

STATE OF RHODE ISLAND  
PROVIDENCE, SC

SUPERIOR COURT

STATE OF RHODE ISLAND,

*Plaintiff,*

v.

AECOM TECHNICAL SERVICES, INC., *et al.*,

*Defendant.*

C.A. No. PC-2024-04526

**DEFENDANT AECOM TECHNICAL SERVICES, INC.’S MEMORANDUM OF LAW  
IN SUPPORT OF ITS *RENEWED* MOTION TO COMPEL PLAINTIFF STATE OF  
RHODE ISLAND’S ANSWERS TO AECOM’S FIRST SET OF INTERROGATORIES**

**INTRODUCTION**

This *renewed* motion to compel arises from Plaintiff, The State of Rhode Island’s (the “State”) persistent failures to cure deficient interrogatory responses, notwithstanding its explicit agreement to do so, including making such representations to the Court during various monthly status hearings. In December 2025, after Defendant, AECOM Technical Services, Inc. (“AECOM”) filed a motion to compel, the State agreed to serve full amended responses, leading AECOM to withdraw its motion without prejudice in reliance on those representations. The State’s February 2, 2026 “supplemental” responses, however, did not cure the deficiencies AECOM previously identified.

Many of AECOM’s interrogatories seek the specific factual bases for the allegations set forth in the State’s Amended Complaint, including the acts or omissions the State contends give rise to liability, the facts supporting its notice and causation theories, and the bases for its claimed damages. These interrogatories go to the core of the State’s case. Yet the State has repeatedly

failed—or refused—to articulate those facts, instead relying on boilerplate objections, circular cross-references, broad document citations, and vague assertions that “discovery is ongoing.”

The State’s inability to provide substantive answers to interrogatories directed at its own pleaded allegations reflects a broader problem than isolated discovery deficiencies. Rule 33 exists to require parties to disclose the factual bases of their claims so that litigation may proceed on defined and testable theories. The State’s approach deprives AECOM of the ability to conduct meaningful discovery, prepare its defenses, and evaluate the merits of the claims asserted against it.

The State’s deficient responses fall into three principal categories: (1) the State’s total failure to provide a substantive damages response to Interrogatory No. 21 – noting that at no time including in its Amended Complaint, has the State identified any financial or other damages it is seeking; (2) the State’s systemic violations of Rule 33, including improper reliance on Rule 33(d) “document dumps,” circular references, boilerplate objections, and “discovery is ongoing” reservations; and (3) the State’s refusal to disclose the factual bases underlying its theories of liability and causation.

Because the State has failed to serve full, Rule 33-compliant responses as it agreed to provide, the Court should compel complete and specific answers by a date certain, and grant such further relief as it deems appropriate.

### **RELEVANT PROCEDURAL / FACTUAL BACKGROUND<sup>1</sup>**

On September 5, 2025, AECOM served its First Set of Interrogatories on the State pursuant to Rule 33.<sup>2</sup> Those interrogatories seek core factual information underlying the State’s claims,

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<sup>1</sup> The parties have previously presented the factual background of this case in detail, and AECOM limits this section to the procedural history relevant to the present dispute. Should the Court wish for a more detailed statement of the underlying case’s facts, AECOM requests that the Court inform AECOM of such a desire.

<sup>2</sup> See **Ex. A**, AECOM’s First Set of Interrogatories.

including the specific acts and omissions the State contends give rise to AECOM's liability, the factual bases for its causation theories, and the actual damages it claims to have suffered.

The State served its initial responses on October 20, 2025.<sup>3</sup> Those responses did not provide full substantive answers to numerous interrogatories. Among other deficiencies, the State asserted "counting" objections, relied on privilege and "premature expert opinion" objections to factual interrogatories, failed to provide narrative responses, and failed to provide any substantive information on the damages it claims in this litigation.

