

Cyberpunked – How One Developer Could Answer in Court for a Botched Video Game Release

In 2012, Polish video game developer, CD Projekt Red (“CDPR”) announced they were working on a new game they called “Cyberpunk 2077.”¹ Though the game was shrouded in mystery at the time, video game fans were excited by another major franchise created by the company behind the massively successful, “The Witcher” games.² However, very little was initially announced as CDPR was busy with the production of “The Witcher 3: Wild Hunt.”³

This third installment of the Witcher series was released in 2016 to praise from both critics and audiences worldwide. It currently holds the third-place spot on IMDB’s list of the best video games of all time, with a DLC expansion for the game “Blood and Wine” holding the top spot.⁴ The game’s success also inspired Netflix to create a series from the same source material, which was released in 2019, also to critical and audience acclaim.⁵ Given CDPR’s success, fans were understandably eager to see what the developer had in store with Cyberpunk 2077.

CDPR began pre-production on Cyberpunk 2077 shortly after the release of The Witcher 3. The studio promised many of the same elements that drew fans to the Witcher games. In 2012, CDPR co-founder Marcin Iwinski made several promises about the game, finishing his presentation with “If you don’t believe me, look at our Witcher games. We will deliver a truly outstanding futuristic RPG, setting a totally new standard for the genre.”⁶ After countless delays, Cyberpunk 2077 was finally released on December 10, 2020.⁷

Cyberpunk 2077 had two very distinct experiences at launch. The first, was that critics and fans loved the game. The design was beautiful, the gameplay was engaging, the story was compelling, and even just exploring the futuristic world captivated anyone who played it.⁸

The second, much more common experience, was that the game was largely unplayable. Unless a consumer had an extremely high-end PC or a next generation console, Cyberpunk 2077 was riddled with game-breaking glitches, bugs, crashes, and performance issues that left many consumers infuriated that the game was released in this broken state. IGN ranked the playable PC version of the game 9/10, while the console version received a 4/10.⁹ In the console review, IGN stated that Cyberpunk 2077 “[F]ails to hit even the lowest bar of technical quality one should expect even when playing on lower-end hardware.”¹⁰ Sony even went as far as to

¹ <https://www.dexerto.com/gaming/when-was-cyberpunk-2077-originally-announced-its-been-a-while-1469556/>

² <https://uctangerine.com/2021/02/21/cyberpunk-2077-9-years-of-development-8-days-of-hell/>

³ *Id.*

⁴ https://www.imdb.com/search/title/?sort=user_rating,desc&title_type=game

⁵ <https://uctangerine.com/2021/02/21/cyberpunk-2077-9-years-of-development-8-days-of-hell/>

⁶ *Id.*

⁷ *Id.*

⁸ <https://www.ign.com/articles/cyberpunk-2077-review>

⁹ *Id.*; <https://www.ign.com/articles/cyberpunk-2077-for-xbox-one-and-playstation-4-review>

¹⁰ <https://www.ign.com/articles/cyberpunk-2077-for-xbox-one-and-playstation-4-review>

remove the game from the PlayStation store and offer a refund to anyone who had purchased it.¹¹ And while the fans of the game are understandably upset, it is now the investors of CDPR that have taken to the courts to find recourse for the disastrous release of Cyberpunk 2077.

The Rosen Law Firm has filed a class action lawsuit on behalf of investors in CDPR in the United States District Court for the Central District of California.¹² The suit alleges, among other things, that CDPR

“failed to disclose (1) Cyberpunk 2077 was virtually unplayable on the [last-] generation Xbox or PlayStation systems due to an enormous number of bugs; (2) as a result, Sony would remove Cyberpunk 2077 from the PlayStation store, and Sony, Microsoft and CD Projekt would be forced to offer full refunds for the game; (3) consequently, CD Projekt would suffer reputational and pecuniary harm; and (4) as a result, defendants’ statements about its business, operations, and prospects, were materially false and misleading and/or lacked a reasonable basis at all relevant times. When the true details entered the market, the lawsuit claims that investors suffered damages.”¹³ Bloomberg also reported that these issues surrounding the release of Cyberpunk cost CDPR over a billion dollars.¹⁴ CDPR’s stock also plunged over a third in just six days following the release.¹⁵

CDPR issued a response to the suit saying they would “undertake rigorous action to defend itself against any such claims.”¹⁶

While the world awaits performance patches for the game, it will be interesting to monitor developments on the fraud allegations from this case. The fact that CDPR botched the release of Cyberpunk is not in question, but rather whether CDPR made false and misleading statements, knew these statements were false or misleading, and that these statements caused the company to be overvalued.¹⁷ If the plaintiffs can prove fraud by CDPR, it will serve as cautionary story to game developers everywhere who might release a game with such rampant issues.

-- *Michael Rollman*

¹¹ <https://www.gameinformer.com/2020/12/17/cyberpunk-2077-pulled-from-playstation-store-refunds-offered>

¹² https://www.courthousenews.com/wp-content/uploads/2020/12/Trampe_CDProjekt-COMPLAINT.pdf;

<https://www.gameinformer.com/2020/12/30/cyberpunk-2077-investor-files-class-action-lawsuit-against-cd-projekt-red>

¹³ [gameinformer.com/2020/12/30/cyberpunk-2077-investor-files-class-action-lawsuit-against-cd-projekt-red](https://www.gameinformer.com/2020/12/30/cyberpunk-2077-investor-files-class-action-lawsuit-against-cd-projekt-red)

¹⁴ <https://www.bloomberg.com/news/articles/2020-12-15/cd-projekt-founders-lose-1-billion-as-game-bugs-hurt-reputation>

¹⁵ *Id.*

¹⁶ [gameinformer.com/2020/12/30/cyberpunk-2077-investor-files-class-action-lawsuit-against-cd-projekt-red](https://www.gameinformer.com/2020/12/30/cyberpunk-2077-investor-files-class-action-lawsuit-against-cd-projekt-red)

¹⁷ <https://www.escapistmagazine.com/v2/cd-projekt-red-class-action-lawsuit-cyberpunk-2077-cdpr-investors/>

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Polish video game developer CD Projekt Red released a video game in December of 2020 that was virtually unplayable for a large number of consumers who purchased the game. This caused massive losses for the company and in response, investors have filed a class action lawsuit against the developer alleging fraud by executives of the developer.