STATE OF RHODE ISLAND

PROVIDENCE, SC. **SUPERIOR COURT**

STATE OF RHODE ISLAND, ***Plaintiff*,**	:	
v.	:	**C.A. No. PC-2024-04526**
AECOM TECHNICAL SERVICES, INC., AETNA BRIDGE COMPANY, ARIES SUPPORT SERVICES INC., BARLETTA HEAVY DIVISION, INC. BARLETTA/AETNA I-195 WASHINGTON BRIDGE NORTH PHASE 2 JV, COLLINS ENGINEERS, INC., COMMONWEALTH ENGINEERS & CONSULTANTS, INC., JACOBS ENGINEERING GROUP, INC., MICHAEL BAKER INTERNATIONAL, INC., PRIME AE GROUP, INC., STEERE ENGINEERING, INC., TRANSYSTEMS CORPORATION, and VANASSE HANGEN BRUSTLIN, INC. ***Defendants*.**	:	

DECISION

STERN, J. Before this Court is AECOM Technical Services, Inc.'s ("AECOM") Motion to Compel Responses to Request for Admissions and Motion to Deem Matters Admitted against the State of Rhode Island ("the State"). Also before this Court is Barletta/Aetna I-195 Washington Bridge North Phase 2 JV's ("JV") Third Motion to Compel against the State.

I

Facts and Travel

This discovery dispute arises out of the ongoing litigation regarding the Washington Bridge Project.[1] **(**Mem. of Law in Supp. of Pl.'s Consolidated Obj. to (1) Def./Counterclaimant Barletta/Aetna I-195 Washington Bridge North Phase 2 JV's Third Mot. to Compel and (2) Def. AECOM Technical Services, Inc.'s Mot. to Compel Pl.'s Resps. to Req. for Admissions & to Deem Reqs. Admitted (State's Obj.) 1-3.) In June 2025, JV served its first and second sets of interrogatories on the State. (Barletta/AETNA I-195 Washington Bridge North Phase JV's Mem. of Law in Supp. of its Third Mot. to Compel (JV Mot. to Compel) 2.) In September 2025, the State served its initial responses to JV's interrogatories. (JV Mot. to Compel 2; State's Obj. 3.) Also in September 2025, AECOM served its First Request for Admission on the State. (Def. AECOM Technical Services, Inc.'s Mem. of Law in Supp. of its Mot. to Compel Pl.'s Resps. to Reqs. for Admissions & to Deem Reqs. Admitted. (AECOM Mot. to Compel) 2.) The State served its initial responses to AECOM's requests for admission on November 26, 2025. (AECOM Mot. to Compel 3; State's Obj. 4.)

JV and AECOM were not satisfied the State's responses, and the parties engaged in conferral efforts and supplemental discovery practice. In January and February 2026, the State served supplemental responses to JV's interrogatories, and, on February 5, 2026, the State served supplemental responses to AECOM's requests for admission. (JV Mot. to Compel 2-4; AECOM Mot. to Compel 3; State's Obj. 3-4.) The filings reflect that, despite those supplemental

[1] As the underlying case has a long and complex factual and procedural history that has been covered in detail in other decisions, this Court will focus on the procedural facts relevant to the present dispute.

responses and further conferral, the discovery disputes remained unresolved. (JV Mot. to Compel 3-4; AECOM Mot. to Compel 3-5; State's Obj. 4.)

On March 27, 2026, JV filed its Third Motion to Compel, and AECOM filed its Motion to Compel Plaintiff's Responses to Requests for Admission and to Deem Requests Admitted. (Docket.) On April 3, 2026, the State filed a consolidated objection to both motions. *Id.* On April 8, 2026, both JV and AECOM filed replies. *Id*. These consolidated discovery motions then came before the Court for hearing on April 15, 2026. *Id*.

II

Analysis

A

JV's Interrogatories

Interrogatories are a well-established part of pre-trial discovery. *See Thompson v. Thompson*, 554 A.2d 1041, 1042 (R.I. 1989). Accordingly, this Court has broad discretion in granting or denying the present motions. *Colvin v. Lekas*, 731 A.2d 718, 720 (R.I. 1999) (citations omitted). However, this Court's discretion is constrained by Rule 33 of the Rhode Island Superior Court Rules of Civil Procedure, which governs interrogatories. Rule 33 requires that "[e]ach interrogatory shall be answered separately and fully in writing under oath. If the interrogatory is objected to, the reasons for the objection shall be stated." Super. R. Civ. P. 33(a). Moreover, each "party shall answer to the extent the interrogatory is not objectionable." *Id*.