AECOM promptly raised these deficiencies through numerous written deficiency notices, correspondence, and meet-and-confer discussions.<sup>4</sup> Those efforts did not resolve the dispute. As a result, AECOM filed a motion to compel on December 18, 2025, which was scheduled for hearing on January 26, 2026.

Just in advance of that hearing, pursuant to this Court's suggestion, the parties engaged in further discussions and reached an agreement pursuant to which the State agreed to serve amended responses and to provide answers without reliance on its prior counting objections.<sup>5</sup> In reasonable reliance on those representations, AECOM withdrew its motion to compel without prejudice on January 23, 2026.<sup>6</sup>

On February 2, 2026, the State served "supplemental" responses.<sup>7</sup> Although those responses removed certain counting objections, they did not cure the deficiencies that prompted AECOM's initial motion to compel. In its February 2, 2026 response, the State again declined to provide complete, narrative answers, including any damages information responsive to

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<sup>3</sup> See **Ex. B**, State's Initial Answers to AECOM's First Set of Interrogatories.

<sup>4</sup> See **Ex. C**, AECOM Deficiency Letter dated September 19, 2025; **Ex. D**, AECOM Deficiency Letter dated November 12, 2025.

<sup>5</sup> See **Ex. E**, January 20, 2026 Email Correspondence between the Parties.

<sup>6</sup> See **Ex. F**, Stipulation to Withdraw Motions to Compel.

<sup>7</sup> See **Ex. G**, State's Supplemental Responses dated February 2, 2026.

Interrogatory No. 21, and instead relied on boilerplate objections, cross-references, and sweeping document citations.

As a result, on February 26, 2026, AECOM served a new deficiency letter on the State identifying those uncured deficiencies and advising that it would renew its motion to compel absent full compliance.<sup>8</sup> After receiving no response, AECOM followed up on March 6, 2026 to confirm that it would proceed with a motion to compel.<sup>9</sup> The State did not serve further amended responses.

This *renewed* motion follows.

### **LEGAL STANDARD**

#### **A. Rule 33 Requires Separate, Full, and Substantive Answers to Interrogatories.**

Rule 33(a) requires that “each interrogatory shall be answered separately and fully in writing under oath.” R.I. Super. Ct. R. Civ. P. 33(a). Answers must be complete when served, and the responding party must “answer to the extent the interrogatory is not objectionable.” *Id.* Rule 26(e) imposes a duty to supplement only if the party learns its response was incorrect when made, or is no longer true or complete. R.I. Super. Ct. R. Civ. P. 26(e)(2). Rule 33(c) provides that amended answers must be served within a reasonable time after information rendering the prior answer incomplete or incorrect is obtained, but no later than thirty days before trial. R.I. Super. Ct. R. Civ. P. 33(c).

Neither Rule 33 nor Rule 26 permits a party to provide incomplete answers with a reservation to supplement later. The duty to supplement arises only after a complete response has been provided, and new information is subsequently acquired. As the Committee Note to Rule

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<sup>8</sup> See **Ex. H**, AECOM Deficiency Letter dated February 26, 2026.

<sup>9</sup> See **Ex. I**, AECOM email to the State dated March 6, 2026.

33(c) emphasizes, “the obligation to supplement applies to *incorrect*, as well as incomplete answers”—not to non-answers.

**B. Contention Interrogatories**

Interrogatories seeking the factual bases for allegations asserted in a complaint—commonly referred to as contention interrogatories—are proper and routinely compelled. Such interrogatories may require a party to identify the facts supporting its claims, the acts or omissions it contends give rise to liability, and the bases for its theories of causation and damages.

Courts consistently reject objections to contention interrogatories on the ground that they seek “contentions,” “legal conclusions,” or matters addressed in pleadings. A party may not rely on its complaint as a substitute for answering interrogatories that seek the factual support for the allegations pleaded. Nor may it avoid answering by directing its opponent to document productions or other materials from which those facts might be inferred. *See In re Savitt/Adler Litig.*, 176 F.R.D. 44, 49–50 (N.D.N.Y. 1997) (responses referring generally to documents rather than stating facts supporting allegations were insufficient); *Cont’l Ill. Nat’l Bank & Tr. Co. v. Caton*, 136 F.R.D. 682, 688 (D. Kan. 1991) (interrogatories seeking factual bases for claims must be answered and cannot be satisfied by reference to pleadings).

