



March 18, 2026

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

Response to State's Notice of Deficiencies in Defendant AECOM's Discovery Responses

Dear Counsel:

On behalf of Defendant AECOM Technical Services, Inc. ("AECOM"), we write to address Plaintiff, the State of Rhode Island's (the "State") letter dated March 6, 2026, regarding alleged deficiencies in AECOM's discovery responses (the "Deficiency Letter"). As detailed below, the State's position that AECOM's discovery responses "suffer from precisely the same deficiencies that AECOM identified in its September 19, 2025 discovery deficiency letter to the State" misstates the parties' respective discovery obligations and is patently inaccurate. As an initial matter, AECOM has met its discovery burden pursuant to Rules 26, 33, and 34 of the Superior Court Rules of Civil Procedure. It also bears noting that AECOM produced its discovery responses and initial production of documents on October 29, 2025, over 4 months ago. For the State to take such a long time to respond raises significant questions about the merits of its complaints, as well as the diligence and attentiveness that it is assigning to this case. Frankly, we believe that the State has waived its objections by not timely filing objections or providing a deficiency letter in a more expedient manner.

In addition to the foregoing, as set forth below, the Deficiency Letter fails for several reasons. First, many of the State's interrogatories employ undefined, shifting, or technically imprecise terminology, rendering them vague and ambiguous – justifying the objections AECOM raised. The State's construction of its discovery requests prevents AECOM from providing meaningful responses. Second, numerous interrogatories improperly seek expert opinions, hindsight judgments, or technical analyses that exceed the scope of permissible fact discovery and are premature at this stage of the case. Third, several interrogatories mischaracterize or expand AECOM's contractual scope of work in an effort to impose obligations that do not exist. Fourth, rather than addressing the objections as served, the State repeatedly attempts to revise and rewrite many of its discovery requests after the fact, which the discovery rules do not permit. Finally, notwithstanding these defects, AECOM has provided good-faith, substantive responses wherever possible, and its objections are specific, supported, and fully compliant with the Superior Court Rules of Civil Procedure.

Contrary to the State's assertions, the alleged deficiencies in AECOM's discovery responses are not identical or similar to the State's manifest and repeated discovery deficiencies. In contrast to AECOM's responses, the State took a different approach, making generic, unsubstantiated and improper objections and providing incomplete responses. Also, unlike the State's delinquent deficiency letter, AECOM was prompt in its issuance of deficiency letters and worked closely with the State to try to address and ameliorate such deficiencies.

It bears noting that the State's claimed deficiencies in AECOM's discovery responses appear to be nothing more than an effort to rope AECOM into a false narrative and to fabricate a discovery dispute where none exists, presumably as a tit-for-tat diversion from its own discovery deficiencies.

AECOM's Discovery Responses Comply with The Superior Court Rules of Civil Procedure

The Superior Court Rules of Civil Procedure require discovery requests to be relevant, properly framed, and answered only to the extent they are not objectionable. AECOM's responses satisfy those requirements.

Rule 26 defines the permissible scope of discovery, limiting it to non-privileged matters relevant to the subject matter of the action and restricting discovery that is cumulative, duplicative, or obtainable from a more convenient and less burdensome source. Rules 33 and 34 govern interrogatories and document requests, respectively, and require a responding party to state the reasons for any objection and to respond only to the extent a request is proper. Although an interrogatory is not objectionable merely because it seeks an opinion or contention relating to fact or the application of law to fact, the Rules expressly permit the Court to defer such interrogatories until other discovery has been completed.

AECOM complied with these standards. In responding to the State's interrogatories and document requests, AECOM stated its objections, explained the basis for those objections, and provided responses where appropriate in accordance with the Rules.

AECOM's Objections Properly Raise Valid Concerns with the Form and Content of the State's Interrogatories

The State alleges that "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." However, raising the same kind of objection more than once does not mean that it is boilerplate language. AECOM substantiates each objection with specific language from the interrogatory to clarify why it is objectionable. The State ignores this fact.

