAILS

In June 2025, the JV served Requests for Production that directed to emails from relevant RIDOT custodians. The JV’s requests sought internal RIDOT communications and communications with proposers, contractors, inspectors, and pertinent agencies regarding the Washington Bridge. To date, the State has not produced custodian-based emails.⁴

In a December 2, 2025 deficiency and confirming letter, the JV noted this continuing omission and recounted the State’s November 25 commitment—via email—to begin a “rolling production” of custodian emails on December 10, 2025. That promise included no firm completion date, and as of this the date of this Motion, the State has not produced a single custodian email. During meet-and-confer discussions, the State acknowledged the existence of responsive

³ The Court’s ruling on the present Motion will aid in expediting resolution of issues the JV anticipates having with the State in connection with its Request for Production No. 3, propounded on October 1, 2025, and responded to by the State on December 10, 2025. Upon review of the State’s responses, the JV has identified deficiencies it intends to address first through good-faith meet-and-confer efforts, with the hope of avoiding the need to present these issues to the Court.

⁴ To the extent the State has produced any emails to date, those documents appear only because they were maintained as electronic records within other repositories (effectively “hardcopy” electronic files), rather than being obtained through a targeted custodian-based search of email accounts in accordance with the ESI Protocol.

documents (emails), yet claimed it is still “reviewing the materials”—a process now six months overdue despite having initiated this action in August 2024 and knowing from the outset that these communications are integral to the litigation. The delay by the State in providing fulsome responses and compliance with productions is not only prejudicing the JV’s ability to defend itself, but it also threatens to upend the deadlines in the Scheduling Order.

The JV requests that the Court order the State to produce, in full, all responsive custodian-based emails within fifteen (15) days of the Court’s order, ensuring the JV (and other defendants) has time to assess materials before moving forward with additional discovery and depositions.

B. THE STATE’S FAILURE TO PRODUCE DOCUMENTS RESPONSIVE TO THE JV’S TARGETED DISCOVERY REQUESTS

The JV’s Requests for Production also sought several discrete categories of documents central to the parties’ claims and defenses, yet the State has either produced nothing or provided incomplete productions coupled with boilerplate objections and misdirection. In some instances, the State has directed the JV to Bates ranges encompassing thousands of pages—or, at times, its entire document production—that do not contain complete sets of the responsive materials. The JV has identified these deficiencies with specificity in formal deficiency letters. **Exhibits F and I.**

The issue before the Court is not whether these materials must be produced—their relevance is not in dispute. With relevance conceded, the only question is why the JV must resort to motion practice to obtain non-privileged discovery that should have been provided months ago, and why the State should not now be ordered to produce the responsive documents in full, without further delay.

Specifically, the JV requested and the State failed to produce:

- The RIDOT risk matrix for the 2021 Design-Build Contract (Request for Production No. 8);
- Complete versions of the 2021 Design-Build Contract, including appendices and addenda (Request for Production Nos. 9);

- 2021 RFP materials, including Q&As, communications with proposers, and other procurement-related documents (Request for Production Nos. 2, 4, 5, 10); and
- documents related to BID #7461338, including TEC communications, proposer correspondence, and selection recommendations (Request for Production Nos. 36–42).

In its written response to the JV’s October 3, 2025 deficiency letter, the State failed to articulate any plan or timeline to cure these omissions. Further, the State failed to respond to the JV’s December 2, 2025 deficiency letter, which again squarely raised these issues and demanded compliance and production.

The JV requests that the Court compel the State to produce all items identified in this section, in full and complete form, within fifteen (15) days of entry of the Court’s order.

II. INTERROGATORIES — FACIALLY DEFICIENT RESPONSES WITHOUT OBJECTIONS

The State’s responses to the JV’s interrogatories that are the subject of this Motion are facially deficient and fail to provide the responsive information sought. Moreover, the State did not object to the interrogatories; therefore, any objections were waived.

In its October 3, 2025 deficiency letter, the JV detailed these shortcomings. In response, the State assured the JV that it would cure the deficiencies with supplemental responses. However, it has taken no steps to do so, other than setting self-imposed deadlines for correction and then missing those deadlines without notice or follow-up. Considering these uncorrected deficiencies, the Court should now compel the State to provide complete and non-evasive responses to the JV’s Interrogatories Nos. 7 and 8.

INTERROGATORY NO. 7. In reference to AMENDED COMPLAINT ¶ 91, identify whether the BTC addressed the existence of problems relating to the tie-down rods at Piers 6 and 7 and called for repairs to the post-tensioning systems of the WASHINGTON BRIDGE. If so, please identify the specific BTC plan sheet number(s) and describe in detail the work the BTC required the JV to perform on the tie-down rods at Piers 6 and 7 and the WASHINGTON BRIDGE’s post-tensioning systems.

RESPONSE: In [2021] RFP Part 2, Section 3.13.7.1 Washington Bridge Rehabilitation, ‘The overall goal of this project is to provide a 25-year design life for the rehabilitated structure; therefore, the DB Entity shall design and construct the bridge strengthening and rehabilitation with a minimum design life of 25 years.’ The same section also goes on to state ‘The Design Build Team is responsible for any required retrofit or strengthening required by their proposal to achieve the 25-year design life. The DB Entity shall develop models and prepare design calculations as necessary to show their proposed method or rehabilitation will achieve this requirement.’

Interrogatory No. 7 asked the State to identify whether the Base Technical Concept (“**BTC**”) addressed problems with the tie-down rods at Piers 6 and 7 and called for repairs to the Washington Bridge’s post-tensioning systems. If so, it requested specific BTC plan sheet numbers and a detailed description of the work required. The State’s response is incomplete and evasive, and fails to provide a straightforward response to the question.

The BTC is the design plan prepared by the State, incorporated into the 2021 Design-Build Contract, and intended by the State to define the scope of work required by the contract documents. The JV’s request was narrowly tailored to these discrete components and sought sheet-specific references and explanations.

The State’s response provided neither. Instead, it quoted language from the 2021 Design-Build Contract (Part 2, Section 3.13.7.1) regarding the project’s overall rehabilitation goal. That provision simply directs the Design-Build entity back to the BTC plans, yet the State failed to identify which plans or describe the work. The response is circular, evading the substance of the interrogatory, and does not respond to the question: whether the BTC addressed the existence of problems relating to the tie-down rods at Piers 6 and 7 and called for repairs to the post-tensioning systems. The response is likely evasive because an accurate answer would damage the State’s theory of the case. The BTC did not address Piers 6 and 7 or the tie downs and the State is required to admit those facts without qualification or editorial comment.

Further, the State selectively omitted language from the same section that immediately links the rehabilitation goal to specific BTC drawings, stating: “The BTC plans show one way to achieve this [25-year design life] using link slabs to eliminate as many deck joints as possible, preventing future deterioration of beam ends,” and “It is not the intent of the project to replace bearings not explicitly shown on the BTC drawings.” These omitted sentences underscore the direct tie between the quoted rehabilitation requirement and specific drawings the State created, and they go to the heart of the interrogatory. The State should be able to answer the basic questions about the BTC materials it provided to the bidders.

The JV is entitled under Rule 33 to a full and complete answer to Interrogatory No. 7. Moreover, the State’s evasive and incomplete answer should be treated as a failure to respond, necessitating a cure. *See Devaney v. St. Thomas More Catholic Church*, 285 A.3d 23, 27 (R.I. 2022) (“To be deemed to have failed to serve a written response, a party need not fail to respond entirely; instead, an evasive or incomplete answer or response is to be treated as a failure to answer or respond.”).

Interrogatory No. 8. Is YOUR response to each request for admission in the JV’s First Requests for Admissions to RIDOT, dated June 13, 2025, an unqualified admission?

If not, for each response that is not an unqualified admission:

- a. State the number of the request;
- b. State all facts on which you base YOUR response;
- c. State the names, addresses, and telephone numbers of all persons who have knowledge of those facts; and
- d. Identify all DOCUMENTS and other tangible things that support YOUR response and state the name, address, and telephone number of the person who has each DOCUMENT or thing.

RESPONSE: See RFA Responses.

The State did not provide any of the information sought by the interrogatory even though the majority of the State’s responses to the JV’s RFAs were not unqualified admissions. Instead, it responded: “See RFA Responses.” This is entirely evasive because the RFA responses themselves

do not contain the facts, witness identifications, or document descriptions that ROG 8 seeks. The State's incorporation attempt is not a legitimate good-faith effort to answer the interrogatory; it simply points the JV to the State's RFA responses that also fail to provide the requested information, and are themselves deficient (see below).

Rule 33 requires that interrogatories be answered fully and directly for RFAs 1-8 and 11-48, which were not responded to with unqualified admissions. The State's evasive and incomplete answers should be treated as a failure to respond. *See Devaney*, 285 A.3d at 27.

The JV requests that the Court compel the State to serve full and complete amended answers to ROG Nos. 7 and 8, consistent with the plain language of those interrogatories, within fifteen (15) days of entry of the Court's order.

III. REQUESTS FOR ADMISSION — NONCOMPLIANT RESPONSES

The State's responses to certain of the JV's RFAs are deficient under Rule 36(a) in multiple respects. They either fail to clearly admit or deny the requested facts, assert unexplained objections, or improperly inject argumentative narratives to blur potential admissions. The State agreed to provide supplemental responses, yet no such responses have been served. This continued inaction reflects the State's pattern in other discovery responses and leaves the JV without the clarity needed to narrow issues for trial. *Cardi Corp*, 524 A.2d at 1095 ("Rule 36 establishes a 'procedure... for facilitating the proof at the trial by weeding out facts and items of proof over which there is no dispute, but which are often difficult and expensive to prove.'")

A. THE STATE'S DEFICIENT, NON-RESPONSIVE PARTIAL ANSWERS

For RFAs Nos. 2, 3, 4, 11, and 12, the State responded "Admitted in Part" without specifying which portions of the request were admitted and which were denied. The State failed to comply with Rule 36(a).

For example, RFA No.3 states: “Admit that the 2021 RFP did not provide DESIGN-BUILD PROPOSERS the LICHTENSTEIN REPORT.” This is a straightforward question: either the State did or did not provide the Lichtenstein Report in the 2021 RFP or to the design-build proposers. By answering only “Admitted in Part,” the State fails to “specify so much of [the matter] as is true” as required by Rule 36(a), leaving the JV to guess at the scope of the admission. The State’s responses to RFAs No. 2, 4, 11, and 12 are no better and suffer the same deficiencies.

Rule 36(a) requires a responding party to admit or deny a matter, or explain in detail why it cannot truthfully do so. A partial admission must identify precisely which portions are admitted and which are denied. The State’s vague partial answers deprive the JV of the clarity RFAs are intended to provide, impede efforts to narrow the issues for trial, and violate Rule 36(a). The Court should order the State to amend its responses to clearly set out the admissions and denials for each RFA.

B. THE STATE’S UNEXPLAINED OR UNSUPPORTED OBJECTIONS

For RFAs Nos. 18, 19, and 21, the State objected that the requests were “vague” or “ambiguous” without identifying the specific language it contends is unclear or providing any explanation of the alleged vagueness. Rule 36(a) does not permit conclusory objections; such objections require the responding party to identify the language challenged and explain the basis for the objection. The State’s failure to provide detail renders the objections improper. The Court should compel the State to withdraw these objections or, if it persists, to identify the challenged terms and articulate the reasons, followed by substantive responses to each RFA.

The State’s unexplained and inconsistent objections are not limited to RFAs 18, 19, and 21. A similar deficiency appears in the State’s response to RFA No. 14. RFA No. 14 asked the State to admit that “[t]he 2021 DESIGN-BUILD CONTRACT required the JV to advance the BTC.” A

clear admission to RFA No. 14 would narrow the issues for trial by confirming that the JV was required to advance the BTC. The parties could then focus the dispute on the meaning of “advance.”

The State objected that the phrase “advance the BTC” is vague and ambiguous, yet this same phrase appears without qualification in the State’s own response to RFA No. 26: “The [2021] RFP required the Design-Build team to do any independent analysis to *advance* the BTC to a minimum 25-year design life...” By using the term in its own discovery responses, the State demonstrates it understands the phrase sufficiently to respond substantively and must be compelled to do so.

Without a clear admission or denial to RFA No. 14, the JV is forced to litigate both whether the requirement to “advance the BTC” existed — a matter the parties appear to agree on — and any remaining dispute over its meaning. Rule 36(a) exists to avoid such inefficiency by requiring clear admissions or denials so the scope of trial can be narrowed. The Court should compel the State to answer RFA No. 14 fully and directly, either admitting or denying the request, and if denied, stating in detail the reasons for the denial.

The JV requests that the Court compel the State to serve full and complete amended responses to RFAs Nos. 2, 3, 4, 11, 12, 14, 15, 16, 17, 18, 19, and 21, in compliance with Rule 36(a), within fifteen (15) days of entry of the Court’s order.

C. THE STATE’S IMPROPER ADDITION OF ARGUMENT

For RFAs Nos. 15, 16, and 17, the State admitted the facts requested but supplemented each admission with an argumentative narrative.⁵

⁵ These admissions directly bear on the subject matter of Interrogatory No. 7, addressed in Section II, *supra*. The RFAs confirm that the BTC did not identify deficiencies in the components at issue in that interrogatory, yet — as with the State’s evasive answer to Interrogatory No. 7 — the State obscures the substance of its responses by appending argumentative language that clouds otherwise straightforward admissions.

RFA 15. Admit that the BTC did not identify any structural deficiencies with the tie-down rods or prestressed concrete beams at Piers 6 and 7 of the WASHINGTON BRIDGE.

RESPONSE: ADMITTED, however, good engineering practice would include a thorough assessment of the bridge, its original design, all subsequent reports, inspections, and any recommendations for repair prior to undertaking performance of any contractual obligations related to repairs, replacement or demolition of the bridge.

RFA 16. Admit that the BTC did not identify any structural deficiencies with the post-tensioning system of the WASHINGTON BRIDGE.

RESPONSE: ADMITTED, however good engineering practice would include a thorough assessment of the bridge, its original design, all subsequent reports, inspections and any recommendations for repair prior to undertaking performance of any contractual obligations related to repairs, replacement or demolition of the bridge.

RFA 17. Admit that the BTC did not require any retrofit or remediation of the tie-down rods at Piers 6 or 7 or the post-tensioning system of the WASHINGTON BRIDGE.

RESPONSE: ADMITTED, however good engineering practice would dictate visual examination that would have revealed the necessities of a retrofit, BTC system.

Rule 36(a) requires admissions or denials that fairly meet the substance of the request.