Rule 33(d) does not alter this analysis. Because documents ordinarily reveal evidence rather than a party’s contentions, Rule 33(d) may not be used to avoid answering contention interrogatories that seek the factual bases of a party’s claims. *See United States ex rel. Landis v. Tailwind Sports Corp.*, 317 F.R.D. 592, 595–96 (D.D.C. 2016).

Contention interrogatories also are not rendered improper or premature simply because discovery is ongoing. A responding party is required to answer based on the information presently known or reasonably available to it, and may supplement its responses as appropriate under Rule

26(e). The rules do not permit a party to withhold the factual bases of its claims pending the completion of discovery.

**C. Incomplete or Evasive Answers Warrant Relief Under Rule 37**

If a party fails to answer an interrogatory as required by Rule 33, the requesting party may move for an order compelling a proper response. R.I. Super. Ct. R. Civ. P. 37(a). An “evasive or incomplete answer” is treated as a failure to answer and warrants relief. *Devaney v. St. Thomas More Catholic Church*, 285 A.3d 23, 27 (R.I. 2022).

Courts have broad authority to compel full and complete responses where a party’s answers are deficient, and to require that interrogatories be answered in a manner that provides clear, direct, and non-evasive factual disclosures. *Colvin v. Lekas*, 731 A.2d 718, 720 (R.I. 1999).

**D. Rhode Island Authority on Discovery and Judicial Discretion.**

Rhode Island courts routinely look to federal interpretations of analogous rules for guidance. *See Rhode Island Economic Development Corp. v. Wells Fargo Securities, LLC*, No. PB125616, 2014 WL 3407982, at FN 3 (R.I.Super. July 07, 2014) (“When Rhode Island caselaw provides ‘little guidance’ on discovery issues, Rhode Island courts can ‘look to the federal courts for assistance.’”) (internal citations omitted).

**ARGUMENT**

As set forth above, many of AECOM’s interrogatories seek the factual bases for the allegations asserted in the State’s Amended Complaint, including the acts or omissions allegedly giving rise to liability, the facts supporting the State’s notice and causation theories, and the bases for its claimed damages. Such interrogatories are proper and must be answered.

Yet instead of identifying those facts directly, the State repeatedly relies on conclusory assertions, circular cross-references, broad document citations, and reservations that discovery is ongoing. Rule 33 does not permit a party to avoid answering interrogatories seeking the factual

support for its own allegations by directing its opponent to infer those facts from pleadings or document productions.

These deficiencies are not merely technical. Without interrogatory-specific factual disclosures, AECOM cannot meaningfully evaluate the State's theories, conduct targeted discovery, prepare expert analyses, or assess the claims asserted against it. Accordingly, the Court should compel the State to provide complete, narrative, and interrogatory-specific responses.

**I. THE STATE SHOULD BE COMPELLED TO PROVIDE A FULL SUBSTANTIVE RESPONSE TO INTERROGATORY NO. 21.**

Interrogatory No. 21 seeks foundational information regarding the State's alleged damages, including the categories alleged, the amounts claimed, methods of calculation, the conduct allegedly causing such damages, and supporting documents. This information is all the more critical in this case given that no such information was provided in the State's initial or Amended Complaint. Specifically, it requires the State to:

For each category of damages the State claims against AECOM in this Litigation, provide an itemized list of damages stating and identifying with specificity: (a) the amount of each claimed item of damage and the method by which it was calculated; (b) a description of the actual physical damage and/or economic damage allegedly suffered; (c) the specific act(s) or omission(s) by AECOM that the State contends caused each item of damage; (d) the date(s) on which the State incurred or discovered each category of damage; (e) the legal or contractual basis for asserting each item of damage; (f) the documentary support for each item of damage, including contracts, purchase orders, invoices, and proof of payment; (g) whether the item is claimed as a direct or consequential damage; (h) any measures undertaken by the State to mitigate such damages; (i) any allocation of the State's damages performed as among the defendants or other parties; and (j) whether the State has claimed or recovered all or any portion of such damage from another source.

