UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

BLOCK & LEVITON LLP, Plaintiff,	)	
v.	)	Civil Action No. 19-12539-PBS
FEDERAL TRADE COMMISSION, Defendant, and FACEBOOK, INC., Defendant-Intervenor.	)	

MEMORANDUM AND ORDER

March 5, 2021

Saris, D.J.

Block & Leviton, LLP ("Block & Leviton") has moved to enforce disclosure of certain documents pursuant to the Court's October 15, 2020 Memorandum and Order. The documents at issue include any documents withheld or redacted pursuant to Exemption 6 or 7(C) based on the appearance of Mr. Zuckerberg's name. The FTC does not oppose an order to release the documents, but it requests a temporary stay of 60 days to allow it to appeal. Facebook, Inc. ("Facebook") opposes the motion and requests that the Court issue a stay pending appeal if it orders disclosure of the documents.

In its October 15, 2020 Memorandum and Order, the Court found that "the official acknowledgment doctrine precludes the FTC from redacting Mr. Zuckerberg's name from the settlement documents under Exemption 7(C)." Dkt. 35 at 21. For the reasons stated therein, Block & Leviton is entitled to the documents at issue with Mr. Zuckerberg's name unredacted.

The Court allows the motion of Block & Leviton to order the FTC to produce any documents withheld or redacted under Exemption 6 or 7(C) based on the appearance of Mr. Zuckerberg's name, including Vaughn index 250, 253, 386, and 566. However, the Court grants a temporary stay of 60 days to allow the FTC and/or Facebook to appeal and seek a stay from the First Circuit. I am not granting a stay pending appeal because I do not find a likelihood of success.

Upon the expiration of the temporary stay, the Court orders the FTC to release the documents at issue with Mr. Zuckerberg's name unredacted. The Court will administratively close the remainder of the case pending appeal of this order and the Court's February 22, 2021 Memorandum and Order, without prejudice to any party moving to reopen post-appeal.

SO ORDERED.

/s/ PATTI B. SARIS
Hon. Patti B. Saris
United States District Judge