In support of its position, the State identifies eight interrogatory objections it has deemed improper. Yet in its explanation for six of these interrogatories, the State completely disregards AECOM's actual, stated objections.¹ Instead, the State has manufactured deficiencies by cherry-picking language from AECOM's answers in an attempt to diminish AECOM's substantive objections. When read in their entirety, AECOM's objections to these six interrogatories are more than adequate under the Rhode Island rules.

Interrogatory No. 1

Interrogatory: *How does the presence of voids in the grout surrounding the post-tensioning cables impact the Washington Bridge's structural integrity?*

AECOM's full objection to **Interrogatory No. 1** states:

AECOM objects to this interrogatory on the grounds that it is vague and ambiguous as to the phrase "*impact the Washington Bridge's structural integrity*," which lacks a defined timeframe, scope, or engineering standard. Additionally, there is no specificity as to what "*voids*" the State is referring to other than a generic reference to unspecified and unidentified "*voids*" making this interrogatory further vague and ambiguous, outside the allegations set forth in the Amended Complaint. Indeed, it presupposes the presence of voids in locations that may not exist. This interrogatory also calls for legal conclusions and expert analysis, conclusions or opinions rather than factual information within the knowledge of the responding party. AECOM further objects to this interrogatory on the grounds that it seeks the mental impressions, theories and opinions of counsel or otherwise seeks attorney/client privileged or attorney work product information/data.

This response states specific reasons, based on the specific wording of this interrogatory, for objecting to the State's interrogatory. The State has posed a broad, hypothetical question better posed to an expert than to a fact witness. The objection goes far beyond the limited portion that the State focuses on in its Deficiency Letter. Because AECOM's objection states specific reasons for raising the objection, it satisfies Rule 33 of the Superior Court Rules of Civil Procedure and is therefore not deficient. Regardless of what AECOM was retained to do, the State's interrogatory lacks the specificity needed to give an appropriate answer. If the State considers this to be a fundamental issue then it should have no problem providing the requested clarification.

¹ The State also takes issue with AECOM's objection to Interrogatory 10 and its answer to Interrogatory 11. As discussed in detail below, this position is also misguided.

Interrogatory No. 2

Interrogatory: *What are the potential consequences of corrosion in the post-tensioning cables, and how does this affect the Washington Bridge's safety?*

AECOM's full objection to **Interrogatory No. 2** states:

AECOM objects to this Interrogatory as vague, ambiguous and speculative, particularly the phrases "*potential consequences of corrosion*" and "*safety*" which are undefined and lack a defined timeframe, scope or engineering standard. Additionally, there is no specificity as to what "*corrosion*" the State is referring to other than a generic reference to unspecific and unidentified "*corrosion in the post-tensioning cables*" making this interrogatory further vague and ambiguous, outside the allegations set forth in the Amended Complaint. Indeed, it presupposes the presence of corrosion in locations that may not exist. This interrogatory also calls for legal conclusions and expert analysis, conclusions or opinions rather than factual information within the knowledge of the responding party. AECOM further objects to this interrogatory on the grounds that it seeks the mental impressions, theories and opinions of counsel or otherwise seeks attorney/client privileged or attorney work product information/data.

Again, AECOM points to specific, substantively objectionable language in the State's interrogatory. The State's second interrogatory seeks an opinion on the potential consequences of corrosion to undefined post-tensioning cables. Stated differently, the State requests an expert opinion without giving any context in an attempt to force AECOM to take a position on corrosion prior to expert discovery. This interrogatory is premature and, as stated in AECOM's objection, presupposes the presence of corrosion in areas where it may not even exist. AECOM's acknowledgment that the Washington Bridge has experienced corrosion over a 40+ year timespan does not mean it has sufficient knowledge to respond to hypothetical questions about corrosion like the one posed in Interrogatory No. 2.