Despite multiple opportunities, the State has failed to provide any substantive response to this basic foundational inquiry. The State's response is as follows:

The Plaintiff objects to this Interrogatory as prematurely seeking the Plaintiff's experts' opinion(s) and because discovery is ongoing and investigation continues. The Plaintiff further objects to subpart (j) of

this Interrogatory because it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence consistent with the collateral source rule, which holds “that evidence of payments made to an injured party from sources independent of a tort-feasor are inadmissible and shall not diminish the tortfeasor’s liability to the plaintiff.” *Votolato v. Merandi*, 747 A.2d 455, 463 (R.I. 2000) (quoting *Gelsomino v. Mendonca*, 723 A.2d 300, 301 (R.I. 1999)); *see also Colvin v. Goldenberg*, 108 R.I. 198, 202, 273 A.2d 663, 666 (1971) (explaining that the collateral source rule “requires a tort-feasor to pay in full the damages suffered by the injured person without credit for any amounts received by the injured person from sources independent of the defendant”); *Ins. Co. of N. Am. v. Kayser-Roth Corp.*, 1999 WL 813661, at \*43 (R.I. Super. July 29, 1999) (Hurst, J.) (stating that the collateral source “doctrine applies to contract as well as tort cases”) (collecting cases), *aff’d in part and vacated in part*, 770 A.2d 403 (R.I. 2001). Subject to said objections and without waiving same, the Plaintiff will supplement this response as required by the Superior Court Rules of Civil Procedure and the Court’s Scheduling Order.

The State’s response to Interrogatory No. 21 is not merely incomplete; it is a functional non-answer. The State asserts boilerplate objections—such as “premature expert opinion,” “ongoing discovery,” and “collateral source”—and indicates it will “supplement later.” Not a single subpart was answered. This constitutes a violation of Rule 33 and warrants relief under Rule 37.

Courts routinely reject this type of non-answer. In *Wells Fargo Bank, N.A. v. Wasserman*, the United States District Court for the District of Rhode Island held that interrogatory answers failed to itemize damages, identify discrete amounts, provide computations, or set forth the factual basis for the claimed damages were “patently deficient” and patently non-responsive, and therefore treated as a failure to answer under Rule 33. *Wells Fargo Bank, N.A. v. Wasserman*, No. CA 10-61 S, 2011 WL 3878368, at \*4–5 (D.R.I. July 15, 2011). The court expressly rejected attempts to defer damages disclosure by promising future supplementation, emphasizing that Rule 33 requires a complete response at the time it is served. *Id.* at 8-10.

The same rule was articulated in *American Oil Co. v. Pennsylvania Petroleum Products Co.*, where the United States District Court for the District of Rhode Island held that interrogatories requiring a party to “state in detail the manner or manners in which [it] was greatly damaged[,]” assign amounts to each category, and describe the methods of calculation were proper and not objectionable. *Am. Oil Co. v. Pennsylvania Petroleum Prods. Co.*, 23 F.R.D. 680, 683 (D.R.I. 1959). The court explained that an interrogatory “is not subject to valid objection merely because it calls for matters of opinion or contention,” and that the relevant inquiry is whether the answer will clarify issues and lead to evidence. *Id.*; *see also AVX Corp. v. Cabot Corp.*, 252 F.R.D. 70, 74-78 (D. Mass. 2008) (rejecting a party’s attempt to delay damages computations until expert analysis was complete).