"To be deemed to have failed to serve a written response, a party need not fail to respond entirely; instead, 'an evasive or incomplete answer or response is to be treated as a failure to answer or respond.'" *Joachim v. Straight Line Products, LLC*, 138 A.3d 746, 753 (R.I. 2016) (quoting *Aguayo v. D'Amico*, 981 A.2d 1016, 1017 (R.I. 2009) (mem.)); *see Rickles, Inc. v.*

Frances Denney Corp., 508 F. Supp. 4, 7 (D. Mass. 1980) (citing Fed. R. Civ. P. 37(a)(3)) (holding that an "'an evasive or incomplete answer to an interrogatory is to be treated as a failure to answer.'"). There is no specific rule in Rhode Island for determining whether a response is incomplete or evasive. However, some courts have held that responses that omit details included in the complaint or "neither clarify nor narrow the broad issues posed by the complaint" are incomplete or evasive. *Rickles, Inc.*, 508 F. Supp. at 7 (citing *U. S. v. West Virginia Pulp and Paper Co.*, 36 F.R.D. 250 (S.D.N.Y.1964)).

Rule 33(d) also allows a party, in lieu of a traditional response to an interrogatory, to respond by "specify[ing] the records from which the answer may be derived or ascertained and to afford to the party serving the interrogatory reasonable opportunity to examine, audit or inspect such records and to make copies, compilations, abstracts or summaries." Super. R. Civ. P. 33(d). However, this alternative is not a complete replacement for traditional responses and, crucially, it requires that "the burden of deriving or ascertaining the answer is substantially the same for the party serving the interrogatory as for the party served". *Id*. Moreover, it is also required that "[a] specification shall be in sufficient detail to permit the interrogating party to locate and identify, as readily as can the party served, the records from which the answer may be ascertained." *Id*. This requirement is contextual, but imposes a heightened duty on the responding party. For example, the court in *Puerto Rico Aqueduct & Sewer Authority v. Clow Corp.*, 108 F.R.D. 304 (D.P.R. 1985), found that a party that "identified by serial number, organized and assembled the documents," "explained how the information can be found in the documents," and "offered 'reasonable assistance'" in locating the documents met the required level of specificity. *Id*. at 307. On the other hand, simply admitting the existence of documents or records is insufficient. *Id*.

Accordingly, based on this standard, this Court finds that the State's response to JV's Interrogatory No. 7 and No. 8 are insufficient. The State's response to Interrogatory No. 7 fails in that it does not actually answer JV's question. The State's response is almost entirely a quote from the "RFP." (JV Mot. Ex. E at 3-6.) While the State's response covers a broad variety of topics, it is unclear how the quoted language addresses JV's interrogatory regarding Piers 6 and 7. In other words, it fails to provide any clarity in response to JV's relatively straightforward question.

Similarly, this Court finds that the State's response to Interrogatory No. 8 is insufficient. First, the State's responses fail to completely answer Interrogatory No. 8. The clear text of Interrogatory No. 8 requests that for each "response that is not an unqualified admission," the State provide the number of the request for admission, the facts upon which the State is basing its response, the "names, addresses, and telephone numbers of all persons who have knowledge of those facts," and the "DOCUMENTS and other tangible things" that support the State's response as well as the contact information for whoever possesses those "DOCUMENTS and other tangible things." *Id*. at 6. The State did not do this, and instead offered all the information in a large block that encompassed all unqualified non-admissions. *Id*. The State also did not provide all the requested detail in their block response either. *Id*. While correctly responding may result in repetition, this Court finds any such repetition does not justify deviation from providing a full, complete answer to Interrogatory No. 8.

Second, the State's response also fails in that its citation to the record is too broad to serve as a response under Rule 33(d). Rule 33(d) clearly establishes that a responding party may only refer to documents when "the burden of deriving or ascertaining the answer is substantially the same for the party serving the interrogatory as for the party served[.]" The burden here is clearly

not equal. For example, in its third supplemental response, the State cited over 240,000 pages of discovery in support of its response to a single request for admission. *Id.* at 8. This is not to say that the State may not cite to a range of documents, but rather that citing to hundreds of thousands of documents as support for dozens of responses does not constitute an equal burden on both parties. *Id.*

Accordingly, for these reasons, this Court will grant JV's Motion to Compel the State to respond to Interrogatory No. 7 and No. 8 as written.

