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Sent via E-Mail

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Re: *State of Rhode Island v. AECOM Technical Services, Inc., et al.*, C.A. No. PC-2024-04526—Deficiencies in Defendant's Discovery Responses

Dear Counsel:

On behalf of the State of Rhode Island ("the State"), we write to address significant deficiencies in the discovery responses served by Defendant AECOM Technical Services, Inc. ("AECOM") on October 28, 2025, including its Objections and Responses to the State's First Set of Interrogatories and its Objections and Responses to the State's First Set of Document Requests. As detailed below, AECOM's responses are deficient in several key respects that obstruct the State's ability to obtain information directly relevant to the claims at issue. Pursuant to Rules 26, 33, and 34 of the Rhode Island Superior Court Rules of Civil Procedure, the State requests that AECOM supplement its responses without further delay.

As a preliminary matter, the State notes that AECOM's responses suffer from precisely the same deficiencies that AECOM identified in its September 19, 2025 discovery deficiency letter to the State. In that letter, AECOM criticized the State for, among other things, using boilerplate privilege assertions without providing a privilege log, failing to indicate whether responsive documents exist or will be produced, and asserting overbreadth objections without factual support. AECOM stated that such deficiencies "fail to satisfy [a party's] obligations under Rule 26" and are "prejudicial" to the requesting party. AECOM's own responses now exhibit these same deficiencies. The State expects AECOM to hold itself to the same standards it demanded of the State.

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Throughout its responses, AECOM employs formulaic, boilerplate objections that mirror the very language AECOM criticized in the State's prior responses, undermining any claim that these objections are made in good faith or tailored to the specific discovery requests at issue.

Deficiencies in AECOM's Interrogatory Responses

Improper and Boilerplate Objections

AECOM has asserted broad, boilerplate objections to nearly every interrogatory, including objections based on vagueness, ambiguity, overbreadth, undue burden, calls for expert opinion(s), and privilege, without providing sufficient substantive responses. These blanket objections are improper and obstruct the State's ability to obtain relevant information.

Interrogatory No. 1 seeks information regarding how the presence of voids in the grout surrounding the post-tensioning cables impacts Washington Bridge's structural integrity. AECOM objects on grounds of vagueness and claims it "would require clarification regarding the exact location, extent, and nature of the alleged voids." This response is deficient because AECOM was retained to perform inspections, evaluations, and design services for the Washington Bridge and should possess knowledge of the post-tensioning system and any voids therein. AECOM cannot evade its discovery obligations by claiming ignorance of a fundamental issue in this litigation.

Interrogatory No. 2 seeks information regarding the potential consequences of corrosion in the post-tensioning cables and how this affects the Washington Bridge's safety. AECOM's response is evasive, stating it "would require clarification regarding the specific location/material(s), extent, and timeframe of the corrosion in question[.]" Yet, AECOM simultaneously acknowledges that it "identified countless locations over the past 40+ years where corrosion existed on the Washington Bridge[.]" AECOM cannot have it both ways, acknowledging awareness of corrosion while refusing to answer questions about its impact.

Interrogatory No. 3 asks whether AECOM considered external post-tensioning as a strengthening method during the rehabilitation design project. AECOM's response that its "scope of services did not include final design development or the evaluation of specific strengthening methods such as external post-tensioning" is inconsistent with AECOM's contractual obligations under the 2014 AECOM Contract. Notably, the RFP and AECOM's own proposal letters expressly stated that AECOM would "perform structural analyses to evaluate the capacity of the various types of I-beams" and that "[i]f it is determined that strengthening (in the form of external post-tensioning) is required, all design associated with the strengthening will be performed." AECOM must provide a complete response regarding its consideration (or failure to consider) external post-tensioning.

Interrogatory No. 4 asks which descriptions of deterioration in the February 26, 2024 VN Engineers Report AECOM was aware of during its involvement with the Washington Bridge. AECOM's objection that the VN Report was not produced or appended to the Complaint is specious and has been widely discussed in this litigation. AECOM's response that its "awareness would be limited to information provided or gained during its engagements" is nonresponsive and fails to identify what deterioration AECOM actually observed during its numerous inspections from 2014 through 2023.

Interrogatory No. 7 asks AECOM to identify all steps taken in evaluating the Washington Bridge's fracture-critical elements. AECOM's response that "RIDOT did not identify any elements of the Washington Bridge as 'fracture-critical elements'" is evasive and incomplete. The Original Design Plans clearly depict the tie-down rods at Piers 6 and 7, which are critical structural elements. AECOM, as a professional engineering firm that claimed expertise in bridge inspection and design, is certainly familiar with "fracture-critical elements"—a standard and well-understood concept—and its response fails to describe what steps, if any, it took to evaluate the tie-down rods or other critical structural components.

