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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 Barletta/Aetna I-195 Washington Bridge North Phase 2 JV (the “JV”) 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 Requests for Production. As detailed below, the JV'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 the JV supplement its responses without further delay.

As a preliminary matter, the State notes that the JV's responses suffer from precisely the same categories of deficiencies that the JV identified in its own discovery deficiency letters to the State. In its October 3, 2025 letter, the JV criticized the State for, among other things, “vague, incomplete, or evasive answers, generalized objections lacking factual or legal support, and unsupported privilege claims asserted without a privilege log.” The State expects the JV to hold itself to the same standards it demanded of the State.

## Deficiencies in the JV's Interrogatory Responses

### Improper and Boilerplate Objections

The JV has asserted broad, boilerplate objections to nearly every interrogatory, including objections based on vagueness, ambiguity, lack of foundation, calls for expert opinion, 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 the Washington Bridge's structural integrity. The JV objects on grounds that the interrogatory "lacks foundation, assumes facts not in evidence, calls for a response to an improper hypothetical, and prematurely calls for the disclosure of expert opinion." The JV then deflects entirely to the Base Technical Concept ("BTC"), stating that its "role was limited to, **among other things**, advancing the Base Technical Concept." (emphasis added). This response is deficient because the JV, as the design-builder for the Washington Bridge rehabilitation project, was directly involved in the design, construction, and inspection of the bridge and was able to (and did) submit an Alternative Technical Concept ("ATC") under the contract. The JV was in a unique position to observe, assess, and understand conditions affecting the structural integrity of the Washington Bridge. The JV cannot evade its discovery obligations by claiming that the BTC did not identify the issue, particularly when the interrogatory asks about the impact of voids, not whether the BTC addressed them.

**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. The JV's response is evasive, asserting the same boilerplate objections and stating only that "the issue of potential corrosion in the post-tensioning cables in the ducts did not arise until after the Washington Bridge's closure and was not described in the BTC." This response fails to address the interrogatory. The JV, as the entity that performed rehabilitation work on the bridge, must respond substantively regarding the consequences of corrosion in the post-tensioning cables based on its engineering knowledge and experience with the structure, regardless of when the issue first arose.

**Interrogatory No. 4** asks which descriptions of deterioration in the February 26, 2024 VN Engineers Report the JV was aware of during its involvement with the Washington Bridge. The JV objects that "descriptions of deterioration" is vague and undefined, then responds only that it "became aware of the descriptions of deterioration in the VN report when the report was provided to Defendant and while the report was being developed after closure of the Washington Bridge." This response is nonresponsive and evasive. The interrogatory asks which descriptions of deterioration the JV was aware of *during its involvement*, not when the JV first

saw the VN Report. The JV must identify which conditions of deterioration described in the VN Report it actually observed or was aware of *during* its work on the bridge, independent of the report itself.

**Interrogatory No. 7** asks the JV to identify all steps taken in evaluating the Washington Bridge's fracture-critical elements. The JV objects that the term "fracture-critical elements" is "undefined and not explained within the Interrogatory," and then states that the RFP "did not identify any existing elements as fracture-critical." This response is evasive and incomplete. "Fracture-critical elements" is a standard and well-understood term in the bridge engineering industry. The JV, as a design-builder that claimed expertise in bridge rehabilitation, is certainly familiar with this concept. The Original Design Plans depict tie-down rods at Piers 6 and 7, which are critical structural elements. The JV's response fails to describe what steps, if any, it took to evaluate these or any other critical structural components, and instead deflects to its ATC proposal eliminating a fracture-critical tie-down at Pier 4, which does not answer the question posed.

**Interrogatory No. 8** asks how risk assessments were conducted for the Washington Bridge's critical areas. The JV objects that "risk assessments" and "critical areas" are not defined, and that the 2021 Design-Build Contract did not require the JV to perform risk assessments of the Washington Bridge's critical areas. These terms are commonly understood in the bridge engineering industry, and the JV 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. The JV's response largely repeats its answer to Interrogatory No. 1 regarding the BTC and attempts to disclaim any obligation related to risk assessments, rather than addressing the specific question posed.

**Interrogatory No. 9** asks what should be the frequency and scope of inspections pertaining to the post-tensioning system for a bridge with a design such as the Washington Bridge. The JV responds simply that "the authority having jurisdiction is responsible for determining the frequency and scope of inspections." This response is a non-answer and completely evades the question. The JV, as a design-builder that claimed expertise in bridge rehabilitation, should be able to answer the question posed by the interrogatory.

