

Title: For those ready to get back to THE stonk, here is an update on the BCG lawsuit against GameStop: TWO New Pertinent GameStop Filings!

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(If you haven't read the first update, you can find it [here](https://www.reddit.com/r/Superstonk/comments/wbjguy/someone_asking_for_an_update_on_the_bcg_lawsuit/?utm_source=share&utm_medium=web2x&context=3))

TLDR: Since the past update, GameStop has filed two pertinent documents--another Motion to Dismiss ("MtD") and its reply brief to its Motion to Transfer Venue ("MTV").

****Motion to Dismiss.**** After GameStop filed its first MtD on June 10, 2022, BCG [Amended its Complaint](https://acrobat.adobe.com/link/track?uri=urn:aaid:scds:US:83ac0da3-c53d-3c47-aa0b-2ee5eb657f94) (the document that a plaintiff files that contains the legal theories of recovery and includes factual allegations to support such theories). What we are seeing in this case is a very common sequence of events:

1. A defendant files a MtD alleging that the plaintiff failed to state a proper claim for relief. In other words, the defendant argues that even if the court were to take the facts alleged by the plaintiff as true, the case should nevertheless be dismissed because the facts do not support a legally recognized claim. (GameStop first did this on June 22, 2022).
2. If the plaintiff would like, the court will almost always give it a chance to amend its complaint to add or modify the allegations to substantiate a legally recognized claim. (BCG did this on July 1, 2022).
3. If the defendant believes that the amended complaint, if taken as true, still fails to plead sufficient facts or legal allegations, the defendant can then file another MtD. (We are here because [GameStop filed another MtD on August 15, 2022](https://acrobat.adobe.com/link/track?uri=urn:aaid:scds:US:620adb62-505f-3d54-a440-bb67e92df8be)).
4. It would then be up to the plaintiff to request leave to amend its complaint again if necessary and/or respond to the MtD with the hopes that the court does not dismiss the case. (BCG's response to the MtD is due on August 29, 2022.)

One thing that is somewhat odd (and this may just be a difference from the local rules I am used to) is that BCG never filed an actual response to GameStop's first MtD and there is no ruling on file denying the motion. As I mentioned in my last post, this may have been because the Court decided to defer the issue until the MtV is ruled upon, but now it looks like there may have been an oral order to allow BCG to amend its complaint, and then GameStop could then file another MtD if it contends that BCG still failed to plead a proper claim. Regardless, I do not expect that we will get a ruling on the first motion as it is now moot because of the filing of an updated motion that addresses the amended complaint.

****Motion to Transfer Venue.**** GameStop is continuing its push to get the case transferred to Texas. On August 15, 2022, GameStop filed [its reply](https://acrobat.adobe.com/link/track?uri=urn:aaid:scds:US:620adb62-505f-3d54-a440-bb67e92df8be) to BCG's response. The Court will hear argument on the MTV on September 12, 2022, unless it decides to rule on the motion without argument before then.

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That is all for now, but I will keep an eye on this case and will update periodically.

DRS!