RFAs are not intended to serve as vehicles for characterizing admitted facts or embedding advocacy within responses. The State's appended narrative obscures otherwise clear admissions and undermines Rule 36's purpose of narrowing the issues for trial. It also indicates an unwillingness to concede basic facts if they do not support the State's case. The Court should require the State to amend these responses to state the admissions plainly, without editorializing or qualifying language.

CONCLUSION

For the reasons set forth throughout this Motion, the State's discovery conduct—including withholding plainly relevant custodial emails, failing to produce targeted document categories, serving non-responsive, incomplete, and/or evasive interrogatory answers, and submitting deficient and improper RFA responses—is improper and violates the governing discovery rules. Specifically, the State has:

- (2) failed to initiate its promised custodian-based email production, despite acknowledging relevance and delaying production for many months;
- (3) withheld or incompletely produced discrete, central document categories identified in the JV's October 3 and December 2 deficiency letters without any valid basis;
- (4) served facially deficient answers to interrogatories without objections, waiving any basis to withhold; and
- (5) provided RFA responses that are incomplete, argumentative, or supported only by conclusory and unexplained objections.

By continuing these practices, the State is blocking the JV's access to evidence critical to preparing and supporting its claims and defenses.

The JV respectfully requests that the Court compel the State, within fifteen (15) days of entry of the Court's order, to: (a) produce all responsive custodian-based emails in full; (b) produce all targeted discovery materials identified in Section I(B); (c) serve full and complete amended answers to ROG Nos. 7 and 8; and (d) serve full and complete amended RFA responses to Nos. 2, 3, 4, 11, 12, 14, 15, 16, 17, 18, 19, and 21.

Dated: December 22, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of December, 2025, I electronically filed and served this document through the electronic filing system on counsel of record. The document is available for viewing and/or downloading from the Rhode Island Judiciary's electronic filing system.

/s/ Jeffrey B. Pine

EXHIBIT A

Rhode Island Washington Bridge; 30115.001
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Rules of Civil Procedure, and the protections from disclosure afforded to non-testifying experts employed in anticipation of litigation or preparation for trial as set forth in Rule 26(b)(4) of the Superior Court Rules of Civil Procedure. Subject to those objections, and without waiving the same, see previously produced BATES RIDOT_00000001- RIDOT_000049852. Discovery is ongoing, and the Plaintiff reserves the right to amend this Response pending the outcome of further investigation and discovery.

2.All DOCUMENTS provided to DESIGN-BUILD PROPOSERS for the 2021 RFP.

RESPONSE: The Plaintiff objects to this Request because it seeks documents, communications, and/or information that is or may be protected from disclosure by the attorney-client privilege, the deliberative process privilege, the work product doctrine as set forth in Rule 26(b)(3) of the Superior Court Rules of Civil Procedure, and the protections from disclosure afforded to non-testifying experts employed in anticipation of litigation or preparation for trial as set forth in Rule 26(b)(4) of the Superior Court Rules of Civil Procedure. Subject to those objections, and without waiving the same, see previously produced BATES RIDOT_000021552- RIDOT_000021841. Discovery is ongoing, and the Plaintiff reserves the right to amend this Response pending the outcome of further investigation and discovery.

3.All DOCUMENTS and COMMUNICATIONS RELATED TO the BTC and the post-tensioning system or Piers 6 and 7 of the WASHINGTON BRIDGE.

RESPONSE: The Plaintiff objects to this Request because it seeks documents, communications, and/or information that is or may be protected from disclosure by the attorney-client privilege, the deliberative process privilege, the work product doctrine as set forth in Rule 26(b)(3) of the Superior Court Rules of Civil Procedure, and the protections from disclosure afforded to non-testifying experts employed in anticipation of litigation or preparation for trial as set forth in Rule 26(b)(4) of the Superior Court Rules of Civil Procedure. Subject to those objections, and without waiving the same, see previously produced BATES RIDOT_41-83; 475-482;516-522;548-556;564-583;800-802;915-920;1012-1015;1044-1048;1074-1077;1447-1478;2483-2487;3777-3789;3785-3787;4290-4296;4325-4326;4334-4344;4384-4385;4393-4394;4399-4412;4438-4447;4452-4467;4470-4473;4510-4514;4625-4633;4637-4646;4905-4906;4926-4927;4997-5026;5035-5061;5078-5088;5093-5109;5123;5218-5219;5243-5258;5261-5263;5266-5301;5407-5408;5597;5638-5639;5791-5792;5801-5802;5807-5810;5827-5836;5841-5848;5851-5871;5874-5894;5905;5964-5967;6012-6021;6030-6031;6115-6119;6134-6135;6140;6142-6144;6164-

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6165;6168-6182;6185-6189;;6238-6247;6261-6262;6290-6295;6300-6311;6313-6315;6319-6320;6331-6335;6349-6381-6391;6396-6487;6492-6533;6553-6603;6616-6650;6663-6701;6723-6754;6758-6763;6773-6807;6824-6862;6872-6910;6919-6953;6956-6990;7002-7039;7050-7087;7099-7139;7142-7224;7236-7269;7281-7318;7329-7366;7378-7413;7425-7459;7471-7506;7518-7555;7574-7606;7621-7654;7707;9529-9530;9534-9549;9556-9573;9577-9595;9598-9600;9646-9661;9711-9712;9714-9719;9722-9740;9745-9747;9749-9777;9781-9796;9888-9892;9896-9911;9922-9931;10013-10014;10022-10029;10032-10052;10055-10075;10099;10103;10107-10116;10184-10186;10202-10205;10208-10211;10216-10218;10246-10274;10278-10336;10348-10367;10372-10374;10408-10409;10418-10422;10437;10483-10528;10700-10750;10753-10790;10801-10838;10840-10843;10846-10888;10893-10934;10943-10958;10968-10985;10989-11003;11033-11037;11042-11046;11048-11057;11059-11069;11103-11158;11199-11202;11205-11208;11212-11223;11225-11228;11255-11259;11267-11286;11819-11858;21552-21841;1677-4344;4383;4393-4394;4399-4419. Discovery is ongoing, and the Plaintiff reserves the right to amend this Response pending the outcome of further investigation and discovery.

4.All COMMUNICATIONS between or among RIDOT and any DESIGN-BUILD PROPOSERS for the PROJECT.

RESPONSE: The Plaintiff objects to this Request because it seeks documents, communications, and/or information that is or may be protected from disclosure by the attorney-client privilege, the deliberative process privilege, the work product doctrine as set forth in Rule 26(b)(3) of the Superior Court Rules of Civil Procedure, and the protections from disclosure afforded to non-testifying experts employed in anticipation of litigation or preparation for trial as set forth in Rule 26(b)(4) of the Superior Court Rules of Civil Procedure. Subject to those objections, and without waiving the same, see previously produced BATES RIDOT_6284-6287;7954-7967;7998-8002;8459;8750;8752-8753;8756;8759;8763;8766;8785;9323-9336. Discovery is ongoing, and the Plaintiff reserves the right to amend this Response pending the outcome of further investigation and discovery.

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5.All design-build proposals submitted in response to the 2021 RFP.

RESPONSE: See previously produced BATES: 14963-15182; 15186-15308;15315-15495;15501-15706;15713-16063;16070-16706;16713-17287;17294-17725;17733-17779;17787-18082;18090-18746;18754-19148;19156-19305;19557-21384;21400-22353. Discovery is ongoing and the Plaintiff reserves the right to amend this Response pending the outcome of further investigation and discovery.

6.All DOCUMENTS RELATED TO RIDOT's score or evaluation of design-build proposals for the PROJECT.

RESPONSE: The Plaintiff objects to this Request because it seeks documents, communications, and/or information that is or may be protected from disclosure by the attorney-client privilege, the deliberative process privilege, the work product doctrine as set forth in Rule 26(b)(3) of the Superior Court Rules of Civil Procedure. Discovery is ongoing, and the Plaintiff reserves the right to amend this Response pending the outcome of further investigation and discovery.

7.All DOCUMENTS AND COMMUNICATIONS RELATED TO sources of funds available to procure the PROJECT.

RESPONSE: The Plaintiff objects to this Request because it seeks documents, communications, and/or information that is or may be protected from disclosure by the attorney-client privilege, the deliberative process privilege, the work product doctrine as set forth in Rule 26(b)(3) of the Superior Court Rules of Civil Procedure. Subject to those objections, and without waiving the same, see previously produced BATES RIDOT_000049853-RIDOT_000049920Discovery is ongoing, and the Plaintiff reserves the right to amend this Response pending the outcome of further investigation and discovery.

8.A copy of RIDOT's risk matrix RELATED TO the 2021 DESIGN-BUILD CONTRACT.

RESPONSE: Discovery is ongoing, and the Plaintiff reserves the right to amend this Response pending the outcome of further investigation and discovery.

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9.A copy of the 2021 DESIGN-BUILD CONTRACT.

RESPONSE: See previously produced BATES 21448-21551.

10.All DOCUMENTS and COMMUNICATIONS RELATED TO RIDOT's review, approval, or concurrence with the JV's WASHINGTON BRIDGE rehabilitation plans, including, but not limited to, comment resolution forms, RIDOT transmittals, and certificates of compliance.

RESPONSE: The Plaintiff objects to this Request because it seeks documents, communications, and/or information that is or may be protected from disclosure by the attorney-client privilege, the deliberative process privilege, the work product doctrine as set forth in Rule 26(b)(3) of the Superior Court Rules of Civil Procedure, and the protections from disclosure afforded to non-testifying experts employed in anticipation of litigation or preparation for trial as set forth in Rule 26(b)(4) of the Superior Court Rules of Civil Procedure. Subject to those objections, and without waiving the same, see previously produced folder labeled Bareletta/AETNA. Discovery is ongoing and the Plaintiff reserves the right to amend this Response pending the outcome of further investigation and discovery.

11.All meeting minutes RELATED TO the PROJECT.

RESPONSE: The Plaintiff objects to this Request because it seeks documents, communications, and/or information that is or may be protected from disclosure by the attorney-client privilege, the deliberative process privilege, the work product doctrine as set forth in Rule 26(b)(3) of the Superior Court Rules of Civil Procedure. Subject to those objections, and without waiving the same, see previously produced BATES 32330-32342;32350-32499;41061-41075;41450-41464;41997-42000;42730-42733;42735-42739;42741-42745;42747-42790;42792-42795;42797-42801;42803-42807;42809-42813;42815-42819;42875-42892;42905-42959;42979-42988;43007-43011;43022-43023;43087-43066;43105-43106;43453-43454;44424-44428;42973-42977;44429-44438;44445-44446;45330-45418;45419-45449. Discovery is ongoing and the Plaintiff reserves the right to amend this Response pending the outcome of further investigation and discovery.

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12.All DOCUMENTS and COMMUNICATIONS RELATED TO YOUR allegations in the AMENDED COMPLAINT ¶¶ 34-39.

RESPONSE: The Plaintiff objects to this Request because it seeks documents, communications, and/or information that is or may be protected from disclosure by the attorney-client privilege, the deliberative process privilege, the work product doctrine as set forth in Rule 26(b)(3) of the Superior Court Rules of Civil Procedure. Subject to those objections, and without waiving the same, see previously produced BATES in response to RTP 35. Discovery is ongoing and the Plaintiff reserves the right to amend this Response pending the outcome of further investigation and discovery.

13.All DOCUMENTS and COMMUNICATIONS RELATED TO the LICHTENSTEIN REPORT.

RESPONSE: The Plaintiff objects to this Request because it seeks documents, communications, and/or information that is or may be protected from disclosure by the attorney-client privilege, the deliberative process privilege, the work product doctrine as set forth in Rule 26(b)(3) of the Superior Court Rules of Civil Procedure. Subject to those objections, and without waiving the same, see previously produced BATES in response to RTP 35. Discovery is ongoing and the Plaintiff reserves the right to amend this Response pending the outcome of further investigation and discovery.

14.All DOCUMENTS and COMMUNICATIONS RELATED TO YOUR allegations in the AMENDED COMPLAINT ¶ 91.

RESPONSE: Discovery is ongoing, and the Plaintiff reserves the right to amend this Response pending the outcome of further investigation and discover

15.All DOCUMENTS and COMMUNICATIONS RELATED TO YOUR allegations in the AMENDED COMPLAINT ¶¶ 92-95.

RESPONSE: The Plaintiff objects to this Request because it seeks documents, communications, and/or information that is or may be protected from disclosure by the attorney-client privilege, the deliberative process privilege, the work product doctrine as set forth in Rule 26(b)(3) of the Superior Court Rules of Civil Procedure, and the protections from disclosure afforded to non-testifying experts employed in anticipation of litigation or preparation for trial as set forth in Rule 26(b)(4) of the Superior Court Rules of Civil Procedure. Subject to those objections, and without waiving the same, see previously produced BATES: 4279;4515-4528;4656-4662;4736-4742;45233-5239;5266-5301;5763;6032-6045;

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7672-7673;8942;9312-9313;11041-11046;11048-11057;40274-40729;40839-40851;41536-41548;41680-41681;41714. Discovery is ongoing and the Plaintiff reserves the right to amend this Response pending the outcome of further investigation and discovery.

16.All DOCUMENTS and COMMUNICATIONS RELATED TO YOUR allegations in the AMENDED COMPLAINT ¶¶ 103-106.

RESPONSE: The Plaintiff objects to this Request because it seeks documents, communications, and/or information that is or may be protected from disclosure by the attorney-client privilege, the deliberative process privilege, the work product doctrine as set forth in Rule 26(b)(3) of the Superior Court Rules of Civil Procedure, and the protections from disclosure afforded to non-testifying experts employed in anticipation of litigation or preparation for trial as set forth in Rule 26(b)(4) of the Superior Court Rules of Civil Procedure. Subject to those objections, and without waiving the same, see previously produced BATES 49738-49852. Discovery is ongoing and the Plaintiff reserves the right to amend this Response pending the outcome of further investigation and discovery.

17.All organizational charts, procedures, instructions, or guidelines that RELATE TO the design, construction, maintenance, or assessment of the WASHINGTON BRIDGE.

RESPONSE: The Plaintiff objects to this Request because it seeks documents, communications, and/or information that is or may be protected from disclosure by the attorney-client privilege, the deliberative process privilege, the work product doctrine as set forth in Rule 26(b)(3) of the Superior Court Rules of Civil Procedure, and the protections from disclosure afforded to non-testifying experts employed in anticipation of litigation or preparation for trial as set forth in Rule 26(b)(4) of the Superior Court Rules of Civil Procedure. Subject to those objections, and without waiving the same, see previously produced BATES RIDOT_00000001- RIDOT_000049852. Discovery is ongoing, and the Plaintiff reserves the right to amend this Response pending the outcome of further investigation and discovery.