**Interrogatory No. 10** asks what methods should have been employed to properly assess the condition of the post-tensioned cables and grout during the JV's work on the Washington Bridge. The JV objects on boilerplate grounds and then deflects responsibility to the State, stating that the State "withheld critical information from the Defendant including the Lichtenstein report." While the JV's position regarding the Lichtenstein report is noted, the interrogatory asks what methods should have been employed, and the JV must respond substantively rather than argumentatively blaming the State for withholding information.

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**Interrogatory No. 12** asks whether the JV contends that any other entity is liable, in whole or in part, for any of the allegations asserted against it in the Amended Complaint. The JV objects on grounds of privilege and that the interrogatory calls for a legal conclusion, then merely "refers Plaintiff to its Affirmative Defenses and Counterclaim." This response is deficient. The JV must identify the entities it contends are liable and the factual basis for such contentions, rather than simply cross-referencing its pleadings.

**Interrogatory No. 13** asks the JV to identify all individuals involved in preparing its proposal who relied on the BTC or any State representations regarding the condition of the Washington Bridge and to describe in detail the nature and extent of such reliance. The JV objects that the interrogatory is "compound, vague, ambiguous, and overly broad," and then provides only a list of names without any description of the nature and extent of each individual's reliance. The interrogatory expressly requires the JV to "describe in detail the nature and extent of such reliance," and a bare list of names hardly attempts to satisfy this obligation. The JV must supplement its response to describe how each identified individual relied on the BTC or State's representations.

**Interrogatory No. 16** asks the JV to describe in detail the methodology used to calculate the damages claimed in its counterclaims, including all categories of damages, assumptions made, and supporting documentation. The JV objects that the interrogatory "prematurely calls for the disclosure of expert opinion and because discovery is ongoing and investigation continues," and then refers the State to a single document, "ROC-012." This response is deficient. While the JV may not yet have retained a damages expert, it is obligated to describe the categories of damages it claims, the methodology it has used or intends to use, and the factual assumptions underlying its damages calculations. A bare reference to a single document does not satisfy this obligation.

## **Failure to Provide Complete Responses**

Throughout its interrogatory responses, the JV repeatedly deflects responsibility by stating that the BTC "did not identify" or "did not include" certain issues, or that the State "withheld critical information." These responses are incomplete and evasive. The JV, as the design-builder for a major bridge rehabilitation project, had independent professional obligations (and represented it had the knowledge) to identify and report on structural conditions it observed during its work. The JV cannot discharge its professional duties by claiming it only did what the BTC told it to do. The State is entitled to know what the JV actually observed, what it knew, and what it failed to disclose during its work on the Washington Bridge.

## Deficiencies in the JV's Document Request Responses

### Failure to Confirm Production

In the JV's October 3, 2025 letter to the State, it criticized the State for asserting boilerplate objections such as "overly broad," "unduly burdensome," and for failing to confirm documents will be produced or are being withheld. Ironically, now the JV's responses to numerous document requests use these same objections, fail to clearly state whether responsive documents exist, and fail to state whether they have been or will be produced. The JV repeatedly states it "will produce documents it reasonably identifies as responsive to this Request" or "will produce communications it reasonably identifies as responsive to this Request." This formulation is impermissibly vague. Pursuant to Rules 26 and 34, the JV must state whether responsive documents exist and confirm whether any documents are being withheld on the basis of privilege.

The State specifically identifies the following deficient responses:

**Request No. 1** seeks all communications the JV has had with RIDOT pertaining to voids in the grout surrounding the post-tensioning cables regarding the Washington Bridge. The JV's response states only that it "will produce communications it reasonably identifies as responsive to this Request." The JV does not confirm whether responsive documents exist, whether any have been produced, and/or which documents, if any are being withheld.

**Request No. 2** seeks all communications the JV has had with RIDOT pertaining to corrosion concerns with any component of the post-tensioning system of the Washington Bridge. The JV's response is identically deficient to its response to Request No. 1.

**Request No. 3** seeks all time sheets for each engineer involved in any project performed by the JV on the Washington Bridge. The JV objects on grounds of overbreadth and undue burden, but the request is reasonably calculated to discover relevant evidence regarding the scope and thoroughness of the JV's work. The JV must confirm what responsive documents exist and will be produced.

**Request No. 4** seeks all supporting data used for any reports the JV prepared during its work on the Washington Bridge. The JV objects that "supporting data" is "vague, ambiguous, and overbroad," and further objects on privilege grounds. While the JV states it will produce responsive documents, it fails to confirm whether such documents exist or identify which documents are being withheld on the basis of privilege. The JV's attempt to narrow the scope of this request by listing categories of allegedly irrelevant work (e.g., geotechnical investigations, traffic control, environmental compliance) does not excuse its failure to produce responsive documents relating to the claims at issue.

