

## CLIENT ALERT

### D.C. Circuit Overturns Decision To Release Manufacturing Data Under FOIA

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In *United Technologies Corp. v. DoD*, the DC Circuit set aside a DCMA decision to release under FOIA certain Corrective Action Requests (CARs) from DCMA regarding alleged problems with Sikorsky and Pratt & Whitney manufacturing processes. Although the court found that the competitive harm that could result from their competitors using that information to discredit Sikorsky and Pratt & Whitney in the marketplace is not the type of harm that Exemption 4 was designed to protect, the court nonetheless found that the information was not releasable because DoD had not rebutted Sikorsky and Pratt & Whitney's argument that the CARs disclosed proprietary information regarding their manufacturing processes that would allow their competitors to improve their own manufacturing and quality control systems to the competitive detriment of Sikorsky and Pratt & Whitney.

For more information, please contact the professional(s) listed below, or your regular Crowell & Moring contact.

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