

Client Alert

E-Mails Regarding Competitor's Responsibility Not Releasable Under FOIA

March 16, 2009

In *Tybrin Corp. v. USAF* (W.D. Ohio Feb. 19, 2009), the district court ruled that e-mails submitted by Tybrin regarding a competitor's responsibility, which ultimately resulted in the exclusion of that competitor, were confidential commercial information under FOIA Exemption 4 and, therefore, not releasable. In doing so, the court relied on Tybrin's practice of treating such e-mails as confidential, not only as to the general public but also within the company, and the fact that Tybrin had a "commercial interest" in the e-mails and so the e-mails were "commercial" information.

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

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