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**Request No. 5** seeks all documents related to the evaluation of the existing tie-down assemblies at Abutment 1, Piers 2–6, and Piers 8–13. The JV objects that the request is "vague, ambiguous, and unintelligible" and claims it "improperly seeks identification of individuals, dates, and hours worked." This objection is improper. The identity of persons who performed evaluations, 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 the JV conducted adequate evaluations of the tie-down assemblies. The JV must produce all responsive documents without this improper limitation.

**Request No. 7** seeks all internal memoranda, emails, reports, meeting minutes, and other communications documenting the JV's concerns about the Washington Bridge's structural integrity. The JV objects that "Your concerns" is "vague and subjective" and that internal discussions "may reflect routine engineering diligence, design development, or quality assurance, not necessarily 'concerns' about structural integrity." This characterization of its own internal discussions does not relieve the JV of its obligation to produce responsive documents. Whether such documents reflect "routine engineering diligence" or affirmative "concerns" is for the State to evaluate. The JV must produce all responsive documents.

**Request No. 10** seeks all inspection reports, photographs, field notes, correspondence, and other documents identifying deficiencies in any inspections of the Washington Bridge. The JV objects that the request is "overly broad, vague, and mischaracterizes the nature of the inspections performed by Defendant." The JV further attempts to narrow its response by stating that its inspections related to "specific repair items contemplated by the rehabilitation project" and "are not intended to identify deficiencies in the bridge." Regardless of what the inspections were "intended" to do, any documents that identify deficiencies observed during any inspection of the Washington Bridge are responsive and must be produced.

**Request No. 11** seeks all documents related to inspections of the Washington Bridge that were considered but not performed. The JV's response is deficient because it seeks to limit the request to the JV's contract. The JV must confirm what documents exist, are being withheld, and will be produced.

**Request No. 12** seeks all documents related to strategies for rehabilitation of the Washington Bridge that were considered but not performed. The JV's lengthy narrative response regarding the BTC and the ATC process does not substitute for confirming what responsive documents exist and will be produced.

**Request No. 14** seeks all documents related to the JV's evaluation of the Washington Bridge's fracture-critical elements. The JV objects that the request "fails to distinguish between existing fracture-critical elements and those proposed in Plaintiff's BTC." As noted above, "fracture-critical elements" is a standard industry term that the JV, as a professional engineering and construction firm, readily understands. The JV must supplement its response to confirm what responsive documents exist and will be produced.

**Request No. 16** seeks all documents describing methods that should have been employed to properly assess the condition of the post-tensioned cables and grout. The JV objects that the request is "speculative, argumentative, and improperly seeks to compel Defendant to prematurely marshal expert opinions." This objection does not relieve the JV of its obligation to identify and produce non-expert documents, including any industry standards, inspection protocols, or testing methodologies in its possession that are responsive to this request.

**Request No. 19** seeks all documents in support of the JV's contention that any other entity is liable for any of the allegations asserted against it. The JV objects on privilege grounds and that the request "calls for a legal conclusion." This response is deficient. The JV has asserted affirmative defenses and counterclaims placing liability on other parties, and it must produce the documents supporting those contentions. The JV must supplement its response to confirm what documents exist and will be produced.

**Request No. 20** seeks all documents in support of the JV's contention in paragraph 11 of its Counterclaim regarding the availability of radiographic, GPR, MIRA, and other testing. The JV objects on grounds of vagueness, overbreadth, and privilege. This response is deficient. The JV has affirmatively alleged in its Counterclaim that such testing was available, and it must produce the documents supporting that contention. The JV must supplement its response to confirm what documents exist and will be produced. Notably, the JV even fails to state that it will produce any documents at all.

**Request No. 21** seeks all documents in which the JV or its members discussed, evaluated, or relied upon any representations by RIDOT regarding the condition or rehabilitatability of the Washington Bridge. The JV objects that the request is "vague and unintelligible due to its fundamentally flawed structure." This objection is unfounded. The request clearly seeks documents reflecting the JV's internal discussions about and reliance on RIDOT's representations regarding the Washington Bridge's condition. The JV must produce all responsive documents and confirm what documents exist.

## **Requested Actions**

The State requests that JV 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 the JV actually observed, knew, and documented during its design and construction work on the Washington Bridge, rather than deflecting to the BTC or blaming the State for withholding information;

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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), 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 the JV has attempted to impose.

As noted above, the JV's discovery responses exhibit the same deficiencies that the JV criticized in the State's prior responses. The State expects the JV to comply with its own standards. Should the JV 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.

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*