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Games, Inc. v. Google LLC et al.

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN FRANCISCO DIVISION
4

5 **IN RE GOOGLE PLAY STORE**
6 **ANTITRUST LITIGATION**

Case No. 3:21-md-02981-JD

7 THIS DOCUMENT RELATES TO:

**NOTICE OF EPIC GAMES INC.'S AND
DEVELOPER PLAINTIFFS' INTENT TO
AMEND COMPLAINTS**

8 *Epic Games Inc. v. Google LLC et al.*, Case
9 No. 3:20-cv-05671-JD

Courtroom: 11, 19th Floor
Judge: Hon. James Donato

10 *In re Google Play Consumer Antitrust*
11 *Litigation*, Case No. 3:20-cv-05761-JD

12 *In re Google Play Developer Antitrust*
13 *Litigation*, Case No. 3:20-cv-05792-JD

1 Ahead of the holiday weekend, in light of the scheduled July 22, 2021 argument on the
2 defendants' pending Omnibus Motion to Dismiss (Case No. 3:21-md-02981-JD, Dkt. 21), Epic
3 Games, Inc. ("Epic") and plaintiffs in *In re Google Play Developer Antitrust Litigation*
4 ("Developer Plaintiffs") write to inform the Court of their intent to amend their complaints in
5 light of document discovery obtained to date. Epic informed all other parties in this MDL action
6 (with Epic, the "Parties") of its intent to amend its complaint based on documents uncovered in
7 discovery to date, and tendered a draft of its proposed amended complaint to Google on June 29,
8 2021. In light of Epic's amendment, Developer Plaintiffs have also decided to amend their
9 complaint at this time, based on document discovery reviewed to date. Developer Plaintiffs have
10 not yet prepared a draft of their proposed amended complaint. Epic and Developer Plaintiffs
11 intend to file their proposed amended complaints—with consent of defendants or pursuant to a
12 motion—**by July 21, 2021**.

13 Plaintiffs in the *Consumer Antitrust Litigation* ("Consumer Plaintiffs") are prepared to
14 proceed with oral argument on July 22, 2021, on their operative complaint, as they believe their
15 current allegations are sufficient to overcome the pending motion to dismiss. And while
16 discovery to date has revealed additional facts supporting their claims, Consumer Plaintiffs'
17 preferred course would be for the motion to dismiss to be heard at this juncture and to seek leave
18 to amend then, if appropriate. If the Court prefers omnibus briefing and a single hearing on a
19 motion to dismiss, however, Consumer Plaintiffs reserve their right to seek leave to amend their
20 complaint in accordance with any guidance by the Court.

21 The Parties have begun to meet and confer regarding defendants' position with respect to
22 the proposed amendments and the schedule for any necessary briefing or the filing of responsive
23 pleadings. The Parties will provide the Court with an update in the Joint Case Management
24 Statement due July 15, 2021.

1 Dated: July 2, 2021

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14 Respectfully submitted,

15 By: /s/ Yonatan Even

16 Yonatan Even

17 *Counsel for Plaintiff Epic Games, Inc.*

18 Dated: July 2, 2021

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19 Respectfully submitted,

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19 *Pure Sweat Basketball*

1 Dated: July 2, 2021

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10 *Peekya App Services, Inc.*

E-FILING ATTESTATION

1
2 I, Yonatan Even, am the ECF User whose ID and password are being used to file
3 this document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that each of the
4 signatories identified above has concurred in this filing.

5 */s/ Yonatan Even*
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