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Filed in Providence/Bristol County Superior Court
Submitted: 10/7/2026 12:20 PM
Envelope: 5873811
Reviewer: Alexa G.

STATE OF RHODE ISLAND
PROVIDENCE, SC.

SUPERIOR COURT

STATE OF RHODE ISLAND, *Plaintiff*, v. 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., JACOBS ENGINEERING GROUP, INC. MICHAEL BAKER INTERNATIONAL, INC., PRIME AE GROUP, INC. STEERE ENGINEERING, INC., TRANSYSTEMS CORPORATION, and VANASSE HANGEN BRUSTLIN, INC. *Defendants*.	)	C.A. No. PC-2024-04526

DEFENDANTS' JOINDER AND SUPPLEMENTAL REQUEST TO EXTEND DEADLINES IN THE SCHEDULING ORDER

Defendants Barletta/Aetna I-195 Washington Bridge North Phase 2 JV (the "JV"), Barletta Heavy Division, Inc. ("Barletta"), AECOM Technical Services, Inc., Aetna Bridge Company, Collins Engineers, Jacobs Engineering Group, Inc., Michael Baker International, Inc., Prime AE Group, Inc., Steere Engineering, Inc., Transystems Corporation, and Vanasse Hangen Brustlin, Inc., the Defendants in the above-captioned matter (collectively, the "Defendants"), submit this consolidated joinder and supplemental request regarding Plaintiff's Motion to Extend Deadlines in the Scheduling Order[1] (the "State's Motion").

[1] As used in this Response Brief, the "Scheduling Order" refers collectively to the Court's July 25, 2025, Scheduling Order, State's Motion, Ex. 1, as supplemented by the Special Master's

The Defendants join the State's Motion and write to (a) provide further background and clarity on the on-going discovery issues referenced in the State's Motion and basis for extension request, and (b) address gaps within the dates contained in the State's Motion and provide a proposal to address all dates from the original Scheduling Order.

A. The Defendants Have Been Diligent But Materially Prejudiced by the Delays Caused by the State's Conduct.

The State has repeatedly failed to fulfill its discovery obligations. As a result, on June 9, 2026, the Court appointed retired Associate Justice Netti C. Vogel as Special Master and provided her with authority to resolve discovery disputes and amend discovery deadlines. Since then, the Defendants have filed five discovery motions and diligently met the Special Master's deadlines with respect to resolving discovery disputes. In response to these motions, Special Master Vogel has issued orders requiring the State to, *inter alia,* serve revised discovery responses and to produce large volumes of improperly withheld documents. The late production of tens of thousands of documents, many of which still have yet to be produced, coupled with multiple untimely revisions to inadequate discovery responses, has made it virtually impossible for Defendants to complete fact discovery by the existing deadline.

The State has attempted to comply with several of the Special Master's discovery orders by producing numerous revised discovery responses and additional document productions, including making two additional document productions containing 12,700 documents only on October 2, 2026. The State has also revised its privilege log multiple times – the last version of which was submitted on October 2, 2026, and contains 6,148 entries (the September 24, 2026

Order extending certain fact discovery and expert discovery deadlines entered by this Court on August 24, 2026, State's Motion, Ex. 3.

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version had 5,421 entries). Finally, as directed by the August 24, 2026 Order, State's Motion, Ex. 4, the State must complete collection, review, and production of documents from April 10, 2024 to the present for 67 ESI custodians by October 17, 2026; the State has estimated this involves 456GB of new documents, but has not provided any further details regarding the volume of the forthcoming production. These new voluminous productions of materials, some of which have not yet occurred, each require the Defendants to review and assess a very large volume of new and revised information.

