

Title: The Boring Compulsive Grifters got accused of corporate sabotage and “clandestine quid pro quo” arrangements... hmmm
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in Consulting Group, Inc. v. NCR Corporation

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-	:	
	:	<u>OPINION AND ORDER</u>
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).