18.All COMMUNICATIONS with the Federal Highway Administration RELATING TO the WASHINGTON BRIDGE after January 1, 2021.

RESPONSE: The Plaintiff objects to this Request because it seeks documents, communications, and/or information that is or may be protected from disclosure by the attorney-client privilege, the deliberative process privilege, the work

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product doctrine as set forth in Rule 26(b)(3) of the Superior Court Rules of Civil Procedure, and the protections from disclosure afforded to non-testifying experts employed in anticipation of litigation or preparation for trial as set forth in Rule 26(b)(4) of the Superior Court Rules of Civil Procedure. Subject to those objections, and without waiving the same, see previously produced BATES 000000001-000014491. Discovery is ongoing and the Plaintiff reserves the right to amend this Response pending the outcome of further investigation and discovery.

19.All COMMUNICATIONS with Wiss, Janney, Elstner Associates, Inc. RELATED TO the WASHINGTON BRIDGE after December 11, 2023.

RESPONSE: The Plaintiff objects to this Request because it seeks documents, communications, and/or information that is or may be protected from disclosure by the attorney-client privilege, the deliberative process privilege, the work product doctrine as set forth in Rule 26(b)(3) of the Superior Court Rules of Civil Procedure, and the protections from disclosure afforded to non-testifying experts employed in anticipation of litigation or preparation for trial as set forth in Rule 26(b)(4) of the Superior Court Rules of Civil Procedure. Discovery is ongoing, and the Plaintiff reserves the right to amend this Response pending the outcome of further investigation and discovery.

20.All COMMUNICATIONS with McNary Bergeron & Johannesen, LLC RELATED TO the WASHINGTON BRIDGE after December 11, 2023.

RESPONSE: The Plaintiff objects to this Request because it seeks documents, communications, and/or information that is or may be protected from disclosure by the attorney-client privilege, the deliberative process privilege, the work product doctrine as set forth in Rule 26(b)(3) of the Superior Court Rules of Civil Procedure, and the protections from disclosure afforded to non-testifying experts employed in anticipation of litigation or preparation for trial as set forth in Rule 26(b)(4) of the Superior Court Rules of Civil Procedure. Discovery is ongoing, and the Plaintiff reserves the right to amend this Response pending the outcome of further investigation and discovery.

21.All COMMUNICATIONS between or among Peter Alviti, Jr., P.E. and any PERSON RELATED TO the design, construction, maintenance, or assessment of the WASHINGTON BRIDGE after January 1, 2021.

RESPONSE: The Plaintiff objects to this Request because it seeks documents, communications, and/or information that is or may be protected from disclosure by the attorney-client privilege, the deliberative process privilege,

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the work product doctrine as set forth in Rule 26(b)(3) of the Superior Court Rules of Civil Procedure. Discovery is ongoing, and the Plaintiff reserves the right to amend this Response pending the outcome of further investigation and discovery.

22.All COMMUNICATIONS between or among Loren Doyle and any PERSON RELATED TO the design, construction, maintenance, or assessment of the WASHINGTON BRIDGE after January 1, 2021.

RESPONSE: The Plaintiff objects to this Request because it seeks documents, communications, and/or information that is or may be protected from disclosure by the attorney-client privilege, the deliberative process privilege, the work product doctrine as set forth in Rule 26(b)(3) of the Superior Court Rules of Civil Procedure. Discovery is ongoing, and the Plaintiff reserves the right to amend this Response pending the outcome of further investigation and discovery.

23.All COMMUNICATIONS between or among Lori Fisetete and any PERSON RELATED TO the design, construction, maintenance, or assessment of the WASHINGTON BRIDGE after January 1, 2021.

RESPONSE: The Plaintiff objects to this Request because it seeks documents, communications, and/or information that is or may be protected from disclosure by the attorney-client privilege, the deliberative process privilege, the work product doctrine as set forth in Rule 26(b)(3) of the Superior Court Rules of Civil Procedure. Discovery is ongoing, and the Plaintiff reserves the right to amend this Response pending the outcome of further investigation and discovery.

24.All COMMUNICATIONS between or among Robert Rocchio, P.E. and any PERSON RELATED TO the design, construction, maintenance, or assessment of the WASHINGTON BRIDGE after January 1, 2021.

RESPONSE: The Plaintiff objects to this Request because it seeks documents, communications, and/or information that is or may be protected from disclosure by the attorney-client privilege, the deliberative process privilege, the work product doctrine as set forth in Rule 26(b)(3) of the Superior Court Rules of Civil Procedure. Discovery is ongoing, and the Plaintiff reserves the right to amend this Response pending the outcome of further investigation and discovery.

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25.All COMMUNICATIONS between or among John Preiss, P.E. and any PERSON RELATED TO the design, construction, maintenance, or assessment of the WASHINGTON BRIDGE after January 1, 2021.

RESPONSE: The Plaintiff objects to this Request because it seeks documents, communications, and/or information that is or may be protected from disclosure by the attorney-client privilege, the deliberative process privilege, the work product doctrine as set forth in Rule 26(b)(3) of the Superior Court Rules of Civil Procedure. Discovery is ongoing, and the Plaintiff reserves the right to amend this Response pending the outcome of further investigation and discovery.

26.All COMMUNICATIONS between or among Anthony Pompei, P.E. and any PERSON RELATED TO the design, construction, maintenance, or assessment of the WASHINGTON BRIDGE after January 1, 2021.

RESPONSE: The Plaintiff objects to this Request because it seeks documents, communications, and/or information that is or may be protected from disclosure by the attorney-client privilege, the deliberative process privilege, the work product doctrine as set forth in Rule 26(b)(3) of the Superior Court Rules of Civil Procedure. Discovery is ongoing, and the Plaintiff reserves the right to amend this Response pending the outcome of further investigation and discovery.

27.All COMMUNICATIONS between or among Dawn Cruz and any PERSON RELATED TO the design, construction, maintenance, or assessment of the WASHINGTON BRIDGE after January 1, 2021.

RESPONSE: The Plaintiff objects to this Request because it seeks documents, communications, and/or information that is or may be protected from disclosure by the attorney-client privilege, the deliberative process privilege, the work product doctrine as set forth in Rule 26(b)(3) of the Superior Court Rules of Civil Procedure. Discovery is ongoing, and the Plaintiff reserves the right to amend this Response pending the outcome of further investigation and discovery.

28.All COMMUNICATIONS between or among RIDOT and any PERSON RELATED TO the design, construction, maintenance, or assessment of the WASHINGTON BRIDGE after December 11, 2023

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RESPONSE: The Plaintiff objects to this Request because it seeks documents, communications, and/or information that is or may be protected from disclosure by the attorney-client privilege, the deliberative process privilege, the work product doctrine as set forth in Rule 26(b)(3) of the Superior Court Rules of Civil Procedure, and the protections from disclosure afforded to non-testifying experts employed in anticipation of litigation or preparation for trial as set forth in Rule 26(b)(4) of the Superior Court Rules of Civil Procedure. Subject to those objections, and without waiving the same, see previously produced BATES RIDOT_000000001- RIDOT_000049852. Discovery is ongoing, and the Plaintiff reserves the right to amend this Response pending the outcome of further investigation and discovery.

29.All work authorizations, contracts, or agreements entered into by RIDOT with any PERSON RELATED TO the design, construction, maintenance, or assessment of the WASHINGTON BRIDGE.

RESPONSE: The Plaintiff objects to this Request because it seeks documents, communications, and/or information that is or may be protected from disclosure by the attorney-client privilege, the deliberative process privilege, the work product doctrine as set forth in Rule 26(b)(3) of the Superior Court Rules of Civil Procedure, and the protections from disclosure afforded to non-testifying experts employed in anticipation of litigation or preparation for trial as set forth in Rule 26(b)(4) of the Superior Court Rules of Civil Procedure. Subject to those objections, and without waiving the same, see previously produced BATES RIDOT_000000001- RIDOT_000049852. Discovery is ongoing, and the Plaintiff reserves the right to amend this Response pending the outcome of further investigation and discovery.

30.All DOCUMENTS and COMMUNICATIONS RELATED TO RIDOT's determination to demolish and replace the WASHINGTON BRIDGE.

RESPONSE: The Plaintiff objects to this Request because it seeks documents, communications, and/or information that is or may be protected from disclosure by the attorney-client privilege, the deliberative process privilege, the work product doctrine as set forth in Rule 26(b)(3) of the Superior Court Rules of Civil Procedure, and the protections from disclosure afforded to non-testifying experts employed in anticipation of litigation or preparation for trial as set forth in Rule 26(b)(4) of the Superior Court Rules of Civil Procedure. Subject to those objections, and without waiving the same, see previously produced BATES RIDOT_000000001- RIDOT_000049852. Discovery is ongoing, and the Plaintiff reserves the right to amend this Response pending the outcome of further investigation and discovery.

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31.All inspection and maintenance DOCUMENTS RELATED TO the WASHINGTON BRIDGE, including, but not limited to, logs, repair records, inspection reports, condition assessments, safety evaluations, compliance certificates, service records, work orders, maintenance schedules, inspection checklists, daily reports, weekly reports, monthly reports, and daily time sheets.

RESPONSE: The Plaintiff objects to this Request because it seeks documents, communications, and/or information that is or may be protected from disclosure by the attorney-client privilege, the deliberative process privilege, the work product doctrine as set forth in Rule 26(b)(3) of the Superior Court Rules of Civil Procedure. Subject to those objections, and without waiving the same, see previously produced BATES 1909;2310-2315;2797-2966;4370-4382;5137-5148;5160-5172;5197-5206;5266-5301;5440-5450;5462-5471;5483-5493;5976-5985;6101-6113;6347-6394;6392-6443;6488-6490;6534-6538;6614;665106661;6705-6710;6721;6764-6771;6808-6822;6863-6870;6911-6917;6954;6991-6999;7000-7048;7088;7089-7097;7135;7140;7179-7187;7225-7234;7270-7279;7319-7327;7367-7376;7414-7423;7460-7469;7507-7516;7556-7563;7972-7982;8312-8317;9520;10236;10244;10300;10337;10338-10345;10450;10602;10751;10791-10798;10844;10889-10891;10935-10939;11103-11158;11211;11229-11237;11736-11738;13139-13157;13171-13175;13192-13196;14361-14396;14919-14920;14961. Discovery is ongoing and the Plaintiff reserves the right to amend this Response pending the outcome of further investigation and discovery.

32.All DOCUMENTS and COMMUNICATIONS RELATED TO RIDOT's financial records or budgets for inspections of the WASHINGTON BRIDGE.

RESPONSE: The Plaintiff objects to this Request because it seeks documents, communications, and/or information that is or may be protected from disclosure by the attorney-client privilege, the deliberative process privilege, the work product doctrine as set forth in Rule 26(b)(3) of the Superior Court Rules of Civil Procedure. Subject to those objections, and without waiving the same, see previously produced BATES 1860;3574-3595;4279;6001-6003;6152-6157;7728-7729;7731-7770;7785-7786;7906-7907;7918-7949;7951-7952;8746-8747;8795-8796;8860-8875;8883-8884;8897-8914;8957-8958;8971-9020;11042-11057;11342-11363;11364-11514;11750-11753;12861-12864;14496-14497;14660;14726;14754-14757. Discovery is ongoing and the Plaintiff reserves the right to amend this Response pending the outcome of further investigation and discovery.

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33.All DOCUMENTS and COMMUNICATIONS RELATED TO the inspection costs of the WASHINGTON BRIDGE incurred by RIDOT after December 11, 2023.

RESPONSE: The Plaintiff objects to this Request because it seeks documents, communications, and/or information that is or may be protected from disclosure by the attorney-client privilege, the deliberative process privilege, the work product doctrine as set forth in Rule 26(b)(3) of the Superior Court Rules of Civil Procedure, and the protections from disclosure afforded to non-testifying experts. Subject to those objections, and without waiving the same, see previously produced BATES 32276-33006. Discovery is ongoing and the Plaintiff reserves the right to amend this Response pending the outcome of further investigation and discovery.

34.All photographs or videos of the WASHINGTON BRIDGE.

RESPONSE: The Plaintiff objects to this Request because it seeks documents, communications, and/or information that is or may be protected from disclosure by the attorney-client privilege, the deliberative process privilege, the work product doctrine as set forth in Rule 26(b)(3) of the Superior Court Rules of Civil Procedure, and the protections from disclosure afforded to non-testifying experts employed in anticipation of litigation or preparation for trial as set forth in Rule 26(b)(4) of the Superior Court Rules of Civil Procedure. Subject to those objections, and without waiving the same, see previously produced BATES RIDOT_000000001- RIDOT_000049852. Discovery is ongoing, and the Plaintiff reserves the right to amend this Response pending the outcome of further investigation and discovery.

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Respectfully Submitted,
Plaintiff,
State of Rhode Island,
By its Attorneys,

/s/ Stephen N. Provazza

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/s/ Theodore J. Leopold

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/s/ Jonathan N. Savage

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CERTIFICATE OF SERVICE

I hereby certify that on the 2nd day of September 2025, I electronically served this document through the electronic filing system on counsel of record. The document electronically served is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

/s/ Edward D. Pare III

EXHIBIT B

Rules of Civil Procedure, and the protections from disclosure afforded to non-testifying experts employed in anticipation of litigation or preparation for trial as set forth in Rule 26(b)(4) of the Superior Court Rules of Civil Procedure. Subject to those objections, and without waiving the same, see previously produced BATES RIDOT_000012781-000012839; 000014963-RIDOT_000018082. Discovery is ongoing, and the Plaintiff reserves the right to amend this Response pending the outcome of further investigation and discovery.

36. All DOCUMENTS RELATED TO RIDOT's solicitation of BID # 7461338.

RESPONSE: The Plaintiff objects to this Request because it seeks documents, communications, and/or information that is or may be protected from disclosure by the attorney-client privilege, the deliberative process privilege, the work product doctrine as set forth in Rule 26(b)(3) of the Superior Court Rules of Civil Procedure, and the protections from disclosure afforded to non-testifying experts employed in anticipation of litigation or preparation for trial as set forth in Rule 26(b)(4) of the Superior Court Rules of Civil Procedure. Subject to those objections, and without waiving the same, see previously produced BATES RIDOT_000014963- RIDOT_000018082. Discovery is ongoing, and the Plaintiff reserves the right to amend this Response pending the outcome of further investigation and discovery.