Most recently, the Special Master granted additional relief to Defendants following a hearing held on September 2, 2026, ordering the State to, among other things: (1) collect Governor McKee's and Deputy Almond's ESI from all State-issued or personal devices used for communications related to the Washington Bridge, apply additional search terms proposed by the Defendants to Governor McKee's and Deputy Almond's ESI, and produce documents to the Defendants by October 2, 2026; (2) retrieve 60 boxes of documents the State has identified as containing documents potentially responsive to the JV's Requests for Production 103-108 and produce the documents within such boxes that are responsive by October 15, 2026; (3) provide supplemental interrogatory responses to numerous interrogatories propounded on the State by the JV and AECOM by October 2, 2026; (4) provide a comprehensive explanation of its ESI collection efforts to date; and (5) address deficiencies in its omnibus privilege log, the most current of which contains over 6,000 entries.[2]

[2] *See* Agreed Draft Order from the Special Master's September 2, 2026 hearing (attached hereto as Exhibit A and submitted by the Parties to the Special Master on October 1, 2026).

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Even today it is still unclear by what date the State will have fully complied with these existing orders, to say nothing of what further discovery issues will arise during review of the materials produced in compliance with said orders.

Additionally, despite the current fact discovery cutoff of November 2, 2026, the State has impeded Defendants from progressing fact depositions, first by its delay in providing complete identification of 30(b)(6) deponents in response to Notices of Deposition (including all Defendant-specific riders thereto) served by Defendants on August 18, 2026 and August 21, 2026, until October 2, 2026 – and only after being ordered to do so by the Special Master at the September 2, 2026 and September 30, 2026 discovery hearings; second, by unilaterally canceling the 30(b)(6) depositions of the State noticed to take place on September 21-22, 2026; and, finally, indicating it would not produce witnesses until after its forthcoming Motion for leave to Amend its Complaint is decided. The State's dilatory conduct has effectively impeded the Defendants' attempts to take these important depositions and to complete fact discovery by the current November 2, 2026 deadline.

The problems created by the State's conduct are not merely issues of the volume of new materials and late designation and nonproduction of witnesses for deposition. It is also one of sequencing and timing. The State's additional productions, repeated revisions to its privilege log, supplemental written responses, and belated deponent identifications must be reviewed and evaluated before the Defendants can efficiently prepare for and take witness depositions on what is now an untenable schedule that prejudices the Defendants; to say nothing of having to take these depositions without the benefit of the still outstanding productions by the State discussed *supra*.

Follow-up discovery may also be required depending on what those new and to be produced materials reveal. Absent an extension of the discovery and trial dates, the parties will not

be able to take depositions with the full factual record, requiring duplication of effort and further disputes over whether witnesses must be recalled or supplemental expert work is needed. In short, all parties need time not only for the State to complete its compelled productions, but also to absorb what has been produced, evaluate whether additional motions practice is necessary, including addressing the motion to further amend the complaint foreshadowed in the State's Motion, prepare for and take fact depositions based on a more complete record, and then proceed into expert discovery in a fair and orderly manner.

It is precisely because the Defendants have proceeded diligently – and because discovery has revealed the scale of the outstanding work yet to be done by the State – that the need for additional time is now clear.

While Defendants have proceeded timely and diligently, the State has not. As a result of the State's dilatory conduct, without an extension, the Defendants will be prejudiced by being forced to conduct depositions, prepare expert opinions, and engage in pretrial motions practice before the State's discovery record is sufficiently complete and stable, and while the State's case is still a moving target.

B. The State's Proposed Schedule Omits Certain Dates Critical to Its Motion.

While the Defendants agree that extensions of the current deadlines are necessary for the reasons set forth above, the State's request is incomplete. The State's Motion focuses only on adjusting certain dates within the current Scheduling Order, while ignoring other existing activities and dates. Because other interim dates will also need to be adjusted in order to allow the Court to appropriately adjust the Scheduling Order, the Defendants have provided as Exhibit B for the Court's review a chart that (a) contains the procedural deadlines and activities contained in the current Scheduling Order, (b) provides the State's proposed adjusted dates (where such a date was

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included in the State's Motion), and (c) offers proposed adjusted dates for other interim deadlines for consistency throughout the Scheduling Order.

