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No. 111 ORIGINAL

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IN THE
Supreme Court of the United States

OCTOBER TERM, 1993

STATE OF DELAWARE,

Plaintiff,

STATE OF TEXAS,

Plaintiff-Intervenor,

vs.

STATE OF NEW YORK,

Defendant.

**ANSWER OF THE STATE OF NEW YORK
TO THE AMENDED COMPLAINT BY
THE DISTRICT OF COLUMBIA**

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August 6, 1993

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The State of New York, defendant, by its counsel, for its Answer to the Amended Complaint by the District of Columbia, says:

1. Admits paragraph 1.

2. Admits paragraph 2.a only to the extent that it describes generally the commencement of the pending action and the claims of the State of Delaware.

3. Admits paragraph 2.b.

4. Admits paragraph 2.c.

5. Admits paragraph 2.d.

6. Admits paragraph 2.e.

7. Admits paragraph 2.f.

8. Admits paragraph 3 only to the extent that it describes generally the governmental status of the District of Columbia, but states that the cited statutes speak for themselves.

9. Denies that “unclaimed distributions” includes “profits” and that the description of “unclaimed distributions” in paragraph 4 is accurate.

10. Denies paragraph 5.

11. Denies paragraph 5.a.

12. Denies paragraph 5.b.

13. Denies paragraph 5.c.

14. Denies paragraph 5.d.

15. Admits only that paragraph 5.e asserts an alternative claim for relief.

AFFIRMATIVE DEFENSES

16. The affirmative defenses previously raised by New York to the complaints in intervention are repeated and realleged as though fully set forth herein.

17. The District of Columbia fails to state a claim upon which relief can be granted under the Court’s primary rule because it has not identified any owners of unclaimed distributions with last known addresses in the District of Columbia on the debtor intermediaries’ books and records whose property has been remitted to New York.

18. The District of Columbia fails to state a claim upon which relief can be granted under the Court’s backup rule because it

has not identified any debtor intermediaries incorporated in the District of Columbia who have remitted unclaimed distributions to New York when there are no last known addresses of creditors on the debtor intermediaries' books and records.

19. The District of Columbia fails to state a claim upon which relief can be granted under the Court's backup rule or any equitable principle determined or to be determined by the Court because it has not identified any debtor intermediaries domiciled in the District of Columbia or with principal places of business there who have remitted unclaimed distributions to New York when there are no last known addresses of creditors on the debtor intermediaries' books and records and the debtor intermediaries are not incorporated in any State.

20. The District of Columbia fails to state a claim upon which relief can be granted under the Court's backup rule to unclaimed distributions paid by federal issuers or federally chartered issuers to debtor intermediaries unless the debtor intermediaries are incorporated in the District of Columbia or are not incorporated in any State but have their principal places of business there.

COUNTERCLAIMS

21. New York claims entitlement to the custodial possession of unclaimed distributions wrongfully taken by the District of Columbia which are owed to creditors whose last known addresses on the debtor intermediaries' books and records are in New York.

22. New York claims entitlement to the custodial possession of unclaimed distributions wrongfully taken by the District of Columbia from debtor intermediaries incorporated in New York when the creditors' last known addresses are not shown by the debtor intermediaries' books and records.

23. New York claims entitlement to the custodial possession of unclaimed distributions wrongfully taken by the District of Columbia from debtor intermediaries whose principal places of business are in New York when the debtor intermediaries' books

and records do not show the creditors' last known addresses and the debtor intermediaries are not incorporated in any State.

24. New York claims entitlement to the custodial possession of unclaimed distributions wrongfully taken by the District of Columbia and owed to New York pursuant to any ruling, principle or determination announced or to be announced by the Court.

PRAYER FOR RELIEF

WHEREFORE, the State of New York prays:

1. The District of Columbia's prayer for relief be denied.
2. Judgment be entered on New York's counterclaims for any unclaimed distributions to which New York is entitled which were wrongfully taken by the District of Columbia, plus prejudgment interest at the prevailing rate.
3. Such other and further relief as this Court deems just and proper.

Dated: New York, New York
August 6, 1993

Respectfully submitted,

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