37. All DOCUMENTS RELATED TO RIDOT's evaluation of the proposals in response to the BID # 7461338 and all award decision-RELATED DOCUMENTS.

RESPONSE: The Plaintiff objects to this Request because it seeks documents, communications, and/or information that is or may be protected from disclosure by the attorney-client privilege, the deliberative process privilege, the work product doctrine as set forth in Rule 26(b)(3) of the Superior Court Rules of Civil Procedure, and the protections from disclosure afforded to non-testifying experts employed in anticipation of litigation or preparation for trial as set forth in Rule 26(b)(4) of the Superior Court Rules of Civil Procedure. Subject to those objections, and without waiving the same, see previously produced BATES RIDOT_000014963- RIDOT_000018082. Discovery is ongoing, and the Plaintiff reserves the right to amend this Response pending the outcome of further investigation and discovery.

38. All Letters of Interest / Technical Proposals (LOI/TECH) in response to BID

RESPONSE: The Plaintiff objects to this Request because it seeks documents, communications, and/or information that is or may be protected from disclosure by the attorney-client privilege, the deliberative process privilege, the work product doctrine as set forth in Rule 26(b)(3) of the Superior Court Rules of Civil Procedure, and the protections from disclosure afforded to non-testifying experts employed in anticipation of litigation or preparation for trial as set forth in Rule 26(b)(4) of the Superior Court Rules of Civil Procedure. Subject to those objections, and without waiving the same, see previously produced BATES RIDOT_000014963-RIDOT_000018082. Discovery is ongoing, and the Plaintiff reserves the right to amend this Response pending the outcome of further investigation and discovery.

39. All DOCUMENTS RELATED TO the TECHNICAL SELECTION CRITERIA for BID # 7461338.

RESPONSE: The Plaintiff objects to this Request because it seeks documents, communications, and/or information that is or may be protected from disclosure by the attorney-client privilege, the deliberative process privilege, the work product doctrine as set forth in Rule 26(b)(3) of the Superior Court Rules of Civil Procedure, and the protections from disclosure afforded to non-testifying experts employed in anticipation of litigation or preparation for trial as set forth in Rule 26(b)(4) of the Superior Court Rules of Civil Procedure. Subject to those objections, and without waiving the same, see previously produced BATES RIDOT_000014963- RIDOT_000018082. Discovery is ongoing, and the Plaintiff reserves the right to amend this Response pending the outcome of further investigation and discovery.

40. All DOCUMENTS RELATED TO the TEC's "Final Selection" recommendation for BID # 7461338.

RESPONSE: The Plaintiff objects to this Request because it seeks documents, communications, and/or information that is or may be protected from disclosure by the attorney-client privilege, the deliberative process privilege, the work product doctrine as set forth in Rule 26(b)(3) of the Superior Court Rules of Civil Procedure, and the protections from disclosure afforded to non-testifying experts employed in anticipation of litigation or preparation for trial as set forth in Rule 26(b)(4) of the Superior Court Rules of Civil Procedure. Subject to those objections, and without waiving the same, see previously produced BATES RIDOT_000014963- RIDOT_000018082. Discovery is ongoing, and the Plaintiff reserves the right to amend this Response pending the outcome of further investigation and discovery.

41. All DOCUMENTS and COMMUNICATIONS between or among the TEC RELATING TO BID # 7461338.

RESPONSE: The Plaintiff objects to this Request because it seeks documents, communications, and/or information that is or may be protected from disclosure by the attorney-client privilege, the deliberative process privilege, the work product doctrine as set forth in Rule 26(b)(3) of the Superior Court Rules of Civil Procedure, and the protections from disclosure afforded to non-testifying experts employed in anticipation of litigation or preparation for trial as set forth in Rule 26(b)(4) of the Superior Court Rules of Civil Procedure. Subject to those objections, and without waiving the same, see previously produced BATES RIDOT_000014963- RIDOT_000018082. Discovery is ongoing, and the Plaintiff reserves the right to amend this Response pending the outcome of further investigation and discovery.

42. All COMMUNICATIONS between or among the TEC and respective proposers for BID # 7461338.

RESPONSE: The Plaintiff objects to this Request because it seeks documents, communications, and/or information that is or may be protected from disclosure by the attorney-client privilege, the deliberative process privilege, the work product doctrine as set forth in Rule 26(b)(3) of the Superior Court Rules of Civil Procedure, and the protections from disclosure afforded to non-testifying experts employed in anticipation of litigation or preparation for trial as set forth in Rule 26(b)(4) of the Superior Court Rules of Civil Procedure. Subject to those objections, and without waiving the same, see previously produced BATES RIDOT_000014963- RIDOT_000018082. Discovery is ongoing, and the Plaintiff reserves the right to amend this Response pending the outcome of further investigation and discovery.

43. A copy of the National Bridge Inspection Standards (“NBIS”), inspection report, for the WASHINGTON BRIDGE, from NBIS’s inspection performed on or about August 3, 2011.

RESPONSE: See BATES RIDOT_000049921-RIDOT_000050804 produced contemporaneously with this Response. Discovery is ongoing, and the Plaintiff reserves the right to amend this Response pending the outcome of further investigation and discovery.

44. A copy of Michael Baker International, Inc.'s Bridge Load Rating report for the WASHINGTON BRIDGE, dated July 10, 2012, and revised September 13, 2012.

RESPONSE: See BATES See BATES RIDOT_000049921-RIDOT_000050804 produced contemporaneously with this Response. Discovery is ongoing, and the Plaintiff reserves the right to amend this Response pending the outcome of further investigation and discovery.

45. A copy of Michael Baker International, Inc.'s Bridge Load Rating report for the WASHINGTON BRIDGE, dated July 10, 2012, as revised August 10, 2012, and September 13, 2012.

RESPONSE: See BATES See BATES RIDOT_000049921-RIDOT_000050804 produced contemporaneously with this Response. Discovery is ongoing, and the Plaintiff reserves the right to amend this Response pending the outcome of further investigation and discovery.

46. All DOCUMENTS RELATING TO RIDOT's condition assessment of the WASHINGTON BRIDGE, which led to or contributed to RIDOT's decision to rehabilitate the bridge through issuance of the 2021 RFP.

RESPONSE: The Plaintiff objects to this Request because it seeks documents, communications, and/or information that is or may be protected from disclosure by the attorney-client privilege, the deliberative process privilege, the work product doctrine as set forth in Rule 26(b)(3) of the Superior Court Rules of Civil Procedure, and the protections from disclosure afforded to non-testifying experts employed in anticipation of litigation or preparation for trial as set forth in Rule 26(b)(4) of the Superior Court Rules of Civil Procedure. Subject to those objections, and without waiving the same, see previously produced BATES RIDOT_000000001- RIDOT_000049852. Discovery is ongoing, and the Plaintiff reserves the right to amend this Response pending the outcome of further investigation and discovery.

47. All internal DOCUMENTS and COMMUNICATIONS RELATED TO RIDOT's decision to rehabilitate the WASHINGTON BRIDGE, including risk assessments, engineering evaluations, and cost-benefit analyses.

RESPONSE: The Plaintiff objects to this Request because it seeks documents, communications, and/or information that is or may be protected from disclosure by the attorney-client privilege, the deliberative process privilege, the work product doctrine as set forth in Rule 26(b)(3) of the Superior Court Rules of Civil Procedure, and the protections from disclosure afforded to non-testifying experts employed in anticipation of litigation or preparation for trial as set forth in Rule 26(b)(4) of the Superior Court Rules of Civil Procedure. Subject to those objections, and without waiving the same, see previously produced BATES RIDOT_00000001- RIDOT_000049852. Discovery is ongoing, and the Plaintiff reserves the right to amend this Response pending the outcome of further investigation and discovery.

48. All internal DOCUMENTS and COMMUNICATIONS RELATED TO RIDOT's decision to demolish the WASHINGTON BRIDGE, including risk assessments, engineering evaluations, and cost-benefit analyses.

RESPONSE: The Plaintiff objects to this Request because it seeks documents, communications, and/or information that is or may be protected from disclosure by the attorney-client privilege, the deliberative process privilege, the work product doctrine as set forth in Rule 26(b)(3) of the Superior Court Rules of Civil Procedure, and the protections from disclosure afforded to non-testifying experts employed in anticipation of litigation or preparation for trial as set forth in Rule 26(b)(4) of the Superior Court Rules of Civil Procedure. Subject to those objections, and without waiving the same, see previously produced BATES RIDOT_00000001- RIDOT_000049852. Discovery is ongoing, and the Plaintiff reserves the right to amend this Response pending the outcome of further investigation and discovery.

49. All internal DOCUMENTS and COMMUNICATIONS RELATED TO RIDOT's decision to rebuild the WASHINGTON BRIDGE, including risk assessments, engineering evaluations, and cost-benefit analyses.

RESPONSE: The Plaintiff objects to this Request because it seeks documents, communications, and/or information that is or may be protected from disclosure by the attorney-client privilege, the deliberative process privilege, the work product doctrine as set forth in Rule 26(b)(3) of the Superior Court Rules of Civil Procedure, and the protections from disclosure afforded to non-testifying experts employed in anticipation of litigation or preparation for trial as set forth in Rule 26(b)(4) of the Superior Court Rules of Civil Procedure. Subject to those objections, and without waiving the same, see previously produced BATES RIDOT_00000001- RIDOT_000049852. Discovery is ongoing,

and the Plaintiff reserves the right to amend this Response pending the outcome of further investigation and discovery.

50. All reports prepared or for the STATE, RIDOT, or any agency of the STATE, whether in draft or final form and all appendices thereto, RELATED TO the WASHINGTON BRIDGE, including, without limitations, any forensic analysis report WJE prepared in 2024.

RESPONSE: The Plaintiff objects to this Request because it seeks documents, communications, and/or information that is or may be protected from disclosure by the attorney-client privilege, the deliberative process privilege, the work product doctrine as set forth in Rule 26(b)(3) of the Superior Court Rules of Civil Procedure, and the protections from disclosure afforded to non-testifying experts employed in anticipation of litigation or preparation for trial as set forth in Rule 26(b)(4) of the Superior Court Rules of Civil Procedure. Subject to those objections, and without waiving the same, see previously produced BATES RIDOT_00000001- RIDOT_000049852. Discovery is ongoing, and the Plaintiff reserves the right to amend this Response pending the outcome of further investigation and discovery.

51. All DOCUMENTS and COMMUNICATIONS in your possession, custody, or control RELATING TO WJE and the WASHINGTON BRIDGE.

RESPONSE: The Plaintiff objects to this Request because it seeks documents, communications, and/or information that is or may be protected from disclosure by the attorney-client privilege, the deliberative process privilege, the work product doctrine as set forth in Rule 26(b)(3) of the Superior Court Rules of Civil Procedure, and the protections from disclosure afforded to non-testifying experts employed in anticipation of litigation or preparation for trial as set forth in Rule 26(b)(4) of the Superior Court Rules of Civil Procedure.

52. All DOCUMENTS and COMMUNICATIONS RELATIONG TO the STATE and/or RIDOT's plan and decision to demolish and replace the WASHINGTON BRIDGE, including any and all DOCUMENTS and COMMUNICATIONS considering other options. The relevant time frame for this request is January 1, 1990 to present.

RESPONSE: The Plaintiff objects to this Request because it seeks documents, communications, and/or information that is or may be protected from disclosure by the attorney-client privilege, the deliberative process privilege, the work product doctrine as set forth in Rule 26(b)(3) of the Superior Court Rules of Civil Procedure, and the protections from disclosure afforded to non-testifying experts employed in anticipation of litigation or preparation for trial as set forth in Rule 26(b)(4) of the Superior Court Rules of Civil Procedure. Subject to those objections, and without waiving the same, see previously produced BATES RIDOT_000000001- RIDOT_000049852. Discovery is ongoing, and the Plaintiff reserves the right to amend this Response pending the outcome of further investigation and discovery.

Plaintiff,
State of Rhode Island,
By its Attorneys,

/s/ Stephen N. Provazza

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/s/ Jonathan N. Savage

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CERTIFICATE OF SERVICE

I hereby certify that on the 2nd day of September 2025, I electronically served this document through the electronic filing system on counsel of record. The document electronically served is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

/s/ Edward D. Pare III

EXHIBIT C

STATE OF RHODE ISLAND
PROVIDENCE, SC

SUPERIOR COURT

STATE OF RHODE ISLAND,)
)
Plaintiff,)
)
v.)
)
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.)

C.A. No. PC-2024-04526
Business Calendar

**PLAINTIFF STATE OF RHODE ISLAND'S RESPONSE TO DEFENDANT
BARLETTA/AETNA I-195 WASHINGTON BRIDGE NORTH PHASE 2 JV'S
REQUEST FOR ADMISSIONS DATED 6/13/2025**

Pursuant to Rule 36 of the Superior Court Rules of Civil Procedure, now comes the Plaintiff, State of Rhode Island (the "Plaintiff" or "State"), and hereby submits the following Response to Defendant, Barletta/Aetna I-195 Washington Bridge North Phase 2 JV's Request for Admissions dated June 13, 2025:

1. Admit that the LICHTENSTEIN REPORT recommended RIDOT perform radiographic and other testing of the WASHINGTON BRIDGE before any attempts to rehabilitate the bridge.

RESPONSE: DENIED.

2. Admit that RIDOT did not provide radiographic, ultrasonic shear wave tomography ("MIRA"), or ground penetrating radar ("GPR") test results of the post-tensioning system of the WASHINGTON BRIDGE in the 2021 RFP.

RESPONSE: ADMITTED IN PART. The Plaintiff further responds that any relevant information, including tests performed, was available to all proposers upon request. See 2021 RFP wherein it provides, "proposers shall be responsible for...informing themselves about any conditions that may affect...its performance of contract obligations."

3. Admit that the 2021 RFP did not provide DESIGN-BUILD PROPOSERS the LICHTENSTEIN REPORT.

RESPONSE: ADMITTED IN PART. The Plaintiff further responds that any relevant information, including any prior reports, was available to all proposers upon request. See 2021 RFP wherein it provides, "proposers shall be responsible for...informing themselves about any conditions that may affect...its performance of contract obligations."

4. Admit that RIDOT did not disclose the LICHTENSTEIN REPORT to the DESIGN-BUILD PROPOSERS:

RESPONSE: ADMITTED IN PART. The Plaintiff further responds that any relevant information, including any prior reports, was available to all proposers upon request. See 2021 RFP wherein it provides, "proposers shall be responsible for...informing themselves about any conditions that may affect...its performance of contract obligations."

