

Pooles Grant 1642 Condominium Association

Securing the Vibration-Monitoring Data: Action Sheet, Preservation Demand and FOIA Request

Prepared October 13, 2026 by Danny R. Goff, Dock Master, for the Board of Directors

Why this is urgent. A vibration-monitoring station operated a few hundred yards from the end of the pier during the I-64 Hampton River bridge work and has now been removed, possibly within the past week. Its records are the only objective measurement of what pile driving and demolition did to the ground and water around the pier, and they fix the dates and hours of heavy work. The instrument's removal does not mean the data is gone: monitoring units of this kind log to internal memory and usually to the vendor's cloud portal, and the contractor normally receives daily or weekly reports. What matters now is putting every holder of that data on written notice before any routine purge, and getting a copy into the Association's hands.

Do these in order.

- 1. Tonight:** email the Preservation Demand (the letter that follows the distribution list) as a PDF to every address in the distribution list below, with read receipts, from the Association's or the Dock Master's email. Subject line: *Preservation of evidence - vibration monitoring data and project records - Pooles Grant 1642 pier, Hampton River, I-64 HREL Segment 4C.* Keep the sent items.
- 2. Tonight:** photograph the spot where the monitor stood (mount, anchor bolts, cable stubs, signage, sight line to the pier) with location services on, and write down who removed it and when, if anyone saw it.
- 3. Tomorrow morning:** submit the FOIA request (last section of this document) to VDOT's FOIA officer by email. Virginia FOIA requires a response within five working days (Va. Code 2.2-3704(B)). VDOT holds the contractor's monitoring submittals independently of the contractor.
- 4. Tomorrow morning:** call VDOT's Joseph Ludwig, PE (757-253-5222) and McLean Contracting's Chesapeake yard (Keith Christiansen, 757-620-0854). Ask three things: who operated the vibration monitor, when it was removed, and who holds the data. Confirm each call by email the same day.
- 5. Tomorrow:** send the Preservation Demand by certified mail, return receipt, to the addresses listed. Email starts the clock; the mailed copy proves delivery.
- 6. This week:** engage maritime counsel (Pender & Coward, 757-490-3000) to issue a formal litigation-hold letter and, if the data is not produced voluntarily, to obtain it by subpoena or court order. Identify the monitoring vendor from the equipment photo (make, model and serial number on the case or label) so the hold can go to them directly.
- 7.** Do not discuss the claim's value, settlement, or fault by phone or email with the contractor; keep the exchanges to preservation and production of records.

Distribution list

Recipient	Attention	Address / email
Shirley-Branch Joint Venture, c/o Shirley Contracting Company, LLC	Rick Meyer, Construction Manager, I-64 HREL Segment 4C; and Legal / Risk Management	8435 Backlick Road, Lorton, VA 22079; (703) 550-8100; use the contact form at shirleycontracting.com if no email is available
Branch Civil, Inc. (joint-venture partner)	Legal / Risk Management	Roanoke, VA; branchcivil.com
McLean Contracting Company	Keith Christiansen, Construction Manager; Chad Scott, Project Manager; and Legal / Risk Management	Chesapeake Yard: 3100 Beltline Drive, Chesapeake, VA 23324; HQ: 6700 McLean Way, Glen Burnie, MD 21060; info@mcleancontracting.com
Virginia Department of Transportation, Hampton Roads District	Joseph Ludwig, PE, Area Construction Engineer - Major Projects; Christopher G. Hall, PE, District Engineer	7511 Burbage Drive, Suffolk, VA 23435; (757) 956-3001

Recipient	Attention	Address / email
VDOT FOIA Officer (FOIA request only)	FOIA Officer	1401 E. Broad Street, Richmond, VA 23219; submit through the FOIA page at vdot.virginia.gov or the FOIA email listed there
Copies	Commissioner of Highways; Division of Risk Management	1401 E. Broad St., Richmond, VA 23219; P.O. Box 1879, Richmond, VA 23218-1879
Vibration-monitoring vendor (identity requested in the letter)	Project manager and records custodian	Send as soon as identified

Pooles Grant 1642 Condominium Association

Demand for Preservation of Evidence and Request for Records

30 Brough Lane, Hampton, Virginia 23669

October 13, 2026

By email and certified mail, return receipt requested

Shirley-Branch Joint Venture, c/o Shirley Contracting Company, LLC, 8435 Backlick Road, Lorton, VA 22079 (Attn: Rick Meyer, Construction Manager; Legal / Risk Management)

Branch Civil, Inc., Roanoke, Virginia (Attn: Legal / Risk Management)

McLean Contracting Company, 3100 Beltline Drive, Chesapeake, VA 23324 and 6700 McLean Way, Glen Burnie, MD 21060 (Attn: Keith Christiansen; Chad Scott; Legal / Risk Management)

Virginia Department of Transportation, Hampton Roads District, 7511 Burbage Drive, Suffolk, VA 23435 (Attn: Joseph Ludwig, PE; Christopher G. Hall, PE)

Copies: Commissioner of Highways, 1401 E. Broad Street, Richmond, VA 23219; Virginia Division of Risk Management, P.O. Box 1879, Richmond, VA 23218-1879

Re: Damage to the Pooles Grant 1642 Condominium pier and floating docks, Hampton River, Hampton, Virginia (37°01'50"N, 76°20'13"W), adjacent to the I-64 Hampton River bridges; VDOT Project 0064-114-374, UPC 119638, I-64 Hampton Roads Express Lanes Hampton Segment (Segment 4C); VMRC Permit 23-0392; USACE Nationwide Permit 23 (May 30, 2023)

To whom it may concern:

Pooles Grant 1642 Condominium Association (the Association) owns the timber fishing pier, end platform, gangway and 36-slip floating-dock system on the Hampton River immediately beside the I-64 Hampton River bridges. Between November 2025 and October 2026, while Shirley-Branch Joint Venture and its subcontractor McLean Contracting Company demolished, replaced and widened those bridges under contract to the Virginia Department of Transportation, the pier sustained structural damage, including split and shattered pile tops, sheared bracing with detached connector plates, a displaced cap beam and wale at the end platform, and a timber section now lying on the river bottom. Contractor barges were moored alongside the pier's outboard pile line in May 2026 and at the pier end in September 2026, and contractor vessels, including the push boat CURRITUCK, operated at speed inside the basin. The Association is asserting a claim for this damage against the parties responsible, and litigation is reasonably foreseeable. A formal statement of the claim will follow.

The Association hereby demands that each addressee, and every subcontractor, consultant, vendor and insurer acting for it on this project, immediately preserve, and suspend any routine deletion, overwriting, return or disposal of, the records described below, in whatever form they exist (paper, electronic, cloud-hosted, on instruments, phones, tablets, cameras, servers or project-management systems).

1. Vibration and noise monitoring records (highest priority)

A vibration-monitoring station operated a few hundred yards from the end of the Association's pier during the work and has recently been removed. For every vibration, noise or settlement monitoring instrument deployed on Segment 4C within 2,000 feet of the pier, from the start of in-water work through removal:

- All raw data: waveform and time-history files, triggered-event records, continuous or histogram logs of peak particle velocity, frequency and air overpressure, and any exported summaries;
- Instrument identification: make, model and serial numbers; mounting location, coordinates and photographs; setup, configuration and calibration records; trigger and alarm thresholds;
- Alarm, threshold-exceedance and status notifications (email, text or portal), and the responses to them;
- Daily, weekly and monthly monitoring reports; the vibration-monitoring plan or specification; any contract or purchase order with the monitoring vendor; portal or cloud-account records; and
- The dates of installation and removal, the reason for removal, and the identity of the person or company that removed the instrument and now holds its data.

2. Pile driving, demolition and marine operations

- Pile-driving logs (dates, times, hammer type and energy, blow counts), vibratory-hammer use, demolition method statements and daily records for the eastbound bridge removal, and records of compliance with the cushion-block and ramp-up condition of VMRC Permit 23-0392;
- Daily marine logs; barge mooring, anchoring and spud plans and records; positions of all barges and vessels in the Hampton River basin, in particular for May 1 through May 31, 2026 and September 1 through September 30, 2026; the list of vessels and operators used, including the push boat CURRITUCK and the barges marked "SC121 A" and "124 B"; tug and push-boat logs, AIS records and crew lists; Coast Guard notices and coordination; and any incident, near-miss, allision or complaint report involving the Association's pier, docks or boats.

3. Surveys, photographs and communications

- Pre-construction and post-construction condition surveys of waterfront structures adjacent to the project, including the Association's pier and docks, and any crack, settlement or structure monitoring associated with them;
- Aerial, drone, time-lapse, progress and inspection photographs and video showing the Hampton River basin, the Association's pier, or barge positions, from November 1, 2025 to the present;
- Internal communications and communications with VDOT, subcontractors, vendors or insurers concerning the Association's pier, mooring of barges near private structures, vessel speed or wake, vibration levels or complaints, or the removal of the monitoring station, including email, text messages, messaging applications and project-management-system entries; and
- Certificates and policies of insurance applicable to the project (commercial general liability, marine liability or protection and indemnity, umbrella and excess), and the contract provisions governing responsibility for damage to third-party property and marine operations.

