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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 April 8, 2026

We write on behalf of the Barletta/Aetna I-195 Washington Bridge North Phase 2 JV ("JV") in response to the State's letter dated April 8, 2026. For context, we briefly summarize the relevant history before addressing the substance of the State's latest letter.

Timeline:

- **July 16, 2025:** The State served its First Set of Interrogatories and First Set of Requests for Production on the JV.
- **October 28, 2025:** The JV timely served its Objections and Responses to both sets of discovery, accompanied by its first document production (BAJV-0000001 through BAJV-0089715).
- **December 18, 2025:** The JV made a second document production (BAJV-0089716 through BAJV-0169067).

- **March 17, 2026:** More than four and a half months after receiving the JV's responses and initial production, the State sent its First Discovery Deficiency Letter. The State's letter requested that the JV respond within ten (10) days of the date of the letter to schedule a meet and confer.
- **March 26, 2026:** JV counsel timely acknowledged receipt and proposed a specific conferral date and times.
- **April 3, 2026:** The State responded to the JV after the proposed conferral window had passed and offered new dates. The JV responded the same day, agreeing to the date and time the State proposed (April 8 at 12:00 p.m. EST).
- **April 6, 2026:** The JV served a detailed, substantive response to the State's deficiency letter.
- **April 8, 2026:** Shortly before the conferral was to occur, the State unilaterally cancelled the scheduled meet and confer without proposing a new date or time. That same day, the State sent the letter to which we now respond.

The significance of this timeline is straightforward. The JV has engaged constructively and promptly at every step. The State waited nearly five months to raise any issue with the JV's responses, delayed conferral, cancelled the scheduled meet and confer without proposing a new date, and then—within two days of receiving the JV's detailed April 6 letter—issued a reply that does not meaningfully engage with the positions set forth in that letter. Instead, the State's April 8 letter largely restates arguments from its original March 17 deficiency letter and, in several instances, mischaracterizes the JV's responses. We invite the State to respond to the issues raised in the JV's April 6, 2026 letter in the context of specific interrogatories the State still believes are at issue and then confer by videoconference.

The JV's Responses to the State's Interrogatories

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

The State's April 8 letter asserts that the JV's responses are deficient because they do not (a) identify specific contract provisions, (b) explain how the JV understood and implemented those provisions, and (c) address the JV's knowledge of conditions on the bridge. This three-part framework is the State's own construct — it does not track the language of any individual interrogatory, and it conflates interrogatories that ask very different questions into a single, one-size-fits-all standard. More fundamentally, it overlooks what the JV provided. The JV's responses are not boilerplate citations to the contract. Where the interrogatories call for narrative responses, the JV provided them. In response to Interrogatory No. 1, the JV explained that the BTC did not identify voids in the post-tensioning grout, that the contract entitled the JV to rely on the BTC, and quoted the 2021 RFP's requirement that proposers incorporate the BTC "without any exceptions to or deviations from" it. In response to Interrogatory No. 5, the JV cited over a dozen contract sections defining the State's oversight role and provided a narrative of the State's involvement during design and construction. In response to Interrogatory No. 7, the JV explained that the 2021 RFP did not identify any existing elements as fracture-critical and that the JV's proposal eliminated the one proposed fracture-critical tie-down at Pier 4 through an approved alternative technical concept. The State's April 8 letter does not address any of these responses.

Expert Opinion and Hypothetical Questions

The State contends that interrogatories asking what "should have been done" or what "industry standards" required are proper contention interrogatories under Rule 33. The JV addressed this in its April 6 letter. The State's April 8 letter does not engage with the JV's response. Instead, it reframes the same argument in different words. The JV's position remains unchanged: where interrogatories call for expert opinions regarding standards of care and what "should" have occurred, the JV properly objected. Despite those objections, the JV provided substantive factual responses, including identifying the authority having jurisdiction (RIDOT) as responsible for determining inspection frequency and scope, and referencing the Lichtenstein report the State withheld from proposers.

Vagueness Objections Are Warranted

The State's April 8 letter accuses the JV of objecting broadly to certain terminology and refusing to answer. The State mischaracterizes the JV's responses. The JV preserved objections to undefined terms—and then answered the interrogatories. Interrogatory No. 6 is illustrative. It asks the JV to "[i]dentify how You monitored contractors' compliance with maintenance standards regarding the Washington Bridge"—without defining which "contractors," which "maintenance standards," or what "compliance" means in this context. The JV objected to the undefined terms but still provided a substantive response: the State did not contract with JV to monitor contractors' compliance with maintenance standards. The same pattern holds across the JV's responses to interrogatories containing vague or undefined terms. The State's April 8 letter does not acknowledge that the JV answered these interrogatories despite its objections.

The JV's Responses to the State's Requests for Production of Documents

Document Production

The JV has produced over 41,500 documents and nearly 170,000 bates-stamped pages in two productions, encompassing two broad categories of materials: (1) the electronic project file records for the Project, and (2) custodial email productions. No responsive documents identified in the JV's collection and review have been withheld on the basis of privilege. The JV's document collection and production were comprehensive and conducted at significant expense. The State's April 8 letter demands disclosure of the JV's search parameters but ignores that the JV already invited the State to discuss them. As the JV stated in its April 6 letter: "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." The State cancelled the meet and confer.