As reflected in Exhibit B, the State's proposed extension appears to move most deadlines by approximately six months, but it does not address multiple intervening dates that are tied to expert discovery, motion practice, and trial preparation. That omission creates ambiguity as to how the parties and the Court are expected to proceed if the Motion is granted as drafted. In a case of this scale and complexity, leaving those intervening deadlines unresolved would likely create further confusion, inefficiency, and potentially additional motion practice regarding the operation of the schedule itself.

The Defendants therefore respectfully submit that the Court should grant the State's Motion and adopt a comprehensive amended scheduling order that addresses all remaining procedural deadlines through trial, including the interim dates omitted from the State's Motion, as outlined above. For these reasons, the Defendants join the extension requested by the State and respectfully request that any order granting such relief also clarify the remaining dates in the Scheduling Order so that discovery, expert work, pretrial motion practice, and trial preparation may proceed on a clear, orderly, and fair timetable.

Dated: October 7, 2026

Respectfully submitted,

FOLEY & LARDNER LLP

/s/ Jeffrey R. Blease
Jeffrey R. Blease (MB #675247)
James Matthews (MB #560560)
111 Huntington Avenue, Suite 2500
Boston, MA 02199
jblease@foley.com
Admitted Pro Hac Vice

Benjamin J. Morris (CB #260148)
11988 El Camino Real, Suite 400

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San Diego, CA 92130
bmorris@foley.com
Admitted Pro Hac Vice

Christopher D. Mellado (FB #1018915)
301 E. Pine Street, Suite 1200
Orlando, FL 32801
chris.mellado@foley.com
Admitted Pro Hac Vice

Matthew Kass (WB #1121980)
777 E. Wisconsin Avenue
Milwaukee, WI 53202
mkass@foley.com
Admitted Pro Hac Vice

Lead Counsel for Barletta/Aetna I-195 Washington Bridge North Phase 2 JV and Barletta

LYNCH & PINE

/s/ Jeffrey B. Pine
Jeffrey B. Pine #2278
1 Park Row, 5th Floor
Providence, Rhode Island 02903
jpine@lynchpine.com

Attorney for Barletta/Aetna I-195 Washington Bridge North Phase 2 JV and Barletta

KELLY, SOUZA, PARMENTER & RESNICK, P.C.

/s/ Jackson C. Parmenter
Jackson C. Parmenter #8396
128 Dorrance Street, Suite 300
Providence, Rhode Island 02903
jparmenter@ksprlaw.com

Attorney for Barletta/Aetna I-195 Washington Bridge North Phase 2 JV and Lead Counsel for Aetna

COZEN O'CONNOR

/s/ Wendy Venoit

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Courtney Ann Richards (#10593)
Wendy Venoit (#568657)
Michael Filbin (#705341)
Madeline Jenkins (#11105)
200 State Street, Suite 1105
Boston, MA 02109
Tel.: (617) 849-5100
Fax: (857-488-4870
crichards@cozen.com
wvenoit@cozen.com
mfilbin@cozen.com
madelinejenkins@cozen.com

Lawrence M. Prosen
1200 19th Street, NW, Suite 300
Washington, DC 20036
Tel.: (202) 304-1449
Fax: (202) 400-2715
lprosen@cozen.com

Amanda Prosek
Lamontagne, Spaulding & Hayes, LLP
Garden City Center
100 Midway Road Suite 15
Cranston, RI 02920
Office: (401) 270-7094
Fax: (401) 490-0555
aprosek@lshattorneys.com

Attorneys for AECOM Technical Services, Inc.,

UPDIKE, KELLY & SPELLACY, P.C

/s/ *Richard M. Dighello, Jr.*
Richard M. Dighello, Jr. (#6733)
Goodwin Square
225 Asylum Avenue, 20th Floor
Tel: (860) 548-2600
rdighello@uks.com

Attorneys for Collins Engineers, Inc.,

K&L GATES LLP

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/s/ Michael R. Creta
Michael R. Creta (#9535)
John C. Blessington (admitted pro hac vice)
1 Congress Street, Suite 2900
Boston, MA 02114
Tel. 617.951.9101
Fax 617.261.3175
michael.creta@klgates.com
john.blessington@klgates.com