4. Requests

The Association requests, within seven days of this letter: (a) written confirmation that a preservation hold covering the categories above is in place, including with the monitoring vendor; (b) the name and contact information of the vibration-monitoring vendor, the instrument's custodian and the date of removal; and (c) a copy of the certificates of insurance. The Association further requests, within fourteen days, a complete electronic copy of the vibration monitoring data and reports described in paragraph 1. Voluntary production now will avoid the expense of compelled production later.

Virginia law permits a court to impose sanctions, including an adverse-inference instruction, where a party fails to preserve evidence that it knew or should have known was relevant to reasonably foreseeable litigation (Va. Code 8.01-379.2:1), and federal courts hearing maritime claims have sanctioned construction contractors for destroying project data after notice. Please treat this letter accordingly and forward it to your insurers and counsel.

Nothing in this letter waives any right, claim or remedy of the Association, all of which are expressly reserved. Please direct all correspondence to the undersigned and to the Association's Dock Master, Danny R. Goff, at the contact details in the transmitting email.

Sincerely,

President, Board of Directors
Pooles Grant 1642 Condominium Association

Danny R. Goff, Dock Master, Pooles Grant 1642 Condominium

Enclosure: index of the Association's dated photographic record (available on request); photograph of the removed monitoring station location.

Virginia Freedom of Information Act Request

Va. Code 2.2-3700 et seq.

October 14, 2026

By email

FOIA Officer, Virginia Department of Transportation, 1401 E. Broad Street, Richmond, VA 23219

Copy: VDOT Hampton Roads District, 7511 Burbage Drive, Suffolk, VA 23435 (Attn: Joseph Ludwig, PE; Christopher G. Hall, PE)

Re: Records of VDOT Project 0064-114-374, UPC 119638, I-64 Hampton Roads Express Lanes Hampton Segment (Segment 4C), Hampton River bridges, Hampton, Virginia

Dear FOIA Officer:

Under the Virginia Freedom of Information Act, I request copies of the following public records. I am a citizen of Virginia and make this request on behalf of Pooles Grant 1642 Condominium Association, 30 Brough Lane, Hampton, Virginia 23669, whose pier on the Hampton River lies immediately beside the project. Unless stated otherwise, the period covered is November 1, 2025 to the present.

1. All vibration, noise or settlement monitoring plans, specifications, reports, data submittals, exceedance notifications and correspondence received from or sent to Shirley-Branch Joint Venture, McLean Contracting Company, or any monitoring vendor for the Hampton River bridge work, from the start of in-water work in 2023 to the present, including the name of the vendor and the dates each monitoring station was installed and removed.
2. Pre-construction and post-construction condition surveys of structures adjacent to the project, including any survey, photograph or report that depicts or refers to the Pooles Grant 1642 Condominium pier, docks or shoreline.
3. VDOT inspector daily diaries, daily work reports, and construction-management-system entries for the Hampton River bridge work that mention barges mooring near private structures, vessel speed or wake, the Pooles Grant pier or docks, or damage complaints.
4. The contractor's marine operations plan, barge mooring and anchoring plans, vessel and equipment lists, and Coast Guard coordination notices for in-water work on the Hampton River.
5. The contract's special provisions and specifications governing protection of adjacent property, marine operations, vibration limits and monitoring, and responsibility for third-party damage claims, together with the contractor's certificates of insurance on file with VDOT.
6. Correspondence between VDOT and the contractor, its subcontractors or vendors concerning the Pooles Grant 1642 pier, the removal of the vibration-monitoring station, or any claim or complaint by an adjacent property owner on the Hampton River.
7. Any third-party damage claim, complaint or inquiry received by VDOT concerning waterfront property adjacent to the Hampton River bridge work, with VDOT's responses.

Please provide the records in electronic form by email or download link. If any record is withheld in whole or part, please identify it and cite the exemption relied on, as section 2.2-3704(B) requires, and release the remainder. If the cost of responding is expected to exceed \$200, please provide an estimate before proceeding so that I can narrow the request if necessary; I ask that items 1 and 2 be produced first in any event. I understand that a response is due within five working days of receipt.

Thank you for your assistance. Please contact me at the email address or telephone number in the transmitting message.

Sincerely,

Danny R. Goff
Dock Master, Pooles Grant 1642 Condominium
on behalf of Pooles Grant 1642 Condominium Association