Together, these decisions establish a straightforward principle: a party seeking damages must disclose, in response to interrogatories, the damages it claims, the amounts assigned to each category to the extent known, and the methods used to compute those amounts. A party may not avoid that obligation by invoking expert discovery, asserting prematurity, or promising to supplement later.

Measured against these standards, the State’s response to Interrogatory No. 21 falls far short. The State provides no damages categories, figures, calculations, causal explanations, or supporting documents—only objections and deferral language. The State has therefore failed to answer Interrogatory No. 21 as required by Rule 33. Given the status of discovery, coupled with the fact that the State has not produced any support or calculation for its damages, whatever they may be, in its productions to date, makes it impossible for AECOM (or the other defendants) to formulate a strategy in its defense, or to take fact depositions that involve this topic. The prejudice to AECOM is manifest, and the fact that the State still cannot articulate or identify its damages to

any extent raises further questions as to the efficacy of its claims and this lawsuit. Having to wait for some unidentified “expert” to determine if and how the State may or may not have been damaged is highly problematic and cannot be allowed to stand.

## **II. THE STATE’S SUPPLEMENTAL RESPONSES ARE SYSTEMICALLY DEFICIENT AND VIOLATE RULE 33.**

The State’s February 2, 2026 “supplemental” responses do not cure the deficiencies prompting AECOM’s original motion to compel. Although the State removed certain counting objections, it continues to withhold the interrogatory-level factual disclosures required by Rule 33.

Instead of providing direct factual answers, the State repeatedly relies on generalized assertions, circular cross-references, broad document citations, and reservations that “discovery is ongoing.” Representative examples of these deficiencies are summarized in **Exhibit J**, which identifies the interrogatories at issue, summarizes the State’s responses, explains the deficiencies in those responses, and identifies the relief necessary to cure them.

### **A. The State Fails to Provide Narrative, Fact-Based Answers (see Interrogatory Nos. 2(c), 3(c), 3(e), 4(c), 4(d), 6(a), 6(c), 7(a), 7(c), 7(d), 8(a), 9(b), 10(a), 10(b) and 22).**

Rule 33 requires a responding party to state the facts underlying its claims. Where interrogatories seek the factual bases for liability, notice, causation, or damages, the responding party must provide narrative answers identifying what it contends occurred, when it occurred, and how it caused harm.

Courts consistently enforce this requirement. Interrogatory responses that fail to identify the factual bases for asserted claims—and instead rely on generalized assertions, legal conclusions, or document references—are “patently deficient” and violate Rule 33. *Wells Fargo Bank*, 2011 WL 3878368, at \*4-5, 8-10. Likewise, interrogatories properly may require a party to disclose the factual bases of its allegations, and objections that such interrogatories seek “contentions” or “legal

conclusions” are unfounded. *B-H Transp. Co. v. Great Atl. & Pac. Tea Co.*, 44 F.R.D. 436, 438–39 (N.D.N.Y. 1968); *Sargent-Welch Sci. Co. v. Ventron Corp.*, 59 F.R.D. 500, 502–03 (N.D. Ill. 1973).

Courts also reject the precise approach the State has taken here: responding to interrogatories by pointing back to pleadings or repeating allegations. Such responses are not answers; they merely restate that allegations are believed to be true. *Cont’l Ill. Nat’l Bank & Tr. Co. v. Caton*, 136 F.R.D. 682, 688 (D. Kan. 1991). Only the responding party, i.e. the State, can articulate the factual bases of its own claims. *DMO Norwood LLC v. Kia Am., Inc.*, 691 F. Supp. 3d 252, 260-61 (D. Mass. 2023).

Measured against these standards, the State’s responses fall far short. Across multiple interrogatories, the State asserts that AECOM “failed to conduct adequate inspections,” “knew or should have known” of certain conditions, or “caused” the bridge closure, but does not identify the specific facts supporting those conclusions.<sup>10</sup> The State does not explain *what* AECOM did wrong, *when* it did so, *who* was involved, or *how* those actions allegedly led to the State’s alleged damages.