5. Admit that the 2021 RFP required rehabilitation of the WASHINGTON BRIDGE.

RESPONSE: DENIED.

6. Admit that the 2021 RFP did not require the WASHINGTON BRIDGE to be demolished and rebuilt.

RESPONSE: DENIED.

7. Admit that before issuing the 2021 RFP, RIDOT determined the WASHINGTON BRIDGE could be rehabilitated.

RESPONSE: ADMITTED that RIDOT hired AECOM to create the 2021 RFP which required AECOM to provide analysis of the then condition of the Washington Bridge. Otherwise DENIED.

8. Admit that the 2021 RFP did not require DESIGN-BUILD PROPOSERS to evaluate whether the WASHINGTON BRIDGE could be rehabilitated.

RESPONSE: DENIED.

9. Admit that RIDOT did not request that DESIGN-BUILD PROPOSERS design a replacement for the WASHINGTON BRIDGE.

RESPONSE: ADMITTED.

10. Admit that the 2021 RFP provided the BTC to the DESIGN-BUILD PROPOSERS.

RESPONSE: ADMITTED.

11. Admit that the BTC defined the scope of the PROJECT.

RESPONSE: PARTIALLY ADMITTED. Major features of the BTC were provided to proposers. Otherwise DENIED.

12. Admit that proposals in response to the 2021 RFP were to be based on the BTC.

RESPONSE: PARTIALLY ADMITTED. While proposals in response to the 2021 RTP were to be based on the BTC, proposers, however, were permitted to submit Alternate Technical Concepts. Otherwise DENIED.

13. Admit that the BTC could not extend the life expectancy of the WASHINGTON BRIDGE by at least 25 years based upon the results of the POST-CLOSURE testing.

RESPONSE: DENIED.

14. Admit that the 2021 DESIGN-BUILD CONTRACT required the JV to advance the BTC.

RESPONSE: Objection. This request is vague and ambiguous because it does not define “advance the BTC” and therefore mischaracterizes the requirements of the 2021 Design-Build Contract.

15. Admit that the BTC did not identify any structural deficiencies with the tie-down rods or prestressed concrete beams at Piers 6 and 7 of the WASHINGTON BRIDGE.

RESPONSE: ADMITTED, however, good engineering practice would include a thorough assessment of the bridge, its original design, all subsequent reports, inspections, and any recommendations for repair prior to undertaking performance of any contractual obligations related to repairs, replacement or demolition of the bridge.

16. Admit that the BTC did not identify any structural deficiencies with the post- tensioning system of the WASHINGTON BRIDGE.

RESPONSE: ADMITTED, however good engineering practice would include a thorough assessment of the bridge, its original design, all subsequent reports, inspections and any recommendations for repair prior to undertaking performance of any contractual obligations related to repairs, replacement or demolition of the bridge.

17. Admit that the BTC did not require any retrofit or remediation of the tie-down rods at Piers 6 or 7 or the post-tensioning system of the WASHINGTON BRIDGE.

RESPONSE: ADMITTED, however good engineering practice would dictate visual examination that would have revealed the necessities of a retrofit, BTC system.

18. Admit that the POST-CLOSURE testing revealed that successful rehabilitation of the WASHINGTON BRIDGE could not be achieved.

RESPONSE: Objection. Vague and Ambiguous. Without Waiving said objections, ADMITTED that the VN Assessment of the Type-D Cantilever Beam Post-Tensioning System on the I-195 Westbound Washington Bridge revealed that, as of February 26, 2024, “The repairs and strengthening required to address the documented deterioration and deficiencies along the structure are significant, have limited viability, and have risks associated with them. To fully eliminate these risks and improve inspection, maintenance, and repair access would require the demolition and replacement of the superstructure, and potentially a

full bridge replacement.” Otherwise DENIED.

19. Admit that the POST-CLOSURE testing revealed structural deficiencies that could not be viably repaired.

RESPONSE: Objection. Vague and Ambiguous. Without Waiving said objections, ADMITTED that the VN Assessment of the Type-D Cantilever Beam Post-Tensioning System on the I-195 Westbound Washington Bridge revealed that, as of February 26, 2024, “The repairs and strengthening required to address the documented deterioration and deficiencies along the structure are significant, have limited viability, and have risks associated with them. To fully eliminate these risks and improve inspection, maintenance, and repair access would require the demolition and replacement of the superstructure, and potentially a full bridge replacement.” Otherwise DENIED.

20. Admit that, between January 1, 2013, and December 11, 2023, RIDOT did not assess through GPR or other radiographic testing whether the WASHINGTON BRIDGE could be viably rehabilitated.

RESPONSE: ADMITTED. The reliance on GPR or further testing would have been the result of the contractors indicating such testing was needed.

21. Admit that, after December 11, 2023, RIDOT assessed whether the WASHINGTON BRIDGE could be viably rehabilitated.

RESPONSE: Objection. Vague and Ambiguous. Without Waiving said objections, ADMITTED that the VN Assessment of the Type-D Cantilever Beam Post-Tensioning System on the I-195 Westbound Washington Bridge revealed, that as of February 26, 2024, “The repairs and strengthening required to address the documented deterioration and deficiencies along the structure are significant, have limited viability, and have risks associated with them. To fully eliminate these risks and improve inspection, maintenance, and repair access would require the demolition and replacement of the superstructure, and potentially a full bridge replacement.” Otherwise DENIED.

22. Admit that RIDOT performed GPR, MIRA, and other testing of the WASHINGTON BRIDGE after December 11, 2023.

RESPONSE: ADMITTED that RIDOT consultants performed GPR, MIRA, and other testing of the Washington Bridge after December 11, 2013.

23. Admit that RIDOT stated, “[t]he failing components called anchor rods were identified by RIDOT consultants during an inspection of the ongoing work but in an area that was not part of the reconstruction project”, REGARDING the WASHINGTON BRIDGE.

RESPONSE: Objection. The responding party cannot admit or deny this request as phrased because it is unclear what specific statement, speaker, or context is being referenced.

24. Admit that the “reconstruction project” referenced in Request for Admission No. 23 refers to the PROJECT.

RESPONSE: Objection, vague and ambiguous. The responding party cannot admit or deny this request as phrased because it is unclear what specific statement, speaker, or context is being referenced.

25. Admit that RIDOT determined to demolish and replace the WASHINGTON BRIDGE based upon the results of the GPR, MIRA, and other testing performed after December 11, 2023.

RESPONSE: DENIED

26. Admit that RIDOT could have performed the POST-CLOSURE testing protocol before issuance of the 2021 RFP.

RESPONSE: DENIED. The RFP process required the consultants to perform (i.e. AECOM) any required testing to generate the RFP. Also, the RFP required the Design Build team to do any independent analysis to advance the BTC to a minimum 25-year design life, which may have included, but was not limited to the type of post-closure testing that was performed.

27. Admit that the “the weight limit for trucks on the [WASHINGTON BRIDGE NO. 200] is 80,000 pounds.”

RESPONSE: DENIED.

28. Admit that RIDOT has “structural concerns” REGARDING vehicles or trucks exceeding 96,000 pounds that traverse the WASHINGTON BRIDGE NO. 200.

RESPONSE: DENIED.

29. Admit that 123 vehicles over 96,000 lbs. traversed over the WASHINGTON BRIDGE NO. 200 between January 15, 2025 to January 18, 2025.

*Cohen Milstein Sellers & Toll, PLLC
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RESPONSE: DENIED.

30. Admit that 461 vehicles over 96,000 lbs. traversed over the WASHINGTON BRIDGE NO. 200 between January 19, 2025 to January 25, 2025.

RESPONSE: DENIED.

31. Admit that 301 vehicles over 96,000 lbs. traversed over the WASHINGTON BRIDGE NO. 200 between January 26, 2025 to February 1, 2025.

RESPONSE: DENIED.

32. Admit that 600 vehicles over 96,000 lbs. traversed over the WASHINGTON BRIDGE NO. 200 between February 2, 2025 to February 8, 2025.

RESPONSE: DENIED.

33. Admit that 517 vehicles over 96,000 lbs. traversed over the WASHINGTON BRIDGE NO. 200 between February 9, 2025 to February 15, 2025.

RESPONSE: DENIED.

34. Admit that 332 vehicles over 96,000 lbs. traversed over the WASHINGTON BRIDGE NO. 200 between February 16, 2025 to February 22, 2025.

RESPONSE: DENIED.

35. Admit that 287 vehicles over 96,000 lbs. traversed over the WASHINGTON BRIDGE NO. 200 between February 23, 2025 to March 1, 2025.

RESPONSE: DENIED.

36. Admit that 366 vehicles over 96,000 lbs. traversed over the WASHINGTON BRIDGE NO. 200 between March 2, 2025 to March 8, 2025.

RESPONSE: DENIED.

37. Admit that 207 vehicles over 96,000 lbs. traversed over the WASHINGTON BRIDGE NO. 200 between March 9, 2025 to March 15, 2025.

RESPONSE: DENIED.

38. Admit that 375 vehicles over 96,000 lbs. traversed over the WASHINGTON BRIDGE NO. 200 between March 16, 2025 to March 22, 2025.

RESPONSE: DENIED.

39. Admit that 522 vehicles over 96,000 lbs. traversed over the WASHINGTON BRIDGE NO. 200 between March 23, 2025 to March 29, 2025.

RESPONSE: DENIED.

40. Admit that 365 vehicles over 96,000 lbs. traversed over the WASHINGTON BRIDGE NO. 200 between March 30, 2025, to April 5, 2025.

RESPONSE: DENIED.

41. Admit that 600 vehicles over 96,000 lbs. traversed over the WASHINGTON BRIDGE NO. 200 between April 6, 2025 to April 12, 2025.

RESPONSE: DENIED.

42. Admit that 683 vehicles over 96,000 lbs. traversed over the WASHINGTON BRIDGE NO. 200 between April 13, 2025 to April 19, 2025.

RESPONSE: DENIED.

43. Admit that 446 vehicles over 96,000 lbs. traversed over the WASHINGTON BRIDGE NO. 200 between April 20, 2025 to April 26, 2025/

RESPONSE: DENIED.

44. Admit that 324 vehicles over 96,000 lbs. traversed over the WASHINGTON BRIDGE NO. 200 between April 27, 2025 to May 3, 2025.

RESPONSE: DENIED.

45. Admit that 471 vehicles over 96,000 lbs. traversed over the WASHINGTON BRIDGE NO. 200 between May 4, 2025 to May 10, 2025.

RESPONSE: DENIED.

46. Admit that 457 vehicles over 96,000 lbs. traversed over the WASHINGTON BRIDGE NO. 200 between May 11, 2025 to May 17, 2025.

RESPONSE: DENIED.

47. Admit that 525 vehicles over 96,000 lbs. traversed over the WASHINGTON BRIDGE NO. 200 between May 18, 2025, to May 24, 2025.

RESPONSE: DENIED.

48. Admit that 573 vehicles over 96,000 lbs. traversed over the WASHINGTON BRIDGE NO. 200 between May 25, 2025, to May 31, 2025.

RESPONSE: DENIED.

Respectfully Submitted,
Plaintiff,
State of Rhode Island,
By its Attorneys,

/s/ Stephen N. Provazza

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/s/ Theodore J. Leopold

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CERTIFICATE OF SERVICE

I hereby certify that on the 2nd day of September 2025, I electronically served this document through the electronic filing system on counsel of record. The document electronically served is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

/s/ Edward D. Pare III

EXHIBIT D

STATE OF RHODE ISLAND
PROVIDENCE, SC

SUPERIOR COURT

STATE OF RHODE ISLAND,)
)
Plaintiff,)
)
 v.)
)
 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.)

C.A. No. PC-2024-04526
Business Calendar

NOTICE OF SERVING RESPONSES TO DEFENDANT BARLETTA/AETNA I-195 WASHINGTON BRIDGE NORTH PHASE 2 JV, FIRST SET OF INTERROGATORIES DATED JUNE 13, 2025.

Pursuant to Rule 26 and 33 of the Superior Court Rules of Civil Procedure, now comes the Plaintiff, the State of Rhode Island (the "Plaintiff" or "State"), and hereby submits the following responses to Defendant Barletta/AETNA I-195 Washington Bridge North Phase 2 JV's First Set of Interrogatories dated June 13, 2025.

1. Identify the total cost of RIDOT's POST-CLOSURE investigation of the WASHINGTON BRIDGE, which resulted in RIDOT's decision to demolish and rebuild the WASHINGTON BRIDGE. Please itemize the costs by category or PERSON, including a description of the services provided and the respective cost amounts.

RESPONSE:

RIDOT incurred the following costs:

Bridge Inspection	\$1,887,055.78
Emergency Contract 2024-CB-012:	\$19,027,822.60
AECOMM	\$153,615.27
Total:	\$21,068,493.65

All costs subject to change, including but not limited to review by the State's experts.

See BATES RIDOT_000049853-RIDOT_000049920, produced contemporaneously with this response.

2. Identify RIDOT's budget(s) for inspection of the WASHINGTON BRIDGE between January 1, 2000 to December 11, 2023.

RESPONSE: There is no specific line item in RIDOT's budget from 2000 to 2023 for bridge inspections for the Washington Bridge.

3. Identify the individuals who set the inspection budget(s) for the WASHINGTON BRIDGE between January 1, 2000 to December 11, 2023.

RESPONSE: See Response and Production provided for in Interrogatory 2.

4. Identify each PERSON engaged by RIDOT to conduct inspections of the WASHINGTON BRIDGE between January 1, 2000 through the present date. Please itemize, by year and the PERSON(S) engaged by RIDOT, including their roles and the services they provided.

RESPONSE: See BATES RIDOT_000050806, produced contemporaneously with this response.

5. Explain what analysis RIDOT performed to determine the scope of work required for each inspection of the WASHINGTON BRIDGE.

RESPONSE: All bridges subject to the National Bridge Inspection Standards (NBIS) are inspected per the FHWA Bridge Inspection Reference Manual (BIRM) and the RI Bridge Inspection Manual. The scope of work for any bridge inspection is contained within these documents.

6. Identify all dates radiographic, ultrasonic shear wave tomography (“MIRA”), or ground penetrating radar (“GPR”) testing was performed on the WASHINGTON BRIDGE, and on what components the testing was performed.

RESPONSE: Past evaluation and testing on the Washington Bridge 700 included the following:

In 1992, Lichtenstein was contracted to perform an emergency inspection, testing and evaluation of the cantilever beams and ship lap joints. Testing done included radiography, concrete compressive strength and chloride ion testing. The report has been provided.

