

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

AMERICAN SMALL BUSINESS LEAGUE,

Plaintiff,

No. C 14-02166 WHA

v.

DEPARTMENT OF DEFENSE,

Defendant.

**ORDER RE REQUESTED  
DOCUMENT AND  
SUPPLEMENTAL BRIEFING**

As discussed at today's hearing, defendant agency Department of Defense is **ORDERED** to lodge the requested document — *i.e.*, the most recent Comprehensive Subcontracting Plan submitted by Sikorksy Aircraft Corporation for participating in the Comprehensive Subcontracting Plan Test Program for the agency — under seal for *in camera* review.

The agency will please tab and highlight every part of the requested document that the agency believes would be exempt from disclosure under Section 552(b)(4) of Title Five of the United States Code. Please also include an accompanying declaration by either the agency or Sikorsky that specifies Sikorsky's actual competition and the likelihood of substantial competitive injury if any such tabbed and highlighted parts of the requested document were disclosed. The accompanying declaration should also address the following non-exhaustive list of questions: (1) how stale is the information in the requested document; (2) has any part of the requested document's content been disclosed in any other setting; (3) what steps has Sikorsky taken to maintain the confidentiality of the requested document's content, including its actions with its own employees; and (4) how does suppression of the requested document square with

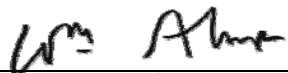
1 the Small Business Act's mandate to encourage government contractors to subcontract to small  
2 disadvantaged businesses? *See* 15 U.S.C. 637(a)(1)(B); *and GC Micro Corp. v. Def. Logistics*  
3 *Agency*, 33 F.3d 1109, 1111 (9th Cir. 1994).

4 The agency must lodge both the requested document and the accompanying declaration  
5 by **12 PM ON NOVEMBER 20, 2014**.

6 Additionally, plaintiff American Small Business League may file a supplemental brief of  
7 no more than **TEN PAGES** on the issue of exemption under Section 552(b)(4). If one is to be  
8 filed, such a supplemental brief would be due by **12 PM ON NOVEMBER 20, 2014**.

9  
10 **IT IS SO ORDERED.**

11  
12 Dated: November 6, 2014.

  
\_\_\_\_\_  
WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE