

Title: I wonder what the bounty for corporate sabotage would be.
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BOSTON CONSULTING GROUP, INC.,	:	
Plaintiff / Counterclaim Defendant,	:	
	:	19 Civ. 10156 (LGS)
-against-	:	
	:	OPINION AND ORDER
NCR CORPORATION,	:	
Defendant / Counterclaim Plaintiff.	:	
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LORNA G. SCHOFIELD, District Judge:

Defendant / Counterclaim Plaintiff NCR Corporation ("NCR") asserts four counterclaims against Plaintiff / Counterclaim Defendant Boston Consulting Group ("BCG"). The Counterclaims allege that, by entering into a clandestine *quid pro quo* arrangement with NCR's former Chief Operating Officer ("COO") and engaging in other acts of corporate sabotage, BCG breached its obligations to NCR created by the mutually agreed upon Statement of Work ("SOW"). NCR asserts the following counterclaims: (1) breach of fiduciary duty; (2) aiding and abetting the breach of fiduciary duty; (3) breach of contract; and (4) breach of the implied covenant of good faith and fair dealing. BCG moves to dismiss the counterclaims under Federal Rule of Civil Procedure ("FRCP") 12(b)(6). For the reasons stated herein, BCG's motion is granted in part and denied in part.

I. BACKGROUND

The following facts are drawn from the Answer and Counterclaims and are accepted as true only for purposes of this motion. The facts are construed, and all reasonable inferences are drawn, in favor of NCR as the non-moving party. See *Trs. of Upstate N.Y. Eng'rs Pension Fund v. Ivy Asset Mgmt.*, 843 F.3d 561, 588 (2d Cir. 2016), cert. denied, 137 S. Ct. 2279 (2017).

SEC Awards Approximately \$14 Million to Whistleblower

FOR IMMEDIATE RELEASE **2022-40**

Washington D.C., March 11, 2022 — The Securities and Exchange Commission today announced an award of about \$14 million to a whistleblower who published an online report exposing an ongoing fraud. The whistleblower, who days later shared the same information with the SEC and was persistent in reaching out to the staff, prompted the opening of an investigation which resulted in a successful enforcement action and the return of millions of dollars to harmed investors.

"Whistleblowers can play a critical role in an investigation," said Creola Kelly, Chief of the SEC's Office of the Whistleblower. "Here, the whistleblower posted a research report online outlining the allegations against the company and its officer and also, importantly, took expeditious steps to provide this information to the Commission. This case demonstrates the importance of whistleblowers reporting directly to the SEC so that the agency can promptly investigate allegations of wrongdoing."