In 1993/1994, testing was performed as part of the development for the 1996 rehabilitation contract. Testing performed included GPR (Ground Penetrating Radar), concrete testing for compressive strength, chloride ion, ph and half-cell; and Post Tensioning inspection and testing. The results and testing reports have been provided.

In 1996-1997, Impact Echo Testing was conducted by WDP for the 1996 rehabilitation contract. The results of the testing have been provided.

In 2014/2015, testing was performed as part of development for the 2016 construction contract. Testing performed and included in this report included testing of concrete cores for compressive strength and presence of chlorides; petrographic analysis of the concrete cores for concrete quality; lead testing of Span 7; and non-destructive GPR (Ground Penetrating Radar) testing of the concrete bridge deck. The results and testing reports have been provided.

In 2021, an Aerial infrared thermography (aerial IR) survey was carried out to evaluate the condition of the bridge deck. The report has been provided.

In late 2023-early 2024 after the bridge closure, BDI provided nondestructive testing and evaluation of the post-tension girders utilizing ground penetrating radar (GPR), ultrasonic tomography (MIRA), selected coring, and physical / chemical testing for the investigation. The testing was intended to determine the grout condition of the post-tension ducts, condition of the surrounding structural concrete, and to locate areas of potential for deterioration. BDI, also provided real time vibration monitoring services for displacement during the non-destructive testing and repairs of Bridge 700. The BDI Nondestructive Evaluation of Post-Tensioned Ducts and Structural Concrete report, dated February 21, 2024, have been provided.

7. In reference to AMENDED COMPLAINT, ¶ 91, identify whether the BTC addressed the existence of problems relating to the tie-down rods at Piers 6 and 7 and called for repairs to the post-tensioning systems of the WASHINGTON BRIDGE. If so, please identify the specific BTC plan sheet number(s) and describe in detail the work the BTC required the JV to perform on the tie-down rods at Piers 6 and 7 and the WASHINGTON BRIDGE'S post-tensioning systems.

RESPONSE: In RFP Part 2, Section 3.13.7.1 Washington Bridge Rehabilitation, "The overall goal of this project is to provide a 25-year design life for the rehabilitated structure; therefore, the DB Entity shall design and construct the bridge strengthening and rehabilitation with a minimum design life of 25 years." The same section also goes on to state "The Design Build Team is responsible for any required retrofit or strengthening required by their proposal to achieve the 25-year design life. The DB Entity shall develop models and prepare design calculations as necessary to show their proposed method or rehabilitation will achieve this requirement."

I, Loren Doyle, under the pains and penalty of perjury, declare that the foregoing is true based upon matters within my personal knowledge and information that has been assembled and provided to me and that the answers provided are correct, according to the best of my knowledge.

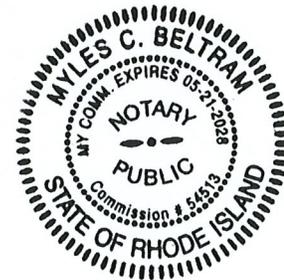
Loren Doyle
By: Loren Doyle

Dated: 9/2/2025

STATE OF RHODE ISLAND
COUNTY OF PROVIDENCE

On this 2nd day of September, 2025, before me, the undersigned notary, personally appeared Loren Doyle personally known to the notary, to be the person who signed above in my presence, and who swore or affirmed to the notary that the contents of the document are truthful to the best of his knowledge.

M. C. Beltram
NOTARY PUBLIC
My commission expires: 5/21/2028
Notary identification number: 54513



As to Objections,
Respectfully Submitted,
Plaintiff,
State of Rhode Island,
By its Attorneys,

/s/ Stephen N. Provazza

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Stephen N. Provazza, Esq. (#10435)
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/s/ Theodore J. Leopold

Theodore J. Leopold (admitted *pro hac vice*)
Leslie M. Kroeger (admitted *pro hac vice*)
Diana L. Martin (admitted *pro hac vice*)
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/s/ Jonathan N. Savage

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CERTIFICATE OF SERVICE

I hereby certify that on the 2nd day of September 2025, I electronically served this document through the electronic filing system on counsel of record. The document electronically served is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

/s/ Edward D. Pare III

EXHIBIT E

STATE OF RHODE ISLAND
PROVIDENCE, SC

SUPERIOR COURT

STATE OF RHODE ISLAND,)
)
Plaintiff,)
)
 v.)
)
 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.)

C.A. No. PC-2024-04526
Business Calendar

**NOTICE OF SERVING RESPONSES TO BARLETTA/AETNA I-195 WASHINGTON
BRIDGE NORTH PHASE 2 JV SECOND SET OF INTERROGATORIES TO
PLAINTIFF DATED JUNE 20, 2025.**

Pursuant to Rules 26 and 33 of the Superior Court Rules of Civil Procedure, now comes the Plaintiff, the State of Rhode Island (the "Plaintiff" or "State"), hereby serves the following Notice of Serving Responses to Defendant Barletta/Aetna I-195 Washington Bridge North Phase 2 JV's Second Set of Interrogatories dated June 20, 2025.

PLAINTIFF'S RESPONSES TO DEFENDANT BARLETTA/AETNA I-195
WASHINGTON BRIDGE NORTH PHASE 2 JV'S SECOND SET OF
INTERROGATORIES DATED JUNE 20, 2025.

8. Is YOUR response to each request for admission in the JV's First Requests for Admissions to RIDOT, dated June 13, 2025, an unqualified admission? If not, for each response that is not an unqualified admission:

- a. State the number of the request;
- b. State all facts on which you base YOUR response;
- c. State the names, addresses, and telephone numbers of all persons who have knowledge of those facts; and
- d. Identify all DOCUMENTS and other tangible things that support YOUR response and state the name, address, and telephone number of the person who has each DOCUMENT or thing.

RESPONSE: See RFA Responses.

I, Loren Doyle, under the pains and penalty of perjury, declare that the foregoing is true based upon matters within my personal knowledge and information that has been assembled and provided to me and that the answers provided are correct, according to the best of my knowledge.

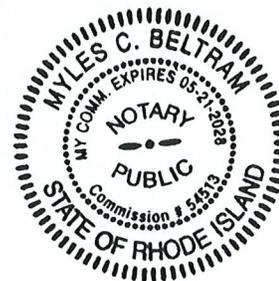
Loren Doyle
By: Loren Doyle

Dated: 9/2/2025

STATE OF RHODE ISLAND
COUNTY OF PROVIDENCE

On this 2nd day of September, 2025, before me, the undersigned notary, personally appeared Loren Doyle personally known to the notary, to be the person who signed above in my presence, and who swore or affirmed to the notary that the contents of the document are truthful to the best of his knowledge.

M. C. Beltram
NOTARY PUBLIC
My commission expires: 5/21/2028
Notary identification number: 54513



As to Objections,
Respectfully Submitted,
Plaintiff,
State of Rhode Island,
By its Attorneys,

/s/ Stephen N. Provazza

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Stephen N. Provazza, Esq. (#10435)
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/s/ Theodore J. Leopold

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CERTIFICATE OF SERVICE

I hereby certify that on the 2nd day of September 2025, I electronically served this document through the electronic filing system on counsel of record. The document electronically served is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

/s/ Edward D. Pare III

EXHIBIT F

From: Mellado, Chris
Sent: Friday, October 3, 2025 4:01 PM
To: 'ag@riag.ri.gov'; 'srice@riag.ri.gov'; 'Stephen N. Provazza'; 'js@savagelawpartners.com'; 'Michael Robinson'; 'Edward Pare III'; 'tleopold'; 'Leslie Mitchell Kroeger'; Diana Martin; 'Poorad Razavi'; Takisha Richardson; 'atoric@cohenmilstein.com'
Cc: Blease, Jeffrey R.; Morris, Benjamin J.; 'Jeffrey B. Pine'; 'Jackson Parmenter'
Subject: PC-2024-4526 - JV Discovery Deficiency Letter - Washington Bridge Litigation
Attachments: JV Discovery Deficiency Letter to the State.pdf

Counsel,

Please find attached Barletta/Aetna I-195 Washington Bridge North Phase 2 JV's letter outlining deficiencies in the State's discovery responses.

We look forward to hearing from you and to working toward resolution of these matters.

Thank you,

Chris Mellado
Associate

Foley & Lardner LLP
301 E Pine St, Suite 1200, Orlando, FL 32801
Phone 407.236.5868
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October 3, 2025

VIA E-MAIL

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atoric@cohenmilstein.com

RE: *State of Rhode Island v. AECOM Technical Services, Inc., et al.* Rhode Island Superior Court – Business Calendar C.A. No. PC-2024-04526

Notice of Deficiency in the State's Responses to the JV's Discovery Requests

Dear Counsel:

Pursuant to Rule 37 of the Rhode Island Superior Court Rules of Civil Procedure, Defendant/Counter-Plaintiff Barletta/Aetna I-195 Washington Bridge North Phase 2 JV ("**JV**") has identified pervasive deficiencies in Plaintiff/Counter-Defendant, the State of Rhode Island's ("**State**") responses ("**Responses**") to the JV's discovery requests.

The discovery Responses at issue are:

1. The State's Response to the JV's First Request for Production of Documents
2. The State's Response to the JV's First Request for Admissions
3. The State's Response to the JV's First Interrogatories

4. The State's Response to the JV's Second Request for Production of Documents
5. The State's Response to the JV's Second Interrogatories

The State's September 2, 2025 Responses are deficient in both substance and form, including vague, incomplete, or evasive answers, generalized objections lacking factual or legal support, meritless specific objections, and inapplicable and unsupported privilege claims asserted without a privilege log.

The JV requests that the State agree by October 10, 2025, to provide complete supplemental responses to correct these issues and a full privilege log as outlined below within 15 days of this letter. If the State will not agree, the JV requests that the State meet-and-confer no later than October 10, 2025, to address these deficiencies and facilitate their prompt resolution. If the State does not provide timely and adequate supplementation, the JV will seek relief from the Court.

I. THE STATE'S RESPONSES TO THE JV'S INTERROGATORIES

ROG No. 7: In reference to AMENDED COMPLAINT ¶ 91, identify whether the BTC addressed the existence of problems relating to the tie-down rods at Piers 6 and 7 and called for repairs to the post-tensioning systems of the WASHINGTON BRIDGE. If so, please identify the specific BTC plan sheet number(s) and describe in detail the work the BTC required the JV to perform on the tie-down rods at Piers 6 and 7 and the WASHINGTON BRIDGE's post-tensioning systems.

Response: "In RFP Part 2, Section 3.13.7.1 Washington Bridge Rehabilitation, 'The overall goal of this project is to provide a 25-year design life for the rehabilitated structure; therefore, the DB Entity shall design and construct the bridge strengthening and rehabilitation with a minimum design life of 25 years.' The same section also goes on to state 'The Design Build Team is responsible for any required retrofit or strengthening required by their proposal to achieve the 25-year design life. The DB Entity shall develop models and prepare design calculations as necessary to show their proposed method or rehabilitation will achieve this requirement.

Deficiency: The State's response is non-responsive and evasive. The JV request sought a statement as to whether the BTC addressed problems with the tie-down rods at Piers 6 and 7 and called for repairs to the Washington Bridge's post-tensioning systems, along with the identification of specific BTC plan sheet numbers and a detailed description of that work. Rather than provide this information, the State's response cites generalized RFP contract language that simply restates the rehabilitation goal, language which itself directs the reader back to the BTC drawings, without identifying those drawings or describing the work they depict. This is circular and fails to answer the core of the request.¹

¹ Moreover, the State excerpts portions of RFP Part 2, Section 3.13.7.1 while omitting other portions of that **same section** that appear between the language it quoted in its answer. The State leaves out the sentences stating, "The BTC plans show one way to achieve this [25-year design life] using link slabs to eliminate as many deck joints as possible, preventing future deterioration of beam ends," as well as the subsequent directive, "It is not the intent of the project to replace bearings not explicitly shown on the BTC drawings." Both provisions directly link the general rehabilitation requirement quoted in the State's response to specific BTC drawings that the State prepared and provided, which goes to the heart of the JV's interrogatory.

The State did not object to this interrogatory; therefore, any objections are waived. A compliant, non-evasive supplemental response must be provided.

ROG No. 8: Is YOUR response to each request for admission in the JV's First Requests for Admissions to RIDOT, dated June 13, 2025, an unqualified admission? If not, for each response that is not an unqualified admission:

- a. State the number of the request;
- b. State all facts on which you base YOUR response;
- c. State the names, addresses, and telephone numbers of all persons who have knowledge of those facts; and
- d. Identify all DOCUMENTS and other tangible things that support YOUR response and state the name, address, and telephone number of the person who has each DOCUMENT or thing.

Response: See RFA Responses.

Deficiency: The State's response is non-responsive. The interrogatory requires the identification of each request not admitted without qualification, the facts supporting each such response, the persons with knowledge of those facts, and the documents or tangible things supporting the responses, along with who possesses them. The State's answer provides none of this information. Merely referring to the RFA responses, which are themselves deficient and do not provide the detail requested by ROG No. 8, does not fulfill the interrogatory's requirements and deprives the JV of the information it is entitled to obtain.

The State did not object to this interrogatory; therefore, any objections are waived. A compliant, non-evasive supplemental response must be provided related to RFAs 1-8 and 11-48, which were not responded to with unqualified admissions.

II. THE STATE'S RESPONSES TO THE JV'S REQUESTS FOR ADMISSION

1. DEFICIENT, NONRESPONSIVE PARTIAL ANSWERS

The State's Responses to RFA Nos. 2, 3, 4, 11, and 12 state "Admitted in Part" or "Partially Admitted" but fail to specify which portion of the request is admitted and which portion is denied. Rhode Island Superior Court Rules of Civil Procedure 36(a) provides:

A denial shall fairly meet the substance of the requested admission, and when good faith requires that a party qualify an answer or deny only a part of the matter of which an admission is requested, the party shall specify so much of it as is true and qualify or deny the remainder.

For example, RFA No. 3 states: "Admit that the 2021 RFP did not provide DESIGN-BUILD PROPOSERS the LICHTENSTEIN REPORT." RFA No. 4 states: "Admit that RIDOT did not disclose the LICHTENSTEIN REPORT to the DESIGN-BUILD PROPOSERS." These are straightforward requests; either the State did or did not provide the Lichtenstein report in the 2021 RFP or to the design-build proposers. Yet, by responding "Admitted in Part" to both RFAs, the

State fails to “specify so much of [the matter] as is true” and therefore does not comply with Rule 36(a). The State must provide supplemental responses that clearly identify the portion admitted and the portion denied.