The State’s responses amount to mere conclusions rather than substantive answers. By neglecting to supply narrative, fact-based responses, the State has failed to disclose the essential factual information required by Rule 33.

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<sup>10</sup> *See, e.g.*, the State’s Ans. to Interrog. Nos. 2(c), 4(d), 4(e), and 9(d) (asserting that AECOM “failed,” “knew or should have known,” or “directly and proximately caused” the bridge closure without identifying the specific inspections at issue, the information allegedly available to AECOM, the acts or omissions constituting breach, or the factual mechanism of causation).

**B. The State Improperly Relies on Rule 33(d) and Document Citations to Avoid Answering Contention Interrogatories (see Interrogatory Nos. 2(c), 20, 22, 24, 26, and 29).**

The State’s reliance on Rule 33(d) is improper because many of the interrogatories at issue seek the factual bases underlying the allegations pleaded in the State’s Amended Complaint. They ask the State to identify the specific acts or omissions allegedly giving rise to liability; the facts supporting the State’s notice and causation theories, and the bases for its varied allegations and claims. Those interrogatories require the State to state its factual positions, not to generally cite to varied materials from which those positions might be inferred. Again, the onus and burden is on the State to prove its allegations, not for AECOM to guess at what that proof may (or may not) be and whether it exists or not. Thus far, the State’s responses have been woefully inadequate, forcing AECOM to expend resources and this Court’s valuable time to address repeated discovery motions and disputes.

Rule 33(d) is a narrow exception to Rule 33’s requirement that interrogatories be answered “separately and fully.” It does not permit a party to avoid identifying the facts supporting its claims by citing documents and requiring its opponent to infer the responding party’s position. Courts uniformly hold that Rule 33(d) cannot be used to answer contention interrogatories. *See Tailwind Sports Corp.*, 317 F.R.D. at 594–96 (documents “normally reveal evidence, not a party’s contentions”); *In re Savitt/Adler Litig.*, 176 F.R.D. at 48–50 (interrogatories seeking facts must be answered with narrative responses, not document citations); *see also Triton Realty Ltd.*, No. C.A. PC03-2061 at \*3-4 (ordering supplementation where a respondent merely referred to documents instead of specifically stating the factual bases for its claims).

The State nevertheless invokes Rule 33(d) and directs AECOM to inspection reports, evaluations, and other materials without identifying the facts it contends are responsive. For example, Interrogatory No. 2 required the State to identify the manner of alleged contractual

breaches, the relevant dates and scopes of non-conforming inspections, and the facts, acts, or omissions constituting those breaches. In response, the State does not state those facts. Instead, the State invokes Rule 33(d) and cites inspection and evaluation reports, leaving AECOM to infer which facts the State claims matter. That is not permitted. Rule 33(d) does not allow a party to shift to its opponent the burden of determining which facts, if any, it intends to rely upon.

Even if Rule 33(d) were available in this context, the State's responses would still fail to satisfy its requirements. The State relies on materials that are not its business records in the Rule 33(d) sense—including AECOM's reports<sup>11</sup>, third-party consultant submissions<sup>12</sup>, and draft forensic report prepared by Wiss, Janney, Elstner Associates, Inc.<sup>13</sup> Courts have squarely rejected that practice. *See In re M & L Bus. Mach. Co., Inc.*, 184 B.R. 366, 369 (D. Colo. 1995) (rejecting Rule 33(d) reliance where responding party cited third-party expert reports rather than its own business records).

The State's responses also lack the specificity required by Rule 33(d). Instead of identifying particular documents or specific portions, the State repeatedly cites broad categories of materials or sweeping Bates ranges, sometimes deferring identification altogether. For example, in response to Interrogatory No. 29, the State asserts that responsive information "can be derived" from its production and promises to identify documents only after production is complete. This is not a Rule 33(d) designation; it is a refusal to answer.

