UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACUSETTS

BLOCK & LEVITON LLP, Plaintiff, v. FEDERAL TRADE COMMISSION, Defendant.	)	Civil Action No. 1:19-cv-12539-PBS

DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

Defendant Federal Trade Commission (the "FTC"), by and through his attorney, Andrew E. Lelling, United States Attorney for the District of Massachusetts, respectfully moves, pursuant to Rule 56(a) of the Federal Rules of Civil Procedure and Local Rule 56.1 of the Local Rules for the United States District Court for the District of Massachusetts, for summary judgment on all claims asserted by Plaintiff Block & Leviton LLP ("Plaintiff") in its Complaint. Doc. # 1. As described further in the combined memorandum of law and Local Rule 56.1 statement, and as summarized immediately below, Plaintiff cannot satisfy its summary judgment burden.

Plaintiff, a law firm in Boston, commenced this action under the Freedom of Information Act, 5 U.S.C. § 552 ("FOIA"), seeking the release of records by the FTC related to a civil penalty action the FTC brought against Facebook, Inc. ("Facebook") and resolved by settlement in July 2019. The FTC is entitled to summary judgment for two overarching and independent reasons. *First*, the FTC conducted a reasonable and adequate search for the requested records. *Second*, after releasing all releasable information to Plaintiff (in multiple batches, including a batch released yesterday), the FTC properly withheld the balance of the requested information pursuant

to statutory FOIA exemptions and the Federal Trade Commission Act (the "FTC Act"). The FTC properly withheld the bulk of the requested records pursuant to FOIA Exemption 3 and 4 and Section 6(f) of the FTC Act. Those records pertained to Facebook's responses to the FTC's demands for information in its investigation of Facebook's 2012 order violations, and documents revealing the substantive settlement negotiations between the FTC and Facebook. In addition, the FTC properly withheld records pursuant to FOIA Exemption 6 and FOIA Exemption 7(C). Specifically, the FTC redacted third party names of Facebook employees who are not executives, names of individuals of investigative interest, and the full email addresses and phone number of Facebook employees.

WHEREFORE, the FTC respectfully requests that the Court allow this motion and enter summary judgment in favor of the FTC.

Respectfully submitted,

FEDERAL TRADE COMMISSION

By its attorney,

ANDREW E. LELLING
United States Attorney

By: */s/ Jason C. Weida*
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Dated: May 15, 2020

LOCAL RULE 7.1(a)(2) CERTIFICATION

I hereby certify that, by email on May 14, 2020, I conferred with Plaintiff's counsel, who would not assent to the relief sought in this motion.

/s/ Jason C. Weida
Jason C. Weida
Assistant U.S. Attorney