2. UNEXPLAINED OBJECTIONS

The State’s Responses to RFA Nos. 18, 19, and 21 assert “Objection. Vague and Ambiguous” but do not identify what portion of the request is claimed to be vague or ambiguous. Rhode Island Superior Court Rules of Civil Procedure 36(a) provides: “If objection is made, the reasons therefor shall be stated.” Here, the stated objection fails to articulate the reasons, as required by the rule, leaving the basis unclear. The State must amend its Responses to identify the exact language challenged and explain why it is vague or ambiguous, or withdraw the objections and completely respond to the RFAs.

Additionally, in Response to RFA No. 14, the State objects to the phrase “advance the BTC” as vague and ambiguous, yet the State uses that same language without qualification in Response 26 (“the RFP required the Design Build team to do any independent analysis to **advance the BTC** to a minimum 25-year design life...”). This inconsistency undermines the objection and suggests the term is sufficiently understood to provide a substantive admission or denial. Therefore, a supplemental response is required, or the State must define the alleged vague term and respond in that context.

3. IMPROPER ADDITION OF ARGUMENT

The State’s Responses to RFA Nos. 15, 16, and 17 admit the requested fact but then qualify the response with argumentative commentary, creating ambiguity as to the scope of the admission. Rule 36(a) requires admissions or denials that fairly meet the substance of the request. The State’s argumentative narrative is not proper in answering requests for admission. These responses must be amended to state the admission clearly, and any supplementary commentary should be removed. Otherwise, the State is obligated to respond to the portion of JV ROG No. 8, as these responses are not unqualified admissions.

III. STATE’S RESPONSES TO THE JV’S REQUESTS FOR PRODUCTION

1. THE STATE CANNOT SHIELD INFORMATION FROM DISCOVERY BASED ON THE DELIBERATIVE PROCESS PRIVILEGE

The State invokes the deliberative process privilege in nearly all its Responses. See Responses to RFP Nos. 1–4, 6–7, 10–13, 15–42, and 46–52. Rhode Island law provides that this privilege serves a narrow application not applicable to the facts underlying this litigation. The State cannot rely on the deliberative process privilege in this case when it has placed its decisions regarding the Washington Bridge at issue by filing this action. Thus, these objections must be withdrawn, and supplemental and unredacted documents produced.

The deliberative process privilege ‘rests on a policy of affording reasonable security to the decision-making process within a government agency.’ The privilege precludes from disclosure ‘documents reflecting advisory opinions,

recommendations, and deliberations compromising a process by which governmental decisions and policies are formulated.’

Rhode Island Economic Development Corp. v. Wells Fargo Securities, LLC, No. PB125616, 2014 WL 3407982, at *2 (R.I.Super. July 07, 2014) (internal citations omitted).

Courts consider a two-prong analysis in determining whether privilege applies to a specific document; namely:

whether the document was both ‘pre-decisional’ and ‘deliberative.’ “A document is pre-decisional if it is ‘prepared in order to assist an agency decisionmaker in arriving at his decision.’” Further, a document is “deliberative such that it ‘makes recommendations or expresses opinions on legal or policy matters.’”

Id. (internal citations omitted). While significant defects exist with the State’s only privilege log (discussed below), many of the State’s logged documents post-date the decisions they purportedly relate to, such as decisions to procure projects involving inspection or rehabilitation. Others are purely administrative or informational, prepared after relevant decisions were made. For example:

- **RIDOT_00003165–RIDOT_00003169**: Heavily redacted yet consisting of a routine RIDOT Daily Activity Report from August 15, 2023.
- **RIDOT_00003424–RIDOT_00003427**: Meeting minute dated March 3, 2023 between the JV and the State during the then ongoing 2021 Design-Build Project, which reflect project status.
- **RIDOT_000011423–RIDOT_000011433**: AECOM invoice voucher from January 31, 2019 and regarding a State Bridge Inspection.

None of these examples demonstrates a connection to a specific, identifiable decision-making process pending at the time.

Even if pre-decisional (which they are not), the State’s documents largely contain factual data, none of which reveal advisory opinions, recommendations, or subjective evaluations directed toward policy formulation. Additional examples include:

- **RIDOT_000010411–RIDOT_000010413**: Internal email forwarding a Providence Journal news article under the subject line “Fw: Cardi?”.
- **RIDOT_000004388–RIDOT_000004389**: Email exchange in connection with Cardi’s work on the Washington Bridge North, dated April 20, 2017, with the subject ““RE: catwalk”.
- **RIDOT_000004816–RIDOT_000004822**: Email exchange, dated December 16, 2023, including the FHWA and in connection with the JV’s emergency repair design.

Wells Fargo further makes clear that “even if a document is both ‘pre-decisional’ and ‘deliberative,’ the privilege will not apply when an agency places its deliberations at issue.” *Id.* at 3. Here, the State has done precisely that by initiating this litigation, naming the JV and remaining co-defendants, and affirmatively putting the State’s own decision-making processes in question. The claims asserted necessarily invite scrutiny of what the State considered, discussed, and decided

in connection with the projects at issue. By doing so, the State has waived any ability to shield from discovery the very materials that illuminate those deliberations. Courts recognize that a party cannot wield its internal decision-making as both a sword and a shield, relying on it to prosecute claims while blocking access to information central to the defense. *Id.* (ruling that the government agency’s “claim of [deliberative process] privilege is inappropriate” because their decision-making was placed “at issue” in the case.)

Moreover, each of the JV’s discovery requests to which the State asserts the deliberative process privilege seeks documents that are central to both the State’s claims against the JV. These matters are indisputably “at issue.” Examples include:

- Documents and communications concerning the Lichtenstein report that the State withheld from the JV and other proposers. See RFP Nos. 13 and 35.
- Documents and communications concerning the 2021 Design-Build Project between the State and the JV, including the State’s review, approval, or concurrence with the JV’s Washington Bridge rehabilitation plans. See RFP No. 10; see also RFP Nos. 1-4, 6, 7, and 11 (project-related communications).
- Documents and communications regarding the State’s specific allegations in its amended complaint against the JV. See RFP Nos. 12 and 15-17.
- Communications among specifically identified State personnel regarding the design, construction, maintenance, or assessment of the Washington Bridge. See RFP Nos. 21–27.
- Inspection-related documents in connection with the Washington Bridge. See RFP Nos. 31–33.
- Photographs or videos of the Washington Bridge. See RFP No. 34.
- Documents and communications from the State’s 2014 procurement process for design services on the Washington Bridge, which demonstrate that the State was already focused on rehabilitating the bridge years before the events at issue. See RFP Nos. 36-42.

Because the State put its decision-making at issue in this case, the State’s withholding of an undisclosed volume of responsive documents under the label of “deliberative process” underscores both the overreach in asserting this privilege and the resulting prejudice to the JV. By blocking access to evidence that goes to the core of the State’s claims, the State is improperly using the privilege as a litigation tactic rather than a narrowly drawn protection permitted under Rhode Island law. Supplemental responses and production of all documents withheld or redacted on this basis must be provided.

2. THE STATE’S IMPROPER AND UNSUBSTANTIATED ASSERTION OF PRIVILEGES; DEFICIENT PRIVILEGE LOG AND LACK OF UPDATED PRIVILEGE LOG

The State’s RFP responses consistently assert various privilege objections without identifying the specific documents withheld or producing a log sufficient for the JV to evaluate those claims. Rhode Island Superior Court Rule of Civil Procedure 26(b)(5) and the ESI Protocol require that a party expressly state each privilege claimed and provide a detailed privilege log that enables the requesting party to assess the validity of any privilege claimed.

In nearly every instance where the State improperly invokes the deliberative process privilege, approximately 45 out of 52 document requests (or 87% of its Responses), it also claims attorney-client privilege, work-product protection, and protections for non-testifying experts. Yet, the only privilege log the State provided pertains to redacted documents already produced and Bates-stamped. Its log and Responses do not identify any documents withheld in their entirety or withheld as expert material, nor do they clarify whether such documents even exist. This lack of transparency prevents the JV from meaningfully evaluating the State's privilege assertions or the completeness of the State's Responses and production.

The State's sole privilege log, dated April 1, 2025, only covers Bates range RIDOT_000000001 through RIDOT_000014962, despite multiple subsequent productions now running through RIDOT_000050806. The productions are also riddled with additional unexplained redactions. The State must immediately produce a privilege log covering the entirety of its production.

Further, the April 1, 2025 log is itself deficient because:

- It omits the "File Name" metadata field, required by ESI Protocol Section E; and
- It improperly designates documents as withheld for privilege because they allegedly contain "personal information" or "non-responsive materials." Neither is a valid basis for assertion of privilege.

The State must cure the deficiencies in its April 1, 2025 privilege log and produce a supplemental log covering the entirety of its Responses and document production, including any non-produced documents it has withheld. The log shall be populated with all required metadata fields and accompanied by descriptions sufficient to permit the JV to assess the validity of each claimed privilege. Finally, documents improperly withheld based on the deliberative process privilege, or as nonresponsive or containing personal information, shall be removed from the log and produced without redactions.

3. BOILERPLATE OBJECTIONS AND FAILURE TO PRODUCE RESPONSIVE DOCUMENTS

For Responses Nos. 19 through 27, which seek targeted communications with specific State employees and entities who worked on the Washington Bridge, the State asserts meritless generic, boilerplate objections (e.g., "overly broad," "unduly burdensome," "not reasonably calculated to lead to the discovery of admissible evidence") without stating with specificity the grounds for objection, or confirming documents will be produced or are being withheld. Rhode Island Superior Court Rules of Civil Procedure 34(b) provide:

The response shall state, with respect to each item or category, that inspection and related activities will be permitted as requested, unless the request is objected to, in which event, the reasons for objection shall be stated. If objection is made to part of an item or category, the part shall be specified.

The State's boilerplate objections fail to meet the rule's requirement to provide the *reasons* for the objection. The State further notes: "Discovery is ongoing, and the Plaintiff reserves the right to amend this Response pending the outcome of further investigation and discovery", without

stating whether or when any responsive documents will be produced. This vague reservation of rights, coupled with boilerplate objections and no production, deprives the JV of the targeted communications sought. The State must amend its responses to remove boilerplate objections, clearly state any specific grounds for objection, and produce all non-privileged documents responsive to RFP Nos. 19–27.²

A similar deficiency pattern appears in other requests:

- **Response Nos. 6 and 10:** Contains the same boilerplate objections and “discovery is ongoing” language as RFPs 19–27, without stating specific grounds or whether responsive documents will be produced.
- **Response No. 14:** Contains no objections but produces nothing, stating only that “discovery is ongoing.”
- **Response No. 8:** The State provides no objection but produces nothing, stating only that “discovery is ongoing.” RFP No. 8 is a specific request seeking a copy of RIDOT’s risk matrix for the 2021 Design-Build Contract; a central document likely addressing project risks, responsibilities, and contingencies. Given the targeted nature and importance of this request to the claims and defenses in this matter, the failure to produce it despite no objection is a glaring deficiency and must be promptly remedied.

The State’s effort to hide the ball with these types of evasive responses is a misuse of the discovery process. Supplemental responses (1) withdrawing the meritless objections or (2) stating what documents are being withheld and on what basis are required. The supplemental responses must also confirm whether the State will produce documents in response to each RFP.

4. INCOMPLETE OR NON-RESPONSIVE PRODUCTIONS

For several Responses, the State claims to have met the request by referring to produced Bates-numbered documents, but the cited material is incomplete, non-responsive, or otherwise fails to capture the full scope of each request. In each instance, the production falls short:

- **Response No. 2:** Only includes copies of Requests for Proposals 1 through 3. Fails to identify or produce the underlying documents, addenda, Q&As, related communications, or appendices provided to design-build proposers.
- **Response. 4:** Contains materially incomplete communications to the proposers.
- **Response. 5:** Does not include any proposals submitted in response to the 2021 RFP other than the JV’s proposal.
- **Response. 9:** Contains only the “Notice of Contract Purchase Agreement” and not the complete 2021 Design-Build Contract.
- **Response No. 10:** Cites a previously produced folder labeled Barletta/AETNA but fails to produce or identify responsive documents and communications related to RIDOT’s review, approval, or concurrence with the JV’s rehabilitation plans, including comment resolution forms, RIDOT transmittals, and certificates of compliance.

² This analysis applies to all Responses containing boilerplate objections or the “discovery is ongoing” reservation of rights without stating specific grounds or committing to production.

- **Response. 33:** Includes many documents unrelated to inspection costs after December 11, 2023 (e.g., meeting minutes from 2021), and omits responsive documents addressing inspection-related expenditures.
- **Response Nos. 35–42:** The State cites the range RIDOT_000014963–RIDOT_000018082 for each response, which is materially incomplete. Notably absent are:
 - Communications between or among the Technical Evaluation Committee (“TEC”);
 - Communications between the TEC and proposers;
 - Documents reflecting evaluation of proposals submitted in response to Bid #7461338;
 - Documents related to the Technical Selection Criteria (as predefined in the JV’s RFP); and
 - Documents related to the TEC’s “Final Selection” recommendation.

Across these requests, the State’s productions omit central categories of documents called for by each RFP. Rule 34(b) requires the responding party to produce all documents in its possession, custody, or control that are responsive to the request, or state with specificity the reasons for non-production. The State must amend its responses to provide the complete scope of responsive materials for each request listed above and produce the documents it appears to have withheld.

5. DEFICIENT PRODUCTION FORMAT AND METADATA ISSUES

In addition to the specific deficiencies detailed above, the State’s productions suffer from systemic format and metadata issues that impede the JV’s ability to review, search, and assess the materials provided. Non-exhaustive examples of these deficiencies are identified below:

1. We have identified at least 150 emails produced without metadata. The ESI Protocol requires email metadata to be produced. See RIDOT_000002483, RIDOT_000003253, RIDOT_000004656, and RIDOT_000004683.
2. Production of more than 1,000 PDFs without metadata and with unexplained, non-descriptive file names (e.g., file name consisting solely of a DOC number), which prevents meaningful identification or searchability. See RIDOT_000000001 and RIDOT_000022354.
3. Unexplained redactions appearing within productions, with no accompanying metadata identifying the redacted documents, as required, to enable assessment of the basis for each redaction. See RIDOT_000042234 and RIDOT_000041761.
4. Inconsistent application of the “Confidential” designation, with some documents branded as confidential in their content but lacking corresponding metadata indicating confidentiality. See RIDOT_000000585, RIDOT_000000817, and RIDOT_000001557.