Attorneys for Jacobs Engineering, Inc.,

PIERCE ATWOOD LLP

/s/ Christopher C. Whitney
Christopher C. Whitney (#3261)
Katharine E. Kohm (#8194)
Matthew R. O'Connor (#9526)
One Citizens Plaza, 10th Floor
Providence, RI 02903
Telephone 401-490-3408
Fax 401-588-5166
cwhitney@PierceAtwood.com
kkohm@PierceAtwood.com
moconnor@PierceAtwood.com

Attorneys for Michael Baker International, Inc.,

SLOANE AND WALSH, LLP

/s/ John A. Donovan, III
John A. Donovan, III (#5707)
Samuel E. Cote
Hayley Johnston
One Boston Place
201 Washington Street, Suite 1600
Boston, MA 02108
P: (617) 523-6010
jdonovan@sloanewalsh.com
scote@sloanewalsh.com
hjohnston@sloanewalsh.com

Attorneys for PRIME AE Group, Inc.

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FREEMAN MATHIS & GARY, LLP

/s/ Warren D. Hutchison
Warren D. Hutchison (#5571)
60 State Street, Suite 600
Boston, MA 02109
Tel.: (617) 963-5967
whutchison@fmglaw.com

Attorneys for Steere Engineering, Inc.,

RICE DOLAN & KERSHAW

/s/ Mark P. Dolan
Mark P. Dolan, Esq. (#3280)
72 Pine Street, Suite 300
Providence, RI 02903
(401) 272-8800
(401) 421-7218 (fax)
mdolan@ricedolan.com

Attorneys for TranSystems Corporation,

LEWIS BRISBOIS
BISGAARD & SMITH LLP

/s/ Brian C. Newberry
Brian C. Newberry #5542
One Citizens Plaza, Suite 1120
Providence, RI 02903
P: (401) 406-3310
F: (401) 406-3312
Brian.newberry@lewisbrisbois.com

Attorneys for Vanasse Hangen Brustlin, Inc.,

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CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of October, 2026, I electronically filed and served this document through the electronic filing system on counsel of record. The document is available for viewing and/or downloading from the Rhode Island Judiciary's electronic filing system.

/s/ Jeffrey B. Pine

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EXHIBIT A

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STATE OF RHODE ISLAND
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STATE OF RHODE ISLAND, *Plaintiff*, v. 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., TRANSYSSTEMS CORPORATION, and VANASSE HANGEN BRUSTLIN, INC., *Defendants*.	)	C.A. No. PC-2024-04526

ORDER

The Parties[1] appeared before the Court-appointed Special Master, retired Associate Justice Netti C. Vogel, on September 2, 2026, for a hearing regarding (i) Defendant/Counter-Plaintiff Barletta/Aetna I-95 Washington Bridge North Phase 2 JV's ("JV") Motion to Compel Plaintiff, the State of Rhode Island (the "State"), to Produce Documents Related to the JV's Requests for Production Nos. 53 and 54, including relevant ESI metadata and documents withheld based on the State's assertion of "executive" or "deliberative process" privilege; (2) the JV's Motion to Compel Production of Documents Concerning the Jamestown-Verrazzano Bridge; (3) the JV's Motion to Compel Certain Interrogatory Responses, Compliance With This Court's Prior Order, and

[1] The JV, AECOM, and the State are referred to as the "Parties" for purposes of this Order.

Production of Archived Website Content; (4) AECOM's Motion to Compel the State to provide a response to AECOM Interrogatory No. 21(j) asking, as to each element of damages claimed by the State, "whether the State has claimed or recovered all or a portion of such damage from another source"; (5) the State's report regarding the status of its collection and production of ESI post-dating April 10, 2024 (as previously ordered); (6) the Joint Report of the Parties' Meet and Confer held on August 21, 2026 as ordered by the Special Master (the "Joint Report") and discovery disputes remaining after such Meet and Confer.