Interrogatory No. 3

Interrogatory: *During the rehabilitation design project (RIDOT RFP/Bid No. 7461338), was any strengthening in the form of external post-tensioning considered by You? If so, why did You not recommend it?*

AECOM's full objection to **Interrogatory No. 3** states:

AECOM objects to this interrogatory on the grounds that it mischaracterizes the contractual obligations of AECOM relative to the rehabilitation design project (RIDOT RFP/Bid No. 7461338). Specifically, the interrogatory improperly implies that AECOM had a contractual duty to make certain recommendations with regards to the superstructure of the Washington Bridge, which is not supported by the terms of the agreement between AECOM and RIDOT. AECOM further objects to this Interrogatory as compound and inherently contradictory. The phrase "*was any strengthening...considered*" followed by "*why did You not recommend it*" assumes facts not in evidence and presumes that AECOM both considered, rejected and failed to recommend external post-tensioning. The Interrogatory is also vague as to the timeframe and scope of "*consideration*." Additionally, there is no definition as to what type or form of "external post tensioning" the State is

referencing or what it considers to be “external post tensioning.” This interrogatory also seeks information outside the allegations in the Amended Complaint. This interrogatory also calls for legal conclusions and expert analysis, conclusions or opinions rather than factual information within the knowledge of the responding party. AECOM further objects to this interrogatory on the grounds that it seeks the mental impressions, theories and opinions of counsel or otherwise seeks attorney/client privileged or attorney work product information/data.

Consistent with all of its objections, AECOM provides concrete reasons for its objections to this interrogatory. Specifically, the State’s third interrogatory attempts to inject or fabricate new obligations into AECOM’s contract. In its Deficiency Letter, the State again makes this attempt by pointing to an AECOM proposal letter, not the Contract itself. That Proposal is years old and of no effect to an integrated contract. Moreover, the State seems to take issue with the substance of AECOM’s response, not the sufficiency of its objection. As stated in AECOM’s answer, and referenced in the Deficiency Letter, AECOM’s scope of services did not include final design development or evaluation of specific strengthening methods. As such, AECOM’s valid objection stands.

Interrogatory No. 4

Interrogatory: *Which descriptions of deterioration in the February 26, 2024 VN Engineers Report, if any, were You and Your subconsultants aware of during Your respective involvement with the Washington Bridge?*

AECOM’s full objection to **Interrogatory No. 4** states:

AECOM objects to this Interrogatory as vague and ambiguous; noting that at no time has the State itself produced to AECOM the referenced VN Engineers Report or asked it to comment on such report prior to asserting this Interrogatory. Likewise, the State did not append the VN Report to the Complaint or Amended Complaint, and despite counsel’s requests to the State to produce copies of all such documents, during the initial phase of this case, the State refused to do so. With this context in mind, AECOM objects to this request as vague and ambiguous as to what “*descriptions of deterioration*” are being referred to in this Interrogatory. The phrase “*descriptions of deterioration*” is undefined and could refer to any number of conditions. This Interrogatory fails to specify which portions of the February 26, 2024 VN Engineers Report are at issue, what deterioration the State is inquiring about, and does not clarify the timeframe or nature of AECOM’s “*involvement*”. AECOM also is not in a position to answer for its unspecified and undefined “subconsultants.” AECOM further objects to this Interrogatory on the grounds that it seeks the mental impressions, theories and opinions of counsel or otherwise seeks attorney/client privileged or attorney work product information/data.

Ignoring this objection entirely, the State instead attempts to force AECOM to respond to an interrogatory about a document that the State had not provided to AECOM. It is unreasonable to expect any party in any case to respond to queries about a document not in its possession. Even if the VN Report had been provided, the State’s interrogatory is still too vague for the reasons stated above. In its Deficiency Letter, the State attempts to re-frame this interrogatory as a request to “identify what deterioration AECOM actually observed during its numerous inspections from 2014 through 2023.” This is completely different from the State’s fourth interrogatory, which asks

“[w]hich descriptions of deterioration in the February 26, 2024 VN Engineers Report, if any, were You and Your subconsultants aware of during Your respective involvement with the Washington Bridge?” The State cannot retroactively revise its interrogatories, and, if it wanted an answer to this new query, it had ample opportunity to seek a response through the appropriate discovery procedure. As critically, the answer to this “new” request, in addition to being materially different from the initial interrogatory, is as easily discernable by the State as it is AECOM, as there is information in the very inspection reports already in the State’s possession that is responsive to this new ask.