Rule 33(d) requires present, specific identification of records sufficient to allow the interrogating party to locate responsive information as readily as the responding party. *See DMO*

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<sup>11</sup> *See* State's Supplemental Answer to Interrogatory Nos. 2 (c) & 23.

<sup>12</sup> *See* State's Supplemental Answer to Interrogatory No. 28.

<sup>13</sup> *See* State's Supplemental Answer to Interrogatory No. 22.

*Norwood*, 691 F. Supp. 3d at 260–61. By substituting document citations for factual answers, the State has failed to answer the interrogatories as required by Rule 33.

**C. The State’s Incorporation-by-Reference Responses Do Not Provide Separate and Complete Answers (see Interrogatory Nos. 3(c), 7(d), 11-13, 18-20), and 23.**

Incorporation-by-reference responses that fail to provide the requested information directly are impermissible under Rule 33. *See Wells Fargo Bank*, 2011 WL 3878368, at \*8 (rejecting incorporation-by-reference responses and requiring parties to state responsive information directly).

The State repeatedly employs this improper technique. For example, Interrogatory Nos. 11–13 asked the State to identify the specific fiduciary duties it contends AECOM assumed and breached, as well as the contractual or legal bases for such duties. Rather than answer, the State simply states: “See response to Interrogatory No. 6(b).” But that response merely discusses general professional duties of engineers in Rhode Island; it does not identify any fiduciary duty, any agreement to act in a fiduciary capacity, or any facts showing the assumption or breach of such a duty. Incorporation by reference in this context obscures the absence of any real answer.

The same defect appears in the State’s responses to Interrogatories addressing alleged misrepresentations and reliance. Interrogatories Nos. 18 and 20 required the State to identify specific statements, speakers, dates, contexts, and acts of reliance. Rather than provide that information, the State repeatedly cross-references other interrogatories and broad document citations, without ever identifying a single concrete misrepresentation or a single action allegedly taken in reliance on such a statement. These cascading references force AECOM to reconstruct the State’s theories by chasing cross-citations that never resolve into a complete, self-contained answer.

Such responses obscure the absence of any complete answer and violate Rule 33's mandate of clarity and completeness.

**D. The State's "Discovery Is Ongoing" Reservations Do Not Excuse Present Non-Answers (see Interrogatory Nos. 1, 8-10, 13, 15-19 and 21).**

The State also repeatedly qualifies its responses with boilerplate reservations that "discovery is ongoing," its "investigation continues," or it "reserves the right to supplement." For example, in response to Interrogatory No. 1, after providing broad narrative assertions and cross-references, the State concludes: "Discovery is ongoing and investigation continues, and the State reserves the right to supplement this response accordingly." The same reservation appears again in Interrogatory No. 16, where the State largely cross-references other interrogatories and then again ends with the same "discovery is ongoing" reservation.

Such reservations do not satisfy Rule 33. As set forth above, a party must answer interrogatories based on the information presently known or reasonably available to it. The duty to supplement does not permit a party to provide incomplete answers or defer disclosure to some unspecified future point.

By invoking "discovery is ongoing" as a substitute for answering, the State has declined to provide the complete responses the Rules require.

**E. The State Has Not Identified Specific Acts, Knowledge, or Causation (see Interrogatory Nos. 4(e), 9(d) and 22).**

Even where the State provides narrative responses, it does not identify the concrete facts necessary to support its liability and causation theories. These deficiencies are particularly significant because the interrogatories seek the core factual predicates underlying the State's theories of liability, notice, and causation. Yet the State repeatedly asserts conclusions without identifying the underlying facts necessary to test those theories through discovery.

Across key interrogatories, the State fails to specify: (1) what acts or omissions it contends were deficient; (2) what information allegedly placed AECOM on notice; and (3) how AECOM's conduct is said to have caused the bridge closure and resulting damages.

**Inspection conduct.** In response to Interrogatory No. 2(c), which asked the State to identify the dates and scopes of inspections it contends were non-conforming, the State did not identify a single inspection by date, scope, or task. Instead, it referenced inspection and evaluation reports without stating which inspection was allegedly deficient or how it failed to conform to contractual or professional requirements. An allegation that inspections were “inadequate,” untethered to any identified inspection event or conduct, does not answer the interrogatory.

