

CLIENT ALERT

Line Item Prices Still Exempt Under FOIA

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In *Canadian Commercial Corp., et. al. v. Dept. of the Air Force* (Jan. 29, 2008, <http://pacer.cadc.uscourts.gov/docs/common/opinions/200801/06-5310a.pdf>), the D.C. Circuit reiterated to the Air Force its ruling in *McDonnell Douglas Corp. v. Air Force*, 375 F.3d 1182, namely that line item prices are exempt from disclosure under FOIA. In doing so, the Court rejected the Air Force's arguments that: (1) historically line item pricing was subject to disclosure under FOIA, (2) that those prices should be disclosed because the Air Force was likely to exercise the options under the contract, and (3) the FAR requires disclosure of line item pricing, concluding instead that the disclosure of those line item prices would cause substantial competitive harm to the contractor.

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

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