Interrogatory No. 7

Interrogatory: *Identify all steps taken by You in evaluating the Washington Bridge’s fracture-critical elements.*

AECOM’s full objection to **Interrogatory No. 7** states:

AECOM objects to this Interrogatory on the grounds that it mischaracterizes the contractual obligations of AECOM relative to the Washington Bridge. Specifically, the interrogatory improperly implies that AECOM had a contractual duty to evaluate the Washington Bridge’s “*fracture-critical elements*,” which is not supported by the terms of the agreements between AECOM and RIDOT. AECOM further objects to this Interrogatory as vague, ambiguous, and overbroad. Specifically, the term “*fracture-critical elements*” is undefined and the Interrogatory is not limited as to scope, time, or applicable engineering standards. AECOM further objects to this Interrogatory to the extent that it calls for an expert opinion. AECOM further objects to this Interrogatory on the grounds that it seeks the mental impressions, theories and opinions of counsel or otherwise seeks attorney/client privileged or attorney work product information/data.

The State again takes a portion of AECOM’s answer, not its objection, to argue that AECOM’s objection is deficient. However, when read in its entirety, it is clear that AECOM has provided the requisite detail to fully support its objection. The State’s seventh interrogatory asks AECOM to “identify all steps taken by You in evaluating the Washington Bridge’s fracture-critical elements.” AECOM’s objection properly raises concerns with this interrogatory’s mischaracterization of AECOM’s contractual obligations, and presupposes that AECOM had an obligation to evaluate fracture-critical elements. Further, the State again uses the undefined term “fracture-critical elements” without any limitation. As with many of its interrogatories, the State seems to be attempting to elicit an expert opinion in response to this interrogatory and for AECOM to interpret and discern what this interrogatory seeks and means. As explained above, if the State views these fracture-critical elements as a key element of its claims, it should have no issue defining the term.

Interrogatory No. 8

Interrogatory: *Identify how risk assessments were conducted for the Washington Bridge’s critical areas.*

AECOM’s full objection to **Interrogatory No. 8** states:

AECOM objects to this Interrogatory as overly broad, vague and ambiguous. The term “*risk assessments*” is undefined and could refer to various methodologies. Likewise, the phrase “*critical areas*” is also undefined and lacks reference to specific bridge components or standards. Also, this Interrogatory lacks reference to any defined timeframe or by whom the alleged risk assessments were conducted. Given that the Washington Bridge was built in 1968, it is overly broad and unduly burdensome to expect that AECOM could speak to any and all risk assessments that may have been performed by RIDOT (or any other entity) over that 40+ year period. AECOM further objects to the extent the Interrogatory seeks to imply any contractual obligation to perform “risk assessments” of areas or during times that AECOM was not contracted to do so. AECOM further objects to this Interrogatory on the grounds that it seeks the mental impressions, theories and opinions of counsel or otherwise seeks attorney/client privileged or attorney work product information/data.

The State’s eighth interrogatory asks AECOM to “identify how risk assessments were conducted for the Washington Bridge’s critical areas.” AECOM’s objection sufficiently articulates its concerns with this interrogatory. The objection states the basis, and provides detailed reasoning, for the objection. Specifically, this interrogatory seeks information about any risk assessment for any aspect of the Washington Bridge that could be considered a critical area (which term remains undefined) over 40+ years. This request does not limit the risk assessments to ones performed by AECOM or its subconsultants. The State completely disregards this objection and instead focuses on a minor portion of AECOM’s answer where it reminds the State that specific terms are not defined, accusing AECOM of being evasive. Again, the State attempts to revise its interrogatory, stating in its Deficiency Letter that 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.” This is not what the original interrogatory seeks. Should the State wish to narrow and properly define appropriate terms in its initial interrogatory, it is more than welcome to do so.

Interrogatory No. 10

Interrogatory: *What methods should have been employed to properly assess the condition of the post-tensioned cables and grout during Your work on the Washington Bridge?*

AECOM’s full objection to **Interrogatory No. 10** states:

AECOM objects to this Interrogatory on the grounds that it mischaracterizes the contractual obligations of AECOM relative to the Washington Bridge. The Interrogatory wrongly presupposes that AECOM was contracted to “*assess the condition of the post-tensioned cables and grout.*” AECOM objects to this Interrogatory as vague, ambiguous and speculative. The phrase “*should have been employed*” implies hindsight judgment and calls for expert opinion that exceeds the scope of permissible discovery under Rhode Island Superior Court Rules of Civil Procedure 26 and 33. The Interrogatory also fails to define any allegedly applicable standard or timeframe. AECOM further objects to this Interrogatory on the grounds that it seeks the mental impressions, theories and opinions of counsel or otherwise seeks attorney/client privileged or attorney work product information/data.