Interrogatory No. 8 asks how risk assessments were conducted for the Washington Bridge's critical areas. AECOM's response that the terms "risk assessments" and "critical areas" are "not defined" is evasive. These terms are commonly understood in the bridge engineering industry, and AECOM must describe what evaluations or assessments it performed, if any, regarding deterioration in critical structural components, including the post-tensioning system and tie-down assemblies.

Interrogatory No. 10 asks what methods should have been employed to properly assess the condition of the post-tensioned cables and grout during AECOM's work. AECOM objects that the interrogatory "wrongly presupposes that AECOM was contracted to 'assess the condition of the post-tensioned cables and grout.'" This objection is directly contradicted by AECOM's contractual obligations, as the RFP required that "[m]aterial testing should be performed as necessary to properly evaluate structural elements in need of rehabilitation" and that AECOM would "make recommendations based on his field observations and test results as to the type of repairs necessary to completely rehabilitate the existing structure". AECOM must respond substantively.

Interrogatory No. 11 asks what critical issues should have been addressed in the proposed rehabilitation based on AECOM's 2014 inspection and design plans. AECOM's response identifies certain deterioration but fails to address the tie-down rods or the condition of the post-tensioning system, including the voids in the grout that were present and should have been identified. AECOM must supplement its response to fully describe what issues were or should have been identified based on its inspection.

Failure to Provide Complete Responses

Throughout its interrogatory responses, AECOM repeatedly deflects responsibility by stating that RIDOT "defined the scope" or "had sole and exclusive control." These responses are incomplete and evasive. AECOM, as a professional engineering firm, had independent professional obligations to identify and report on critical structural deficiencies. AECOM cannot discharge its professional duties by claiming it only did what RIDOT told it to do. The State is entitled to know what AECOM actually observed, what it knew, and what it failed to disclose.

Deficiencies in AECOM's Document Request Responses

Failure to Confirm Production

AECOM's responses to numerous document requests fail to clearly state whether responsive documents exist and whether they have been or will be produced. AECOM repeatedly states it "will produce non-privileged documents responsive to this request to the extent that they exist and are in AECOM's care, custody, or control." This formulation is impermissibly vague. Pursuant to Rule 34, AECOM must state whether responsive documents exist, confirm whether any documents are being withheld on the basis of privilege, and provide a date certain for any outstanding productions.

The State specifically identifies the following deficient responses:

Request No. 1 seeks all communications with RIDOT pertaining to voids in the grout surrounding the post-tensioning cables. AECOM's response does not confirm whether any responsive documents exist or have been produced, and/or which documents, if any, are being withheld.

Request No. 2 seeks all communications with RIDOT pertaining to corrosion concerns with any component of the post-tensioning system of the Washington Bridge. AECOM objects that "any component" is vague and overly broad, but the request is reasonably calculated to discover relevant evidence regarding AECOM's knowledge of corrosion issues.

Request No. 3 seeks all time sheets for each engineer involved in any project performed by AECOM on the Washington Bridge. AECOM objects in part because "AECOM's document policies may not permit such a broad production temporally, as AECOM does not retain such records for more than ten (10) years." This objection is improper. AECOM must produce all responsive documents that remain in its possession, custody, or control. To the extent AECOM has destroyed relevant records, AECOM must identify what records were destroyed, when they were destroyed, and pursuant to what retention policy. This information is critical to assessing whether spoliation has occurred.

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Request No. 5 seeks all documents related to the evaluation of the existing cantilever beams. AECOM "expressly does not agree to produce documents reflecting employee or subconsultant names, dates, or hours." This limitation is improper for the same reasons discussed below with respect to Request No. 6.

Request No. 6 seeks all documents related to the evaluation of the existing tie-down assemblies. AECOM expressly declines to produce documents reflecting employee or subconsultant names, dates, or hours, even though such information is relevant to establishing the scope and thoroughness of AECOM's evaluation. AECOM's response states that it "expressly does not agree to produce documents reflecting employee or subconsultant names, dates, or hours." This refusal is improper and must be withdrawn. The identity of persons who performed the evaluation, the dates on which work was performed, and the hours expended are directly relevant to the State's claims. This information goes to the heart of whether AECOM conducted adequate evaluations of the tie-down assemblies—specifically, who performed the work, when it was performed, and how thorough it was. AECOM's unilateral decision to withhold this information has no basis in the discovery rules and suggests an attempt to conceal the inadequacy of its work. AECOM must produce all responsive documents without this improper limitation.