Upon consideration of the Parties' respective submissions and hearing argument from the respective counsel for the Parties regarding the above Motions, and for the reasons set forth on the record, and as discussed during the Parties' subsequent Status Conference with Special Master Vogel on September 30, 2026, it is hereby **ORDERED** as follows:

I. The JV's Motion to Compel the State to Produce Documents Related to the JV's Requests for Production Nos. 53 and 54, including relevant ESI Metadata and Documents Withheld Based on the State's Assertion of "Executive" or "Deliberative Process" Privilege

a. The JV's Motion is **GRANTED**.

b. By no later than Friday, October 2, 2026, the State must:

i. Collect Governor McKee's and Deputy Almond's ESI as defined and pursuant to the ESI Protocol for the time period of March 2, 2021 "through present," from all State-issued or personal computers (laptop or desktop) and cell phones used for communications related to the Washington Bridge;

ii. Apply all search terms proposed by AECOM, Jacobs, and the JV, as well as all search terms formulated by the State applied to other State custodians in this case, to Governor McKee's and Deputy Almond's ESI;

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iii. Provide a search term "hit report" showing the search terms and date ranges applied to each custodian's ESI and the number of "hits" for each such search term; and

iv. Produce all documents hit by the search terms and/or provide an updated Privilege Log in compliance with the ESI Protocol for any documents withheld from production based on an assertion of privilege.

II. JV's Motion to Compel Production of Documents Concerning the Jamestown-Verrazzano Bridge

a. The JV's Motion is **GRANTED**, subject to the below.

b. By no later than Friday, September 18, 2026:

i. The State must retrieve the 60 boxes of documents the State has identified as containing documents potentially responsive to the JV's RFP Nos. 103-108;

ii. The State will provide an e-mail communication to the Special Master with a copy to counsel for the JV indicating how long it will take to locate responsive documents within the boxes for the 1999-2006 time frame. Any production deadline will be determined thereafter.

c. At the September 30, 2026 Status Conference, Special Master Vogel further ordered that by no later than Thursday, October 15, 2026, the State shall identify and produce the documents responsive to the JV's RFP Nos. 103-108 within the boxes identified in the State's September 18, 2026 e-mail.

III. JV's Motion to Compel Certain Interrogatory Responses, Compliance With This Court's Prior Order, and Production of Archived Website Content

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a. The JV's Motion is **GRANTED.**

b. During the September 2, 2026 hearing, the State's counsel, Michael Robinson, represented that: (1) the State will agree to provide supplemental responses to the JV's interrogatory nos. 21(c), 21(e), 26(b) and 26(c), consistent with prior Special Master rulings on other motions; and (2) that the State will agree to provide a further supplemental response to the JV's Interrogatory No. 8 as to the deficiencies raised by the JV's Motion. The State must provide these supplemental responses no later than Friday, October 2, 2026.

c. As to the JV's Interrogatory No. 24(c), by Friday, October 2, 2026, the State must provide a supplemental response that states that there were no other specific communications from the State to the JV pertinent to the tie-down rods other than the information the JV received by reviewing the Original Design Plans for the Washington Bridge or other historical documents, which were available through the 2021 RFP and its appendices.

d. As to the JV's Interrogatory No. 25(a), by Friday, October 2, 2026, as to each report the State alleges the JV should have reviewed pertinent to the location and scope of the presence of cracking along the post-tension cables in the post-tensioned cantilevered beams, the State must identify the report with sufficient particularity to allow the JV to identify the report within the State's document production (by Bates number). Additionally, if a report identified by the State is more than 25 pages long, including attachments and appendices, the State must identify the specific portion(s) of the report that it alleges the JV should have reviewed and been aware of when performing its work on the Washington Bridge that is the basis for the State's negligence claim.