Here, the State focuses on a fragment of AECOM's overall objection and demands that AECOM "respond substantively." The State fails to address the fact that AECOM did provide a substantive answer to this interrogatory. First, AECOM's objection raises legitimate concerns about the State's characterization of AECOM's claimed contractual obligations. AECOM's objection continues to identify specific objectionable language in this interrogatory, including language that implies certain methods should have been employed by AECOM. Despite its objections, AECOM provided a substantive response to this interrogatory. In its Deficiency Letter, the State has not articulated a good-faith basis for its position that this response is deficient. Therefore, AECOM's objection and answer remain unchanged.

Interrogatory No. 11

Interrogatory: *Based on AECOM's 2014 inspection and design plans, what critical issues should have been addressed in the proposed rehabilitation?*

AECOM's full objection to **Interrogatory No. 11** states:

AECOM objects to this Interrogatory as vague and ambiguous. The phrase "*critical issues*" is undefined and "*proposed rehabilitation*" lacks a specific timeframe or scope. It also assumes facts not pleaded or in evidence – namely that "critical issues" were not addressed in AECOM's plans and that AECOM's plans were deficient, which is denied. This interrogatory also seeks conjecture and speculation on the part of AECOM. AECOM further objects to this Interrogatory on the grounds that it calls for an expert opinion and exceeds the scope of permissible discovery under Rhode Island Superior Court Rules of Civil Procedure 26 and 33 to the extent it seeks expert analysis, conclusions, or opinions rather than factual information within the knowledge of the responding party. AECOM further objects to this Interrogatory on the grounds that it seeks the mental impressions, theories and opinions of counsel or otherwise seeks attorney/client privileged or attorney work product information/data.

The State takes issue with AECOM's response to the State's eleventh interrogatory, which states: "Based on AECOM's 2014 inspection and design plan, what critical issues should have been addressed in the proposed rehabilitation?" The State's issue with AECOM's response is a perfect example of why AECOM has objected time and time again to the State's failures to define key terms including the term "critical issues." Here, AECOM provided a list of structural and operational issues from its 2014 Inspection Report. In its Deficiency Letter the State complains that this answer does not address tie-down rods, the condition of the post-tensioning system, and voids in grout. Clearly the State has a specific understanding of the term "critical issues" and, if it expects others to have the same understanding, it should provide a definition. As critically, a documents produced by AECOM identify and discuss various problems with the bridge including the items identified by the State in its objection.

AECOM's Responses to The State's Interrogatories are Complete

The State next makes a general assertion that AECOM "repeatedly deflects responsibility by stating that RIDOT defined the scope or had sole and exclusive control." If the State's position is that it is entitled to know "what AECOM actually observed, what it knew, and what it failed to disclose," it had every opportunity to tailor its interrogatories to seek this information. Each of AECOM's objections provides substantive objections supported by tangible issues with the

construction of the State's interrogatories. Despite these objections, AECOM made a good-faith attempt to respond to each and every interrogatory. The State has failed to point to any specific instance where a response is actually deficient. AECOM is obligated to respond to the interrogatories served as written, not as the State wishes they had been written. And again, much of the information the State seeks in its interrogatories is as readily discernible from the written records as it is for AECOM to provide, and these are records already in the State's possession. R.I. Super. Ct. R. Civ. P. Rule 33(d).

In short, the State's Deficiency Letter does not identify any interrogatory response that is deficient under the Rules as served. Instead, the State repeatedly criticizes AECOM for declining to answer interrogatories as the State now wishes they had been drafted, rather than addressing the objections AECOM actually asserted based upon the interrogatories as drafted. The Rules do not require a responding party to speculate, expand the scope of discovery, attempt to interpret vague and ambiguous interrogatories or supply expert opinions in response to facially defective and poorly drafted interrogatories. The State's complaints regarding AECOM's document responses suffer from the same flaw and, in large part, concern process and timing rather than any failure to produce responsive materials.