Nevertheless, we provide more details here and retain all claims of attorney work product and attorney-client privilege regarding this process beyond the information specifically disclosed below.

From the server files collected, we identified records specifically responsive to the State's Requests for Production and included them in the productions. Additionally, the JV collected and reviewed emails for eight project custodians: (1) Vincent Barletta, (2) Michael Foley, (3) James Fitzpatrick, (4) Brian Blackerby, (5) Kyle Ferreira, (6) Tom Day, (7) George Volpicelli, and (8) Chris

Rocha. Emails were threaded and de-duplicated, and based on the JV's involvement with the Project, emails were culled to include records between January 2021 and December 2024.

In addition to the direct identification and production of records from the JV's servers, the following "project identifiers" were then applied as search terms to the electronic server documents and emails to identify records relating to the Project:

- (wash* and bridge) OR "washington bridge" OR "WB" OR "I-195" OR "I195"
- wash* AND bridge
- wash* w/3 bridge
- washington bridge
- 7611889
- 2021-DB-020
- "Job # 2102" or "job no 2102"
- (job or project) w/4 2102
- "Barletta Aetna I-195 Washington Bridge North Phase 2 Joint Venture"
- BAJV or Barletta-Aetna JV or Barletta/Aetna JV

To the resulting data set, the following search terms were developed, which are directly tied to the State's Requests for Production and the State's Amended Complaint, and were applied to the data set:

- Grout and void w/10 (post tension* or PT) and (cable or tendon or beam)
- (Corrosion or corrod*) w/10 (post tension* or PT)
- Timesheet
- (Test w/5 data or result*) or inspect* or eval* or analys* or report* or assessment* or protocol*
- (Cantilever w/3 beam) and (abutment or pier)
- (tie-down or "anchor rod" or tie-rod or "tie down" or "tie rod") and eval* and (abutment or pier)
- Structural w/3 (integrity or capacity or strength)
- Deficien* and inspect*
- Bridge and inspect*
- (Bridge and rehab*) and strateg* or plan* or steps
- Oversight or error
- "risk assessment"
- Engineer* w/3 (report or assessment or analys*)
- (Post tension* or PT) and condition and (cable or tendon or grout)
- Fracture-critical w/3 element*
- Assessment w/3 critical
- Radiographic or "ground penetrating radar" or "GPR" or "ultrasonic shear wave tomography" or "MIRA"
- Lichtenstein
- "Non-visual testing"
- ("Differing Site Condition" or DSC) and "Pier 6" or "Pier 7"
- "base technical concept" or BTC
- 21-DB-020
- "Washington Bridge - Pier 7 - West Cantilever @ Beam A"

- (Broke* or expose*) and (tie-down or “anchor rod” or tie-rod or “tie down” or “tie rod”)
- “Critical finding”
- “Cantilever concrete spans”
- “West cantilever”
- “Beam A” and pier 7
- “Pier 6” or “pier 7”
- Neck* and “steel rod*”
- “Cantilever span” and bounc* w/5 bearing
- Sever* w/10 prestress* rod
- Defect*
- “Corrective action”
- Inspection and “poor condition”
- “Structural inspection”
- Penetration and structural or existing steel
- “Beam end repair”
- “Da Lomba” and tie-down and “sheared at the top”
- PT strand* and “pre-cast concrete beams”
- “Safe span” or safespan
- “Gusset plate”
- Spall w/10 beam
- “concrete deterioration”
- “post-tensioned, prestressed concrete cantilever that supports the drop-in girder of span 8”
- Steel and “span 7”
- Tension* w/5 test*

Also, the following “excluders” were applied to eliminate documents unrelated to the Washington Bridge:

- JAMESTOWN VERRAZZANO BRIDGE
- Sumner Tunnel
- Henderson Bridge
- New Bedford
- Oak Grove
- Middlesex Turnpike
- Highline Bridge
- Somerville
- HOPKINTON w/3 WESTBOROUGH
- Haverhill
- Alstom
- (Newport or Pell) w/3 Bridge
- Putnam Pike
- Chelsea Creek
- 6/10 Interchange Reconstruction or 6/10 Construction OR 6-10
- Blue Line Early Access
- Pawtucket Commuter Rail Station

- Charter Oak
- O&G BHD JV
- 495/90 OR Gold Team
- Hopkinton-Westborough

After all of these searches were performed, additional reviews and QC checks were performed before production.

The JV received the State's proposed ESI search terms for the first time on April 10, 2026—nearly nine months after the State served its discovery requests and after the JV spent significant hours and incurred large costs performing the above procedures to identify and timely produce responsive documents. The State's proposal is untimely, the terms are not directly tied to the State's Requests for Production or the JV's limited history with the Washington Bridge, are internally duplicative or overbroad, and are largely duplicative of the searches already performed. Therefore, the JV does not intend to re-run its collection.

As with the State's March 17 letter, the April 8 letter has not identified a single category of responsive documents the State believes were improperly withheld, nor has it pointed to any gap in production. The State's grievances remain procedural in nature.

Conclusion

The JV has responded to the State in a timely manner and made itself available to meet and confer, but those efforts have been frustrated by the State's delays, cancellation of the scheduled conference, and failure to respond to scheduling efforts. If you would like to set a call to discuss any of the above, please let us know.

Sincerely yours,

/s/ Benjamin J. Morris

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