**Notice.** The same deficiency appears in the State's responses to interrogatories seeking the factual basis for its “knew or should have known” allegations. For example, in responding to Interrogatory No. 1(c), the State asserted that certain conditions should have been identified through review of plans and prior materials, but did not identify which document or piece of information allegedly provided notice, when it was available to AECOM, or how it purportedly triggered a duty to act. Broad references to categories such as “design plans” or “prior inspections” are not factual answers; they are placeholders that obscure, rather than reveal, the State's notice theory.

**Causation.** The State's causation responses are similarly conclusory. When asked whether particular inspections, evaluations, or repairs—if performed—would have prevented the December 2023 emergency closure, the State repeatedly asserts that earlier identification would have led to further evaluation or repair, without identifying what repair, when it would have occurred, or how it would have altered the bridge's structural condition so as to prevent closure.

Assertions of “direct and proximate cause,” unsupported by facts describing the alleged causal chain, are legal conclusions, not interrogatory answers.

### **III. COURT INTERVENTION IS REQUIRED TO PREVENT ONGOING PREJUDICE.**

The State’s failure to provide interrogatory-level factual disclosures materially prejudices AECOM’s ability to defend this case. The State asserts broad claims of professional negligence, misrepresentation and breaches of contractual and fiduciary duty, while simultaneously withholding the facts underlying these claims. Without this information, AECOM cannot conduct targeted discovery, prepare expert analyses, assess dispositive issues, or meaningfully test the State’s theories. Rule 33 is intended to avoid precisely this situation by requiring parties to disclose the factual bases of their claims during discovery.

These deficiencies are particularly significant because they are longstanding. AECOM identified them in its prior deficiency letters and its earlier motion to compel. Yet the State’s “supplemental” responses still fail to provide any of the requested information. Accordingly, absent court-ordered relief, discovery will proceed without clarity regarding the State’s operative theories, to AECOM’s prejudice.

### **IV. RELIEF REQUESTED**

For the foregoing reasons, Defendant AECOM Technical Services, Inc. respectfully requests that the Court enter an order:

1. **Compelling the State of Rhode Island to serve amended, Rule 33-compliant responses** to AECOM’s First Set of Interrogatories, including but not limited to Interrogatory No. 21, by a date certain set by the Court;
2. **Requiring that such amended responses provide complete, narrative, interrogatory-specific factual answers**, identifying the facts the State contends support its claims of liability, notice, causation, and damages;

3. **Prohibiting reliance on Rule 33(d)** except where its requirements are strictly satisfied, including identification of specific business records and precise locations within those records from which the answers may be derived;
4. **Prohibiting incorporation-by-reference, circular cross-referencing, and document dumps** as substitutes for sworn interrogatory answers;
5. **Requiring the State to withdraw boilerplate reservations** that “discovery is ongoing” or that it “reserves the right to supplement,” except as permitted under Rule 26(e) following a complete response; and
6. **Granting such further relief as the Court deems just and appropriate**, including, if warranted, costs or fees associated with this motion.

### **CONCLUSION**

For the foregoing reasons, AECOM respectfully requests that the Court grant this renewed motion and order the State to serve full, substantive, and Rule 33-compliant amended responses to AECOM’s First Set of Interrogatories by a date certain—without improper objections, document dumps, circular incorporations, or non-substantive reservations—and grant such further relief as the Court deems just and appropriate.

Respectfully submitted,

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Dated: June 8, 2026

**CERTIFICATE OF SERVICE**

I hereby certify that on June 8, 2026, I electronically filed and served this document through the electronic filing system on all counsel of record.

The document is available for viewing and/or downloading from the Rhode Island Judiciary's electronic filing system.

/s/ Amanda R. Prosek  
Amanda R. Prosek