AECOM Has Properly Responded to the State's Document Requests

As an initial matter, the State's contention that AECOM fails to confirm whether responsive documents exist, whether any documents are being withheld on the basis of privilege, and provide a date certain for any outstanding productions is both inaccurate and premature. As the State well knows, the parties are still collecting and producing email ESI which may yield additional documents responsive to several of the State's requests. Moreover, given the breadth of the State's requests and the number of documents produced thus far that are responsive to many of the State's requests, AECOM's responses are appropriate. As critically, AECOM's undersigned counsel have made repeated efforts to obtain the custodians and search/date terms that the State wants AECOM to run for searches of its electronic data, but has yet to receive that information from the State.

Document Request No. 1

Request: *All communications You have had with RIDOT pertaining to voids in the grout surrounding the post-tensioning cables regarding the Washington Bridge.*

Response: *Objection. AECOM objects to this request because it is overly broad and unduly burdensome to the extent it seeks "all communications" without limitation as to time, scope or other terms which adequately define what the State is requesting. AECOM further objects to this request to the extent it seeks communications that are equally accessible to the State and/or RIDOT.*

Subject to and without waiving the foregoing objections, AECOM will produce non-privileged documents responsive to this request to the extent that they exist and are in AECOM's care, custody, or control.

The State alleges that AECOM's response to the State's first document request "does not confirm whether any responsive documents exist or have been produced, and/or which documents, if any, are being withheld. AECOM has previously produced significant documents in response to this

and other requests, as indicated in its responses. Also, as you know, AECOM is continuing to work with the State to agree to terms for collecting and producing emails from AECOM's custodians, which may yield additional documents responsive to this and other requests.

Document Request No. 2

Request: *All communications You have had with RIDOT pertaining to corrosion concerns with any component of the post-tensioning system of the Washington Bridge, including but not limited to the post-tensioned cables.*

Response: *Objection. AECOM objects to this request because it is overly broad and unduly burdensome to the extent it seeks "all communications" without limitation as to time or scope, or other terms which adequately define what the State is requesting. The request seeks documents that are irrelevant to the subject matter involved in this litigation and is not reasonably calculated to lead to the discovery of admissible evidence. Specifically, it seeks "all communications...pertaining to corrosion concerns with any component of the post-tensioning system of the Washington Bridge", regardless of whether such components are at issue in this litigation. Likewise, the term "any component" is vague and overly broad as the bridge consisted of thousands of components, many of which do not appear to be relevant to this dispute. The request is also vague and ambiguous as to the phrase "corrosion concerns," which is not defined and is susceptible to multiple interpretations. AECOM further objects to this request to the extent it seeks communications that are equally accessible to the State and/or RIDOT.*

Subject to and without waiving the foregoing objections, AECOM will produce non-privileged documents responsive to this request to the extent that they exist and are in AECOM's care, custody, or control.

Next the State alleges that AECOM's response to the State's second document request is deficient because "the request is reasonably calculated to discover relevant evidence regarding AECOM's knowledge of corrosion issues." However, AECOM's objection takes a different position. AECOM objects to this request for several reasons, First, many terms in this request are undefined. Second, the request is unlimited in time and scope. It is unclear how a request without any parameters can be reasonably calculated to discover relevant evidence. Despite its objection, AECOM agreed to produce documents in response to this request.

Document Request No. 3

Request: *All time sheets for each engineer involved in any project performed by You or Your contractors on the Washington Bridge.*

Response: *Objection. AECOM objects to this request because it is overly broad and unduly burdensome to the extent it seeks "all time sheets" for "each engineer" involved in "any project" on the Washington Bridge without limitation as to time, scope, or relevance. AECOM further objects to this request to the extent it seeks documents that may contain confidential personnel information. Lastly, 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.*

The State takes issue with AECOM's objection to the State's third document request, deeming it improper. Despite the State's position, AECOM has raised a valid and properly articulated

objection. Again, the State's request lacks any limitation as to time, scope, or relevance. AECOM provides concrete examples to substantiate its objection. Finally, AECOM notes that it has a ten-year document retention policy to explain why documents created more than ten years ago may have been destroyed/deleted in the ordinary course of business. Nevertheless, the State now unjustifiably accuses AECOM of potential spoliation. Nothing could be further from the truth, and such a supposition is wholly unsupported by the record and applicable law.

