UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

BLOCK & LEVITON LLP,

Plaintiff,

v.

FEDERAL TRADE COMMISSION,

Defendant,

FACEBOOK, INC.,

Defendant-Intervenor.

Civil Action No. 1:19-cv-12539-PBS

MOTION FOR SUMMARY JUDGMENT BY DEFENDANT-INTERVENOR FACEBOOK, INC.

Defendant-Intervenor Facebook, Inc. ("Facebook") moves for summary judgment pursuant to Fed. R. Civ. P. 56 and L.R. 56.1. Because the pleadings and evidence "show that there is no genuine issue of material fact," Facebook "is entitled to judgment as a matter of law." *See Carroll v. Xerox Corp.*, 294 F.3d 231, 236 (1st Cir. 2002) (citing Fed. R. Civ. P. 56(c)). In support of its Motion, Defendant-Intervenor respectfully refers the Court to the concurrently-filed Memorandum of Law and Declaration of Jessica Hertz.

Plaintiff Block & Leviton LLP brought this Freedom of Information Act ("FOIA") suit seeking access to Facebook's confidential commercial information contained in documents related to the Federal Trade Commission's (FTC) civil investigation of and subsequent settlement negotiations with Facebook. 5 U.S.C. § 552. Facebook is entitled to summary judgment because the documents at issue have been properly withheld or redacted pursuant to FOIA Exemptions 4, 6, and 7(C). The documents withheld under FOIA Exemption 4 contain Facebook's confidential commercial information and were provided to the FTC with the

understanding of confidential treatment during Facebook's responses to the FTC's investigatory demands for information and substantive settlement negotiations between the FTC and Facebook. Information withheld under FOIA Exemptions 6 and 7(C) includes third-party names, email addresses, phone numbers, and other personally identifying information of Facebook personnel.

Facebook respectfully requests that the Court enter summary judgment in its favor.

Dated: May 15, 2020

Respectfully submitted,

GIBSON, DUNN & CRUTCHER LLP

By: */s/ Joshua S. Lipshutz*
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CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(a)(2)

I certify that, in accordance with Local Rule 7.1(a)(2), counsel for Facebook conferred via email with Plaintiff and have attempted in good faith to resolve or narrow the issue.

By: */s/ Joshua S. Lipshutz*
Joshua S. Lipshutz

CERTIFICATE OF SERVICE

I hereby certify that on May 15, 2020, a true copy of the foregoing will be electronically filed with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing.

By: */s/ Joshua S. Lipshutz*
Joshua S. Lipshutz