B

AECOM's Requests for Admission

Much like interrogatories, this Court also has broad discretion to manage disputes regarding requests for admission. *Colvin v. Lekas*, 731 A.2d 718, 720 (R.I. 1999) (citations omitted). However, "[a]n answering party may not give lack of information or knowledge as a reason for failure to admit or deny unless the party states that the party has made reasonable inquiry and that the information known or readily obtainable by the party is insufficient to enable the party to admit or deny." Super. R. Civ. P. 36(a). "The answer shall specifically deny the matter or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter." *Id.* Similarly, "[a] denial shall fairly meet the substance of the requested admission, and when good faith requires that a party qualify an answer or deny only a part of the matter of which an admission is requested, the party shall specify so much of it as is true and qualify or deny the remainder." *Id*.

Addressing AECOM's first group of objections, this Court finds that the State's answer to Request for Admission No. 1 is unsatisfactory. Namely, the State's answer fails to offer any substantive detail to explain why it is incapable of providing an answer as to whether the State

provided the Lichenstein Report to AECOM. (AECOM Mot. Ex. C. at 1-2.) The unsatisfactory nature of the State's response is especially apparent considering the information sought should be within the State's control and relatively easy for the State to find. Accordingly, this Court finds that the State's response to Request for Admission No. 1 does not comply with Rule 36.

However, this Court rejects AECOM's second group of objections as they relate to Request for Admission Nos. 6, 9, 18, 20, 39, 47-49, and 59. As noted *supra*, when objecting to a question, a party is required to offer a explanation as to why they cannot offer a denial or admission at this time. Each challenged admission in this second group of responses offers such an explanation. Each response identifies the specific terms the State is objecting to and offers explanations as to why the State cannot respond at this time. A number of these responses also include admissions, albeit qualified. Therefore, this Court will deny AECOM's motion as to these Requests for Admission.

Similarly, this Court disagrees with AECOM's fourth group of objections regarding Requests for Admission Nos. 58 and 59. While the State did offer some qualifications to its answers, the clear text of Rule 36(a) allows for this. Accordingly, this Court denies AECOM's motion to compel responses for these requests for admissions.

AECOM's third group of objections, which relate to Requests for Admissions Nos. 13, 38, and 39, deal with claims involving privilege and thus warrant a separate analysis. A party may seek discovery that

> "require[s] any other party to identify each person whom the other party expects to call as an expert witness at trial, to state the subject matter on which the expert is expected to testify, to state the substance of the facts and opinions to which the expert is expected to testify, and to summarize the grounds for each opinion." Super. R. Civ. P. 26(b)(4)(A).

However, such questions are not limitless in scope. The Superior Court Rules of Civil Procedure defer to scheduling orders when determining the appropriate time for expert disclosures. *See* Super. R. Civ. P. 26(b)(4)(A). Moreover, as "'manag[ing] [the] trial calendar is among the most difficult of all judicial assignments,'" it is doubly important that this Court ensure all parties abide by the scheduling order. *Boucher v. Galvin*, 571 A.2d 35, 37 (R.I.1990); *see also Albanese v. Town of Narragansett*, 135 A.3d 1179, 1185–86 (R.I. 2016) (quoting *Boucher v. Galvin*, 571 A.2d 35, 37 (R.I.1990)) (affirming that Courts have broad discretion in managing their calendars).

With this standard in mind, this Court will deny AECOM's motion as it pertains to Request for Admission Nos. 13, 38, and 39. This Court will not address either parties' arguments regarding attorney-client privilege as the State's ultimate admission to Request for Admission No. 13 renders such an analysis unnecessary. As to Request for Admission Nos. 38 and 39, AECOM's interrogatories would, in effect, ask the State to make admissions that rely almost entirely on expert testimony and consultation. This Court's scheduling order established that expert disclosures would not be due until October of this year. (Scheduling Order 2.) Accordingly, this Court will not permit AECOM to bypass this present structure.

III

Conclusion

This Court will **GRANT** JV's Motion to Compel answers to Interrogatory Nos. 7 and 8. The State will have twenty days from the date of the order to respond. This Court **GRANTS IN PART** and **DENIES IN PART** AECOM's Motion to Compel as to Request for Admission No. 1 to the extent that the State must properly respond but may, if appropriate, object to the question in its response. This Court **DENIES** AECOM's Motion to Compel as it relates to all other

disputed Requests for Admission. The State will have twenty days from the date of the order to respond. This Court will also **DENY** without prejudice AECOM's Motion to Deem Matters Admitted and **DENY** AECOM's request for reasonable expenses. Counsel shall prepare the appropriate order for entry.