Document Requests No. 5 and 6

Request No. 5: *All documents related to the evaluation of the existing cantilever beams at Abutment 1, piers 2-6, and piers 8-13 in Your possession, including but not limited to the names, dates, and hours for Your employees and subconsultant employees related to this topic and all meetings and correspondence related to this topic.*

Response No. 5: *Objection. AECOM objects to this request because it is overly broad and unduly burdensome to the extent it seeks "all documents" related to the evaluation of cantilever beams at Abutment 1, piers 2-6, and piers 8-13, without limitation as to time, author, or scope. AECOM specifically objects to the request for "names, dates, and hours" of its employees and subconsultant employees, as such information is unduly burdensome to compile, not relevant to the claims or defenses in this litigation, and may implicate confidential personnel data. AECOM further objects to this request to the extent it seeks documents that may contain confidential personnel information, or materials protected by the attorney-client privilege or the work product doctrine.*

Subject to and without waiving the foregoing objections, AECOM will produce non-privileged documents responsive to this request to the extent that they exist and are in AECOM's care, custody, or control, but expressly does not agree to produce documents reflecting employee or subconsultant names, dates, or hours.

Request No. 6: *All documents related to the evaluation of the existing tie-down assemblies at Abutment 1, piers 2-6, and piers 8-13 in Your possession, including but not limited to the names, dates, and hours for Your employees and subconsultant employees related to this topic and all meetings and correspondence related to this topic.*

Response No. 6: *Objection. AECOM objects to this request because it is overly broad and unduly burdensome to the extent it seeks "all documents" related to the evaluation of "tie-down assemblies" at Abutment 1, piers 2-6, and piers 8-13, without limitation as to time, author, or scope. AECOM specifically objects to the request for "names, dates, hours" of its employees and subconsultants employees, as such information is unduly burdensome to compile, not relevant to the claims or defenses in this litigation, and may implicate confidential personnel data. AECOM further objects to this request to the extent it seeks documents that may contain confidential personnel information, or materials protected by the attorney-client privilege or the work product doctrine.*

Subject to and without waiving the foregoing objections, AECOM will produce non-privileged documents related to the evaluation of the tie-down assemblies directly related to the claims in this litigation, to the extent such documents are within its possession, custody, or control, but expressly does not agree to produce documents reflecting employee or subconsultant names, dates, or hours.

AECOM objects to these document requests because they seek employment information without limitation and it is overly broad, unduly burdensome, and is not relevant to the State's claims or defenses in this litigation. AECOM fails to understand how this information relates to whether AECOM conducted adequate evaluations of the structural components of Washington Bridge. Contrary to the State's accusation that AECOM may be attempting "to conceal the inadequacy of its work," which AECOM strenuously disputes, AECOM has already confirmed it will produce any responsive documents outside of any reflecting employee or subconsultant names, dates or hours. Simply put, the State has failed to sufficiently articulate why it needs AECOM to gather and produce such irrelevant employment information. Nor has the State articulated why reports, communications, and other documents *already produced* fail to provide the information the State now seeks. As such, AECOM's position with regard to Document Requests 5 and 6 remains unchanged.

Document Request No. 7

Request: *All internal memoranda, emails, reports, meeting minutes, and other communications documenting Your concerns about the Washington Bridge's structural integrity at any point in time.*

Response: *Objection. AECOM objects to this request because it is overly broad, unduly burdensome, and vague. The request seeks "all" internal documents created "at any point in time" without any limitation as to time frame, scope, or relevance, and fails to define what constitutes a "concern" or what specific structural elements or phases of work are implicated. The term "concerns" is inherently subjective and ambiguous, and could encompass a wide range of internal communications, including routine engineering discussions, informal observations, bridge elements having nothing to do with the current dispute at bar, or speculative commentary, none of which may be relevant to the claims or defenses in this litigation. AECOM further objects to this request to the extent it seeks documents protected by the attorney-client privilege or the work product doctrine.*

Subject to and without waiving the foregoing objections, AECOM will produce non-privileged documents to the extent such documents exist and are within its possession, custody, or control.

