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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 Discovery Deficiency Letter Dated March 17, 2026

Dear Mr. Razavi:

We write on behalf of the Barletta/Aetna I-195 Washington Bridge North Phase 2 JV ("JV") in response to the State of Rhode Island's ("State") letter dated March 17, 2026, concerning the JV's interrogatory responses and document request responses served on October 28, 2025. The State did not raise any issue with those responses until more than four and a half months after they were served. Following receipt of the State's letter, we promptly emailed counsel, proposing a specific conferral date and time slots. The State responded more than a week later—after the proposed conferral window had passed—and instead offered new dates to confer. The parties are now scheduled to meet and confer on April 8, 2026. We address the State's concerns by category below to facilitate our conference.

The JV's Interrogatory Responses Are Grounded in the Operative Contract

As a threshold matter, the State served its interrogatories and document requests largely identically across all thirteen defendants, without regard to the unique roles, contracts, scopes of work, or timelines applicable to each party. Rhode Island Superior Court Rules of Civil Procedure (the "Rules"), Rule 26(b) permits the court to limit discovery that is unreasonably cumulative or duplicative, or where the burden outweighs the likely benefit. The State's one-size-fits-all approach to thirteen defendants is disproportionate. The JV raised this objection at the outset of its responses, and the State's deficiency letter does not address it. Discovery directed to each defendant should account for the disparities between the parties and their unique roles. The JV, for its part, is a single-purpose entity formed for the sole purpose of submitting a proposal and performing the 2021 Design-Build Contract, and for no other purpose. Its responses reflect that limited scope.

The State characterizes the JV's reliance on the 2021 Design-Build Contract and the Bridge Technical Criteria ("BTC") as a "deflection." It is the opposite. The contract and BTC define the JV's scope of work, its obligations, and the standard of care against which its performance must be measured. Every interrogatory the State has propounded, regarding voids, corrosion, fracture-critical elements, risk assessments, and inspection frequency, is answered, in whole or in part, by what the contract required the JV to do. The JV's responses explain that framework and direct the State to the governing documents because those documents *are* the answer.

Expert Opinion and Hypothetical Questions Were Properly Objected To

Several of the State's interrogatories ask what "should have been done," what "industry standards" required, or what a "reasonable" inspection program would have entailed. These are expert opinion questions. The JV properly objected on that basis and is not required to provide expert-level opinions in lay interrogatory responses. Despite those objections, the JV provided substantive factual responses where it could, including descriptions of the work it performed and the contract provisions governing that work. For example, in response to Interrogatory No. 9, which asks what the frequency and scope of post-tensioning inspections "should" have been, the JV explained that the authority having jurisdiction, RIDOT, is responsible for determining inspection frequency and scope. That is a factual answer, not an evasion.

Notably, the State's own retained expert, WJE, has identified deficiencies that rest squarely with the State — not with the JV. WJE found no evidence that an "Owner's Manual" or operations and maintenance manual ever existed for the Washington Bridge, a document that could have called attention to complex elements such as the tie-down rods and specified associated inspection and maintenance procedures. The State, as the owner and authority having jurisdiction, bore responsibility for maintaining an inspection framework adequate to the bridge's complexity, and its own expert has acknowledged it failed to do so. The State's attempt to shift that burden to the JV through discovery should be viewed in that light.

The same dynamic applies to Interrogatory No. 10, where the State faults the JV for "argumentatively blaming the State." That interrogatory asks what methods should have been employed to assess the condition of the post-tensioned cables and grout. The JV's reference to the Lichtenstein report is directly responsive: that report contained specific guidance on measures necessary to accurately assess the condition of the bridge, and the State chose not to provide it

to the JV or other proposers. When the question is "what methods should have been employed," the fact that the owner possessed and withheld the roadmap is a substantive answer.

Vagueness Objections Are Warranted

The State takes issue with the JV's objections to terms like "descriptions of deterioration," "structural deficiency," "fracture-critical elements," "risk assessments," and "critical areas." These objections are well-founded. The Washington Bridge is a complex structure, and the State's interrogatories use broad, undefined terminology that could encompass an enormous range of conditions, many of which may have no bearing on the claims at issue. The JV should not be required to guess at the State's intended meaning. If the State has specific conditions or deficiencies in mind, it should identify them with particularity so the JV can respond meaningfully.

Contention and Damages Interrogatories Were Appropriately Addressed

The State criticizes the JV's responses to contention interrogatories regarding liability theories and damages as "evasive." The JV directed the State to its pleadings, its Answer, Affirmative Defenses, and Counterclaim, as well as the operative contract documents, all of which set forth the JV's contentions. Discovery is ongoing, and the JV has properly reserved the right to supplement its contentions as fact and expert discovery develop in compliance with Rule 33.

Document Production

Turning to document production, the State's complaints are procedural in nature, directed at the form of the JV's responses rather than the substance of its production. The JV has produced nearly 170,000 bates-stamped pages across two productions — BAJV-0000001 through BAJV-0089715 on October 28, 2025, and BAJV-0089716 through BAJV-0169067 on December 18, 2025 — encompassing all non-privileged documents reasonably identified as responsive to the State's requests. No documents have been withheld on the basis of privilege, and accordingly, no privilege log is required.

The State's principal complaint is that the JV failed to affirmatively "confirm whether responsive documents exist" for each individual request. This demand conflates the form of a discovery response with its substance. The JV's production itself confirms the existence and disclosure of responsive documents — the State received nearly 170,000 pages of them. The State has not identified a single category of responsive documents it believes were improperly withheld, nor has it pointed to any gap in the production. Its blanket demand for confirmation is untethered to any specific shortcoming in the JV's production.

To the extent the State takes issue with the JV's objections to individual requests, including its objections to Request Nos. 3, 4, 5, 7, 10, 11, 12, 14, 16, 19, 20, and 21, those objections were asserted in good faith and are consistent with the Rules. Where the JV objected to a request as overbroad or vague, it nevertheless produced documents it reasonably identified as responsive, rather than withholding production entirely. The JV's narrowing of certain requests and application of search terms reflects the proportionality principles embodied in Rule 26(b), which authorizes the court to limit discovery that is unreasonably cumulative, duplicative, or where the burden of the proposed discovery outweighs its likely benefit. The State served substantially identical requests on all thirteen defendants without regard to each party's distinct role, contract scope, or

involvement, an approach that is inherently disproportionate and that the JV was within its rights to address through targeted objections.

The JV conducted its production using search terms, custodians, and date ranges to identify responsive documents, consistent with the parties' ESI Protocol. That protocol expressly provides that "the Party making the discovery request will first propose search terms, date ranges, and custodians." The State has not done so. The State cannot claim the JV's production is deficient when the State itself has not fulfilled its reciprocal obligations under the agreed-upon protocol. To the extent the State wishes to understand the JV's search methodology, propose specific search terms, or identify particular categories of documents it believes are missing from the production, the JV is prepared to discuss these matters in a meet and confer session. To date, however, the State has made no such effort.

Conclusion

The JV has produced a substantial volume of documents, provided good-faith responses grounded in the operative contract and the JV's role, and properly preserved objections where warranted. The JV's responses comply with the Rules. To the extent supplementation becomes appropriate as discovery progresses, the JV will fulfill its obligations under Rule 26(e).

Sincerely yours,

/s/ Benjamin J. Morris

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