These deficiencies violate the requirements of the ESI Protocol and undermine the usability of the production data. The JV requests an explanation of the production method or corrected metadata from the State, specifically for the “File Names,” “Confidentiality,” and “Has Redactions” fields.



IV. CONCLUSION

The State's failure to provide complete and non-evasive responses to the JV's discovery, coupled with misapplication of the deliberative process privilege, unsupported assertion of other privileges, deficient privilege log, boilerplate objections, and defects in the production format, has prejudiced the JV and is a misuse of the discovery process. By withholding responsive documents and obscuring key information, the State is impairing the JV's ability to develop the facts, prepare its claims, and defend against the State's allegations.³ Supplemental responses to address these defects must be provided.

Sincerely yours,

/s/ Jeffrey R. Blease

Jeffrey R. Blease
Benjamin J. Morris
Christopher D. Mellado

³ The deficiencies set forth herein are non-exhaustive as the JV's review of the State's productions and responses is ongoing.

EXHIBIT G

From: Takisha Richardson
Sent: Friday, October 31, 2025 9:58 AM
To: Mellado, Chris
Cc: Braisy Ruiz; Edward Pare III; rhodeislandbridgez12152322@cohenmilstein.filevineapp.com
Subject: State's Response to JV's Deficiency Letter Dated 10/3/25
Attachments: Reply to JV's Deficiency Letter dated. 10.3.25.pdf

***** EXTERNAL EMAIL MESSAGE *****

Good afternoon, Chris,

Please see the attached letter in advance of our call.

Takisha Richardson
Attorney

COHENMILSTEIN

Cohen Milstein Sellers & Toll PLLC
11780 U.S. Highway One | Suite N500
Palm Beach Gardens, FL 33408
phone | direct 561.515.1400

This e-mail was sent from Cohen Milstein Sellers & Toll PLLC. It may contain information that is privileged and confidential. If you suspect that you were not intended to receive it, please delete it and notify us as soon as possible.

Takisha Richardson
O: 561.515.1400
D: 561.515.2611
TRichardson@cohenmilstein.com

October 30, 2025

**Re: State of Rhode Island v. AECOM, et.al – JV's
Discovery Deficiency Letter dated October 3, 2025**

Dear Counsel:

Thank you for your correspondence. Please see below the State's responses to the categories of documents outlined in your letter:

A. Deficient Production Format and Metadata Issues

- We disagree with your assertions. At the time of the State's production to the JV's requests, no ESI protocol governing its production had been finalized. Despite this fact, the State produced all documents in accordance with its proposed protocol. The issues flagged in your letter are easily explained.
 - **1 and 2** are all hard-scanned documents. Under the ESI protocol pending before the Court, this data is not required for these files. It is also worth noting that productions of ESI are still forthcoming and will be produced once the Court finalizes its Order.
 - **3** - Again, our productions to date have been provided before the finalization of a protocol. What has been produced was done using the standard metadata. We will provide an overlay with agreed metadata across all productions moving forward.
 - We utilized black box redactions. Moving forward, we agree to use text redactions to indicate whether the information is being redacted for privilege or privacy reasons.
 - **4** - Will be amended by providing an updated DAT file.

B. Deliberative Process Privilege/Requests for Production

- While we disagree with your assertion that the State has waived its ability to assert the deliberative process privilege over some of its documents, we have indicated to other Defendants that we are internally reviewing assertions we have made and will

October 30, 2025

Page 2

provide supplemental responses noting our intent to maintain our objections or withdraw as to some items and produce the previously withheld documents. Furthermore, the State, in its response to produce, noted its objections, while, where applicable, indicated that discovery is ongoing and relevant documents not protected by privilege will be produced. This production will be made by November 18, 2025. Additionally, an updated privilege log will be provided by November 13.

C. State's Responses to the JV's Requests for Admissions

- The State is not in agreement that its responses to the JV's RFAs are improper.
 - 2,3,4,11 and 12 – In each of these responses, the State indicates that part of the Request is admitted and further provides its basis for having denied the remainder of the Request. For example, in response to Request 3, the State indicates in part that “relevant information, including prior reports, was available to all proposers upon request”. The inclusion of this explanation is indicative that the first part of the State's response – Admitted in Part relates to the JV's request for admission that the Lichtenstein Report was not provided, with the caveat that it was, however, available upon request. Our team will provide a final response by November 18, 2025, indicating whether we believe any supplementary answers are required for these requests.
- Responses to 15, 16, 17, 18,19, and 21
 - Again, the State disagrees that its answers don't comport with the rules governing its admissions; however, our team will provide a final response by November 18, 2025, indicating whether we believe any supplementary answers are required for these requests.

D. State's Responses to the JV's Interrogatories

- The State disagrees that its answers are non-responsive and evasive. However, to resolve this matter, the State is considering whether further response is required. A final answer on the State's position will be provided by November 18, 2025.

We look forward to working to resolve these matters further.

Sincerely,

Takisha Richardson

EXHIBIT H

From: Takisha Richardson
Sent: Tuesday, November 25, 2025 11:56 PM
To: Mellado, Chris
Cc: Braisy Ruiz; Edward Pare III
Subject: F/U Re JV's Deficiency Letter

***** EXTERNAL EMAIL MESSAGE *****

Good evening, Chris,

My apologies for not providing the responses noted in our response to the JV's Discovery Deficiency Notice dated October 30, 2025. As indicated on our call earlier today, it is our intention to provide updated responses and appreciate your professional courtesy in allowing us until after the holiday to do so.

Further, as indicated in our call and our previous meet-and-confer call, the State will also, on a rolling basis, begin responding to the JV's Requests for communications from relevant RIDOT employees on December 10, 2025.

Lastly, please provide any counteroffers the JV may have to the States' offer to negotiate a range of 30-75 (including subparts) total Interrogatory Requests.

Have a nice holiday, and I look forward to speaking to you next week.

Takisha Richardson
Attorney

COHENMILSTEIN

Cohen Milstein Sellers & Toll PLLC
11780 U.S. Highway One | Suite N500
Palm Beach Gardens, FL 33408
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This e-mail was sent from Cohen Milstein Sellers & Toll PLLC. It may contain information that is privileged and confidential. If you suspect that you were not intended to receive it, please delete it and notify us as soon as possible.

EXHIBIT I

From: Mellado, Chris
Sent: Tuesday, December 2, 2025 5:14 PM
To: 'ag@riag.ri.gov'; 'srice@riag.ri.gov'; 'Stephen N. Provazza'; 'js@savagelawpartners.com'; 'Michael Robinson'; 'Edward Pare III'; 'tleopold'; 'Leslie Mitchell Kroeger'; Diana Martin; 'Poorad Razavi'; Takisha Richardson; 'atoric@cohenmilstein.com'
Cc: Blease, Jeffrey R.; Morris, Benjamin J.; 'Jeffrey B. Pine'; 'Jackson Parmenter'
Subject: RE: PC-2024-4526 - JV Discovery Deficiency Letter - Washington Bridge Litigation
Attachments: JV Follow-Up - Discovery Deficiency Letter to the State.pdf

Counsel,

Please find attached the JV's follow-up letter regarding ongoing deficiencies in the State's discovery responses.

Thank you,

Christopher D. Mellado
Associate

Foley & Lardner LLP
301 E Pine St, Suite 1200, Orlando, FL 32801
Phone 407.236.5868
[View My Bio](#) | [Visit Foley.com](#) | [Follow us on LinkedIn](#) | chris.mellado@foley.com



From: Mellado, Chris
Sent: Friday, October 3, 2025 4:01 PM
To: ag@riag.ri.gov; srice@riag.ri.gov; Stephen N. Provazza <sprovazza@riag.ri.gov>; js@savagelawpartners.com; Michael Robinson <mrobinson@savagelawpartners.com>; Edward Pare III <epare@savagelawpartners.com>; tleopold <tleopold@cohenmilstein.com>; Leslie Mitchell Kroeger <lkroeger@cohenmilstein.com>; dmartin@cohenmilstein.com; Poorad Razavi <prazavi@cohenmilstein.com>; Takisha Richardson <trichardson@cohenmilstein.com>; atoric@cohenmilstein.com
Cc: Blease, Jeffrey R. <JBlease@foley.com>; Morris, Benjamin J. <BMorris@foley.com>; Jeffrey B. Pine <jpine@lynchpine.com>; Jackson Parmenter <jparmenter@ksprlaw.com>
Subject: PC-2024-4526 - JV Discovery Deficiency Letter - Washington Bridge Litigation

Counsel,

Please find attached Barletta/Aetna I-195 Washington Bridge North Phase 2 JV's letter outlining deficiencies in the State's discovery responses.

We look forward to hearing from you and to working toward resolution of these matters.

Thank you,

Chris Mellado
Associate

Case Number: PC-2024-04526
Filed in Providence/Bristol County Superior Court
Submitted: 12/22/2025 3:56 PM
Envelope: 5451997
Reviewer: Alexandria R. **Foley & Lardner LLP**
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December 2, 2025

VIA E-MAIL

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RE: *State of Rhode Island v. AECOM Technical Services, Inc., et al.* Rhode Island Superior Court – Business Calendar C.A. No. PC-2024-04526

Follow-Up Regarding Ongoing Deficiencies in the State's Discovery Responses

Dear Counsel:

This letter follows the JV's October 3, 2025 deficiency letter ("October 3 Letter") and the parties' subsequent meet-and-confer sessions regarding the State's discovery responses. In its October 31, 2025 written response ("October 31 Letter"), the State committed to providing corrective action by way of revised responses. More than a month later, those promised revisions have not been delivered. The State's limited attempts at "curing" its deficiencies — including updated privilege logs and a supplemental production — have fallen short and, in some instances, created additional confusion.

I. Deliberative Process Privilege – Impasse and Privilege Log Disorder

The parties are at an impasse on the deliberative process privilege issue. The State has made clear, in writing and during meet-and-confer sessions, that it will not withdraw its privilege log

entries asserting deliberative process protection. This issue is ripe for court intervention, and the JV will present it to the Court.

While the State has revisited certain previously redacted entries and lifted some redactions under this privilege, those partial “cures” have only injected further confusion into the State’s privilege record. The updated logs dated October 15, 2025 and November 17, 2025, together with the November 18, 2025 supplemental production, introduce inconsistencies, unexplained omissions, and missing entries.

Documents that remain redacted but no longer appear anywhere on the updated logs include:

- RIDOT_000014754
- RIDOT_000014756
- RIDOT_000014418
- RIDOT_000003424–RIDOT_000003427
- RIDOT_000003165–RIDOT_000003169

The State’s refusal to withdraw its deliberative process privilege claims, coupled with its creation of a privilege log record riddled with omissions and inconsistencies, has hindered the JV’s ability to conduct discovery and leaves Court intervention as the only path forward.

II. Delay in Producing Custodian Emails and Failure to Cure Targeted Discovery Identified in the JV’s October 3 Letter

The State has still not produced the custodian-based email collections the JV requested in June 2025. Nearly six months have passed with no production of these communications. We understand the State now intends to begin a “rolling production” of custodian emails on December 10, 2025, but a rolling production with no defined completion date is inadequate given this delay, the scope and relevance of these materials, and the scheduling order.

This failure is part of the State’s broader refusal to cure the targeted discovery deficiencies the JV identified in Sections 3 and 4 of its October 3 Letter. There, beyond the failure to produce custodial emails, the JV specifically identified areas where the State’s production was incomplete or non-responsive. To date, the State has still failed to produce:

- All documents provided to design-build proposers for the 2021 RFP;
- All communications between or among RIDOT and any design-build proposers for the project;
- All design-build proposals submitted in response to the 2021 RFP;
- A copy of RIDOT’s risk matrix related to the 2021 Design-Build Contract; and
- A complete copy of the 2021 Design-Build Contract.

The custodian emails and targeted documents above encompass core communications, procurement records, and proposal materials that directly bear on the claims and defenses in this litigation. The JV demands that the State, no later than December 10, 2025, complete production of all custodian-based emails in full and fully supplement the targeted requests identified herein.

III. Outstanding Written Discovery Revisions

The State has not served revised responses to the JV's RFAs, Interrogatories, or RFPs, despite assuring the JV that these revisions would be delivered on November 18, 2025. That date passed without any explanation from the State. After the missed deadline, the JV contacted the State, and the State indicated it "intended" to serve the revisions during the week of December 1, 2025 — but provided no firm commitment.

These revisions are necessary to cure the deficiencies identified in the JV's October 3 Letter and to bring any outstanding noncompliance to the Court's attention as directed by Judge Stern. Continued delay on these core discovery responses prejudices the JV and reduces the time available to complete fact discovery within the court-ordered schedule.

The JV demands that the State serve complete, non-evasive revised responses to the RFAs, Interrogatories, and RFPs no later than December 10, 2025. If the State fails to comply by that date, the JV will move to compel full and immediate compliance.

IV. Interrogatory Limit Dispute

The parties are at an impasse regarding the number of interrogatories permitted in this case. The State's position is that the applicable limit should remain at or near thirty (30), or at most seventy-five (75). The JV's position is that this case warrants removal of any cap under Rule 33 based on good cause.

Good cause exists here. The State seeks a nine-figure recovery and has placed at issue a complex historical record relating to the Washington Bridge. The litigation encompasses multiple projects, agencies, contractors, inspection firms, and an expansive set of facts spanning many years. The JV must be able to use interrogatories to obtain targeted factual information efficiently across these topics. A strict cap would unreasonably restrict the JV's ability to develop the facts necessary to defend against the State's claims and prosecute its counterclaims. The JV will not agree to be prejudiced by how the State interprets an interrogatory as containing discrete subparts.

The JV intends to present this dispute to the Court at the standing conference scheduled for Tuesday, January 6, 2026, at 11:00 a.m., and will seek an order removing the interrogatory limit based on good cause under Rule 33.

V. CONCLUSION

The parties are operating under the Scheduling Order entered in this case, which sets the close of fact discovery for September 17, 2026. The State's ongoing delays and failure to meet its discovery obligations are compressing the time available for depositions, third-party discovery, expert work, and the follow-up discovery that naturally flows from initial phases of discovery requests. This continued prejudice jeopardizes the JV's ability to fully prepare its defense and prosecute its counterclaims within the framework of the Court's order. Absent prompt resolution of the issues outlined above, the JV will seek relief to ensure compliance and protect the integrity of the case schedule.



December 2, 2025
Page 4

Sincerely yours,

/s/ Jeffrey R. Blease

Jeffrey R. Blease
Benjamin J. Morris
Christopher D. Mellado