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e. As to the JV's request that the State produce the complete, authenticated archived content of the WashingtonBridgeClosure directory responsive to Request No. 115, on September 1, 2026, the State purportedly provided a link to the information in native format responsive to RFP No. 115. In response, the JV sought a stipulation from the State regarding the authentication of the native content of the State's website and agreement from the State that it would now supplement its responses to the JV's RFA Nos. 23 and 24, which related to statements made on the State website. By no later than Wednesday, September 9, 2026, at 2:00 p.m. ET, the State shall provide information on whether it will agree to the proposed stipulation on the authentication of the website data and whether it will now supplement its responses to the JV's RFA Nos. 23 and 24 (and potentially ROG 8 as to those RFAs).

IV. AECOM's Motion to Compel a Response to AECOM's Interrogatory No. 21(j)

a. AECOM's motion as to Interrogatory No. 21(j) is **GRANTED in part**.

b. The State is ordered to supplement its response to Interrogatory No. 21(j) by October 2, 2026, to identify (i) any claims it has made against any person or entity from the date of the Lichtenstein report forward, seeking the same damages that the State claims against AECOM; (ii) the person or entity against whom such claim was asserted; and (iii) whether such claim has been released or otherwise resolved.

c. The State is ordered to identify whether any funds have been received by the State from the date of the Lichtenstein report forward, for any inspection, testing, repair, maintenance, or rehabilitation that could have prevented the emergency closure, demolition and/or reconstruction of the Washington Bridge prior to the closure of

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the Washington Bridge in December 2023, and the source and amount of any such funds.

V. The State's Collection and Production of Electronically Stored Information created or Sent after April 10, 2024

a. The State shall complete its collection, review and production of all post-April 10, 2024 ESI (as ordered in the Court's August 23, 2026 Order) within forty-five (45) days of the hearing, or no later than October 17, 2026.

b. As stated in the Court's prior Order, such collection and production shall include all previously requested Custodians (67 in total) and all search terms requested by the Defendants, as previously agreed to by the Parties.

VI. The Joint Report of the Parties' Meet and Confer held on August 21, 2026 as ordered by the Special Master (the "Joint Report") and discovery disputes remaining after such Meet and Confer

The Court's August 23, 2026 Order required the Parties to meet and confer and to submit a joint report to the Court with respect to certain discovery issues, including (i) the State's ESI Collection for the period through April 10, 2024; (ii) the State's ESI Collection for the period from April 11, 2024 to present; (iii) the State's collection and production of ESI for Governor Daniel McKee and Joseph Almond specifically; (iv) the issues identified in AECOM's June 19, 2026 Deficiency Letter to the State, and (v) the State's Supplemental Privilege Log dated August 23, 2026. The Parties conducted their Meet and Confer on August 21, 2026 and submitted their Joint Report as to the outcome of the Meet and Confer on August 26, 2026. The Joint Report included the issues referenced above, as well as the Defendants' Joint 30(b)(6) Notice to the State served on August 18, 2026.

A. <u>The State's ESI Collection for the Period through April 10, 2024</u>

For the reasons set forth on the record, it is hereby **Ordered** that:

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a. The State's counsel shall provide a comprehensive explanation of its ESI collection efforts to date, as it agreed to do in the Joint Report (p. 3), which will include:

   i. All sources from which ESI was collected,

   ii. All custodians from whom ESI was collected,

   iii. For what time periods ESI was collected (on a per custodian basis), and

   iv. A description of the de-duplication methodology applied.

b. AECOM shall provide the State with a list of the missing custodians for which it contends the State has not provided hit reports or date ranges by the end of the day on September 2, 2026. If the State has not provided all such hit reports and date ranges, the State will provide them expeditiously and no later than October 2, 2026.

c. The State will confer with its Vendor regarding the time and expense associated with providing Unique Hit counts, and shall report to the Court by September 4, 2026 regarding the outcome of that conference. In the interim, AECOM agreed to provide the State with any information it has collected from its vendor and the internet regarding efficient methods for the production of Unique Hit count reports in Relativity.

B. The State's ESI Collection for the period from April 11, 2024 to present

This issue is addressed in Section V above.

C. The State's Omnibus Privilege Log

1. The State shall identify in its Privilege Log whether the attachments that are not independently privileged have been produced to the Defendants elsewhere in the State's document production.

