

Office-Supreme Court, U.S.
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IN THE
Supreme Court of the United States

October Term, 1961.

No. 13 Original.

STATE OF TEXAS,

Plaintiff,

v.

STATE OF NEW JERSEY, et al.,

Defendants.

**BRIEF OF DEFENDANT, SUN OIL COMPANY, IN
SUPPORT OF MOTION OF STATE OF FLORIDA
FOR LEAVE TO INTERVENE**

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I. STATEMENT OF THE CASE.

This is an original proceeding in which the State of Texas has sued the States of New Jersey and Pennsylvania seeking a resolution of the conflicting claims of these three States to certain unclaimed debts and other property in the custody of Sun Oil Company, a named defendant, which is a New Jersey corporation with its principal office in Pennsylvania and which is qualified to do business in the State of Texas. This Court has taken jurisdiction and the State of Florida has now filed a motion for leave to intervene and a proposed answer to the complaint of the State of Texas.

II. ARGUMENT.

The motion and answer of the State of Florida establish that the last known addresses of certain obligees of debts owed by Sun and reported to Texas are in the State of Florida. Florida claims that escheat or possession of unclaimed or abandoned intangible obligations should be by the State of the domicile or residence of the payee or obligee. In its answer Sun Oil Company, referring to the property claimed by Texas, stated in part (at Paragraph XI):

“Sun Oil Company can neither admit nor deny that the situs of such property and jurisdiction thereof for the purposes of escheat lies in Texas or in any other State, in view of the adverse claims of defendant States of New Jersey and Pennsylvania and the possible claims of other States to this and other similar property, and reserves to itself the right to claim any offsets, counterclaims, limitations or other defenses it may have under the custodial, abandoned property or escheat laws of the State or States determined to have jurisdiction.”

In Paragraph XI of its answer Sun Oil Company states its position further as follows:

“As to the intangible personal property referred to in Paragraph XVI, this defendant admits that it is in real, actual and imminent danger of being compelled by the courts of more than one State to deliver all or a portion or portions of such property to those States, without protection from the claims of other States, and therefore, submits to the jurisdiction of this Court for the purpose of disposing of the conflicting claims of plaintiff, of the other defendants and of the several other States which are notified of this proceeding.”

By the filing of its motion for leave to intervene, Florida has joined Texas, New Jersey and Pennsylvania in actively asserting claims to property in the custody of Sun Oil Company. The claim of Florida should be adjudicated together with the claims of the other States already parties to the action in order that Sun Oil Company may not be subjected to multiple suits or be compelled by the courts of more than one State to deliver all or a portion of the unclaimed property in its possession to those States.

Therefore, and in accordance with the doctrine announced by this Court in *Western Union Co. v. Pennsylvania*, 368 U. S. 71 (1961), defendant Sun Oil Company joins in the motion of the State of Florida for leave to intervene in these proceedings.

Respectfully submitted,

HENRY A. FRYE,

*Attorney for Defendant,
Sun Oil Company.*

PROOF OF SERVICE.

I, Henry A. Frye, attorney for Defendant, Sun Oil Company, and a member of the Bar of the Supreme Court of the United States, hereby certify that on the *31st* day of *January*, 1963, I served copies of the foregoing Brief of Defendant, Sun Oil Company, in Support of Motion of State of Florida for Leave to Intervene on each of the other parties to this action by depositing copies in a United States post office or mail box, as certified mail with first class postage or air mail postage prepaid, and addressed to:

- (1) Honorable John B. Connally
Governor of Texas
State Capitol
Austin, Texas
- (2) Honorable Waggoner Carr
Attorney General of Texas
Courts Building
Austin 11, Texas
- (3) Honorable Richard J. Hughes
Governor of New Jersey
State Capitol
Trenton, New Jersey
- (4) Honorable Arthur J. Sills
Attorney General of New Jersey
State Capitol
Trenton, New Jersey
- (5) Honorable Farris Bryant
Governor of Florida
State Capitol
Tallahassee, Florida

- (6) Honorable Richard W. Ervin
Attorney General of Florida
State Capitol
Tallahassee, Florida
- (7) Honorable William W. Scranton
Governor of Pennsylvania
State Capitol
Harrisburg, Pennsylvania
- (8) Honorable Walter E. Alessandrini
Attorney General of Pennsylvania
State Capitol
Harrisburg, Pennsylvania

It is further certified that copies of the Brief of Defendant, Sun Oil Company, in Support of Motion of State of Florida for Leave to Intervene have been served on the States named in Paragraph VI of Plaintiff's Complaint by depositing copies in a United States post office or mail box, as certified mail with first class postage or air mail postage prepaid and addressed to the Governors and Attorneys General of each of such States.

HENRY A. FRYE,
*Attorney for Defendant,
Sun Oil Company.*