The State's seventh document request seeks "all internal memoranda, emails, reports, meeting minutes, and other communications documenting Your concerns about the Washington Bridge's structural integrity at any point in time." The State specifically takes issue with AECOM's objection that the term "concern" is inherently subjective and ambiguous. Yet the State's own Deficiency Letter illustrates why AECOM has raised this objection. The State takes the position that AECOM is obligated to "produce documents that reflect professional observations or findings relating to structural integrity." This quoted language materially differs from that contained in the State's document request, which seeks documents reflecting any "concerns" about structural integrity. Clearly the State has a specific view of what constitutes a concern, and should define the term in response to AECOM's objection. Despite its objection, AECOM agreed to produce documents in response to this request.

Document Requests No. 8 – 13, and 16 - 19

The State takes issue with AECOM's responses to Document Request Nos. 8, 9, 10, 11, 12, 13, 16, 17, 18, and 19 because, it contends, that AECOM must confirm whether documents exist and

when the documents will be produced. AECOM has stated that it will produce documents in response to these requests subject to its objections to the extent they exist. Document production is still ongoing, but to date AECOM has produced a significant number of documents in accordance with its responses (identifying any withheld documents on its privilege logs).

Document Request No. 14

Request: *All documents, including but not limited to inspection protocols, reports, analyses, test results, and correspondence related to Your evaluation of the Washington Bridge's fracture-critical elements.*

Response: *Objection. AECOM objects to this request as overly broad and vague. The term "fracture-critical elements" is not defined and may encompass a wide range of structural components or elements of the bridge. The request also is not limited as to time. AECOM further objects to the extent the request seeks documents protected by the attorney-client privilege or the work product doctrine.*

Subject to and without waiving the foregoing objections, AECOM will produce non-privileged documents responsive to this request to the extent that they exist and are in AECOM's care, custody, or control

The State's fourteenth document request seeks documents related to AECOM's evaluation of "fracture-critical elements." Consistent with several of its other responses, AECOM has objected to the use of the term "fracture-critical" absent a definition. As previously noted, if the State believes that this is a standard industry term, it should have no problem defining the term for purposes of these requests. Likewise, if there is a definition that the State wishes to utilize for this and the other applicable requests, please provide it in proper form.

Document Request No. 15

Request: *All documents, including but not limited to risk assessment protocols, reports, analyses, and resulting recommendations related to risk assessments conducted for the Washington Bridge's critical areas.*

Response: *Objection. AECOM objects to this request as overly broad, vague, and unduly burdensome. The phrase "risk assessments...for critical areas" is undefined and lacks specificity as to scope, time frame, or relevance. AECOM further objects to the extent the request seeks documents protected by the attorney-client privilege or the work product doctrine.*

Subject to and without waiving the foregoing objections, AECOM will produce non-privileged documents responsive to this request to the extent that they exist and are in AECOM's care, custody, or control.

The State's fifteenth document request seeks documents relating to risk assessments conducted for the Washington Bridge's "critical areas." The State contends that AECOM's response is deficient because AECOM has not provided a privilege log. AECOM provided its first privilege log on November 25, 2025. Additionally, AECOM updated and circulated a new privilege log on March 11, 2026. This should satisfy the State's position that AECOM's response to the State's fifteenth document request is deficient.

Conclusion

The State's Deficiency Letter fails to demonstrate that any of AECOM's discovery responses are deficient under the Superior Court Rules of Civil Procedure. AECOM asserted specific, fully supported objections where the State's requests were vague, overly broad, premised on improper assumptions, or sought information beyond the scope of permissible discovery. Where appropriate, AECOM nevertheless provided substantive responses in good faith.

The State's disagreement with those objections, and its effort to rewrite its discovery requests after the fact, does not obligate AECOM to revise responses that were proper when served. Because the State has not identified any response that fails to comply with the Rules, and because its Deficiency Letter seeks to expand the scope of discovery rather than address any genuine deficiency, AECOM has no obligation to modify its objections or answers.

Accordingly, AECOM's discovery responses remain legally sufficient and unchanged.

Sincerely,

COZEN O'CONNOR



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