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No. 111 ORIGINAL

Supreme Court, U.S.
FILED
AUG 9 1993
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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 IN INTERVENTION OF
THE STATE OF CALIFORNIA**

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Counsel of Record

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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 in Intervention of the State of California, says:

1. Admits paragraph 1.
2. Admits paragraph 2.
3. Admits paragraph 3.

4. Admits paragraph 4.
5. Admits paragraph 5.
6. Admits paragraph 6.
7. Admits only that paragraph 7 asserts the relief sought by California.
8. Admits the first sentence of paragraph 8 except denies that "Distributions" include "profits" and denies that there are "other nonbrokerage firm intermediaries." Denies the second sentence of paragraph 8.
9. Denies paragraph 9.
10. Admits only that paragraph 10 asserts California's further claims for relief.
11. Admits only that paragraph 11 asserts California's alternative claims for relief.
12. In response to paragraph 12, repeats and realleges all answers made to the California Complaint In Intervention as though fully set forth herein.

AFFIRMATIVE DEFENSES

13. The affirmative defenses previously raised by New York to the complaints in intervention are repeated and realleged as though fully set forth herein.
14. California 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 Distributions with last known addresses in California on the debtor intermediaries' books and records whose property has been remitted to New York.
15. California 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 California who have remitted Distributions to New York when there are no last

known addresses of creditors on the debtor intermediaries' books and records.

16. California 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 with principal places of business in California who have remitted 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.

COUNTERCLAIMS

17. New York claims entitlement to the custodial possession of Distributions wrongfully taken by California which are owed to creditors whose last known addresses on the debtor intermediaries' books and records are in New York.

18. New York claims entitlement to the custodial possession of Distributions wrongfully taken by California from debtor intermediaries incorporated in New York when the creditors' last known addresses are not shown by the debtor intermediaries' books and records.

19. New York claims entitlement to the custodial possession of Distributions wrongfully taken by California 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.

20. New York claims entitlement to the custodial possession of Distributions wrongfully taken by California 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. California's prayer for relief be denied.

2. Judgment be entered on New York's counterclaims for any Distributions to which New York is entitled which were wrongfully taken by California, 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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