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2. If the State has concerns with AECOM's privilege log, it should file a motion to be heard during a Zoom hearing on September 8, 2026 at 2:00 p.m. EST.

D. Defendants' Joint 30(b)(6) Notice of Deposition to the State

The State shall provide Defendants with its witness designations by topic no later than September 4, 2026.

VII. Future Status Hearings

The Special Master intends to set follow-up status hearings for approximately 30, 45, and 60 days from September 2, 2026. Counsel for the Parties are to provide the Special Master with any unavailability in these date ranges so that further conference dates can be set.

ISSUED BY:

_____
Netti C. Vogel
Special Master Appointed by Court Order

Date: _____

ENTER:

_____
Brian P. Stern
Associate Justice

Date: _____

BY ORDER:

_____
Clerk

Date: _____

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EXHIBIT B

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Schedule Element	Current Dates	State's Proposed Dates	Defendants' Proposed Dates
Close of Fact Discovery	11/2/26	5/2/27	5/2/27
Last Day for Expert Disclosures	12/2/26	6/2/27	6/2/27
Last Day for Rebuttal of Expert Disclosures	2/16/27	No proposed date.	8/16/27
Last Day for Responses to Rebuttal of Expert Disclosures	3/12/2027	No proposed date.	9/13/27
Close of Expert Depositions	5/16/27	10/31/27	10/31/27
Close of Discovery	5/16/27	No proposed date.	10/31/27
Last Day to File Dispositive Motions	6/14/27	No proposed date.	12/14/27
▪ Deadline to File Objections to Dispositive Motions, including *Daubert* Motions. ▪ Deadline to File Replies to Objection to Pre-Trial Dispositive Motions, including Daubert Motions.	▪ 60 days after motion(s) filed. ▪ 30 days after objection.	No proposed date.	No change to timing from trigger event.
Last Day to File Motions *in Limine*	6/14/27	No proposed date.	12/14/27
▪ Deadline to File Objections to Motion(s) in Limine ▪ Deadline to File Replies to Objection to File Objections to Motion(s) in Limine	▪ 30 days after Motion(s) Filed ▪ 15 days after Objections	No proposed date.	No change to timing from trigger event.

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Reviewer: Alexa G.

Schedule Element	Current Dates	State's Proposed Dates	Defendants' Proposed Dates
▪ Deadline to File/Disclose Depo. Testimony to be Presented at Trial, if any. ▪ Deadline to File Objections and to File Rebuttals to Depo. Testimony to be Presented at Trial, if any. ▪ Deadline to Provide Objections to Rebuttals of Depo. Testimony to be Presented at Trial, if any	▪ 60 days before Trial ▪ 30 days after Filing/Disclosure ▪ 15 days after Objections to Rebuttal Testimony	No proposed date.	No change to timing from trigger event.
Motion Hearings (Dispositive, Pretrial, *Daubert*, Motions *in Limine*)	9/27/27 & 9/28/27	No proposed date.	2/28/28& 2/29/28
▪ Deadline to File Proposed *Voir Dire*, Joint Jury Instructions, and Verdict Form	▪ 15 days before Pre-Trial Conference	No proposed date.	No change to timing from trigger event.
Pre-Trial Conference	9/29/28	No proposed date.	3/1/28
Pre-Trial Memorandum Due	10/12/28	No proposed date.	3/15/28
▪ Counsel for parties to confer and prepare list of stipulated facts ▪ Exchange Proposed Exhibits ▪ Counsel for parties to determine which exhibits to be marked as stipulated and/or contested ▪ Counsel to meet and mark exhibits as full and all	▪ no later than two weeks prior to trial ▪ two weeks prior to trial ▪ within 5 business days after exchange of exhibit ▪ during week prior to trial	No proposed date.	No change to timing from trigger event.

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Schedule Element	Current Dates	State's Proposed Dates	Defendants' Proposed Dates
contested as for identification			
Trial Date	11/15/27	4/15/28	4/15/28