Request No. 7 seeks all internal memoranda, emails, reports, meeting minutes, and other communications documenting AECOM's concerns about Washington Bridge's structural integrity. AECOM objects that "concerns" is "inherently subjective and ambiguous" without acknowledging its obligation to produce documents that reflect professional observations or findings relating to structural integrity.

Request No. 8 seeks all inspection reports, engineering analyses, test results, and other documents that identify, describe, or evaluate the presence of voids in the concrete grout surrounding the post-tensioning cables. AECOM's objection that this request is "overly broad" and its noncommittal response that it "will produce" documents "to the extent that they exist" fails to confirm whether such documents exist or when they will be produced.

Request No. 9 seeks all engineering reports, risk assessments, analyses, and other documents that discuss or evaluate the potential consequences of corrosion in the post-tensioning cables. AECOM's response uses the same deficient boilerplate language, stating only that it "will produce non-privileged documents responsive to this request to the extent that they exist and are in AECOM's care, custody, or control." AECOM must supplement its response to confirm what documents exist and will be produced.

Request No. 10 seeks all inspection reports, photographs, field notes, correspondence, and other documents identifying deficiencies in any inspections of the Washington Bridge. AECOM's response is deficient for the same reasons. AECOM must supplement its response.

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Request No. 11 seeks all documents related to inspections of the existing Washington Bridge that were considered but not performed. AECOM's response is deficient. AECOM must confirm what documents exist and will be produced, and provide a privilege log for any documents withheld.

Request No. 12 seeks all documents related to strategies for rehabilitation that were considered but not performed. AECOM's response suffers from the same deficiencies. AECOM must supplement its response.

Request No. 13 seeks all documents identifying RIDOT's oversight provided during AECOM's work with the Washington Bridge. AECOM's response is deficient. AECOM must confirm what documents exist and will be produced.

Request No. 14 seeks all documents related to AECOM's evaluation of Washington Bridge's fracture-critical elements. AECOM objects that "fracture-critical elements" is "not defined," despite this being a standard industry term that AECOM, as a professional engineering firm with bridge inspection expertise, would readily understand.

Request No. 15 seeks all documents related to risk assessments conducted for the Washington Bridge's critical areas. AECOM's response is deficient. To the extent AECOM is withholding documents on privilege grounds, AECOM must provide a privilege log.

Request No. 16 seeks all documents that describe methods that should have been employed to properly assess the condition of the post-tensioned cables and grout. AECOM's response uses the same deficient boilerplate language. AECOM must supplement its response.

Request No. 17 seeks all documents that reference any potential oversights or errors in the various inspections and rehabilitation plans. AECOM's response is deficient for the same reasons stated above.

Request No. 18 seeks all contracts, agreements, correspondence, and other documents that define the roles and responsibilities of the various engineering firms involved. AECOM's response is deficient. AECOM must confirm what documents exist and will be produced.

Request No. 19 seeks all documents in support of AECOM's contention that any other entity is liable for any of the allegations asserted against it. AECOM's response is deficient. AECOM must supplement its response to confirm what documents exist and will be produced.

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Requested Actions

The State requests that AECOM supplement its responses to the above-referenced Interrogatories and Document Requests within ten (10) days of this letter. Supplemental responses should:

1. Provide substantive answers to the interrogatories identified above rather than relying on boilerplate objections or claims of vagueness for standard industry terminology;
2. Identify what AECOM actually observed, knew, and documented during its inspections and design work on the Washington Bridge from 2014 through 2023;
3. Confirm whether responsive documents exist for each Document Request, identify which documents are being withheld on the basis of privilege (with an accompanying privilege log if not already provided, as described above), and provide a date certain for production of any outstanding documents; and
4. Produce all responsive documents, including documents relating to the evaluation of tie-down assemblies, fracture-critical elements, and the post-tensioning system without the improper limitations AECOM has attempted to impose (including the refusal to produce documents reflecting employee or subconsultant names, dates, or hours).

As noted above, AECOM's discovery responses exhibit the same deficiencies that AECOM criticized in the State's prior responses. The State expects AECOM to comply with its own standards. Should AECOM fail to supplement its responses or otherwise resolve these deficiencies, the State will have no choice but to seek judicial intervention through a motion to compel. In any such motion, the State will bring to the Court's attention AECOM's September 19, 2025 deficiency letter, which articulates the very discovery standards AECOM has now failed to meet.

We remain available to meet and confer regarding these deficiencies at your earliest convenience. Please respond within ten (10) days of the date of this letter to schedule a meet and confer.

Please do not hesitate to contact the undersigned with any questions.

Regards,

Poorad Razavi

Poorad Razavi, Esq.

Counsel for the State of Rhode Island