In The
Supreme Court of the United States

STATE OF ARKANSAS, STATE OF TEXAS, STATE OF ALABAMA, STATE OF ARIZONA, STATE OF COLORADO, STATE OF FLORIDA, STATE OF IDAHO, STATE OF INDIANA, STATE OF KANSAS, COMMONWEALTH OF KENTUCKY, STATE OF LOUISIANA, STATE OF MICHIGAN, STATE OF MONTANA, STATE OF NEBRASKA, STATE OF NEVADA, STATE OF NORTH DAKOTA, STATE OF OHIO, STATE OF OKLAHOMA, STATE OF SOUTH CAROLINA, STATE OF UTAH, AND STATE OF WEST VIRGINIA,

Plaintiffs,

v.

STATE OF DELAWARE,

Defendant.

ANSWER TO COUNTERCLAIM

KEN PAXTON
Texas Attorney General

LESLIE RUTLEDGE
Arkansas Attorney General

LEE RUDOFSKY*
Arkansas Solicitor General

NICHOLAS J. BRONNI
Arkansas Deputy Solicitor General

OFFICE OF THE ARKANSAS ATTORNEY GENERAL
323 Center St.
Little Rock, AR 72201
(501) 682-8090
lee.rudofsky@arkansasag.gov

**Counsel of Record*

[Additional Counsel Listed On Inside Cover]

LUTHER STRANGE
Alabama Attorney General

MARK BRNOVICH
Arizona Attorney General

CYNTHIA H. COFFMAN
Colorado Attorney General

PAMELA JO BONDI
Attorney General of Florida

LAWRENCE G. WASDEN
Idaho Attorney General

GREGORY F. ZOELLER
Attorney General of Indiana

DEREK SCHMIDT
Attorney General of Kansas

ANDY BESHEAR
Kentucky Attorney General

JEFF LANDRY
Attorney General
STATE OF LOUISIANA

BILL SCHUETTE
Michigan Attorney General

TIMOTHY C. FOX
Montana Attorney General

DOUGLAS J. PETERSON
Nebraska Attorney General

ADAM PAUL LAXALT
Attorney General of Nevada

WAYNE STENEHJEM
Attorney General of
North Dakota

November 1, 2016

MICHAEL DEWINE
Attorney General of Ohio

E. SCOTT PRUITT
Oklahoma Attorney General

ALAN WILSON
South Carolina
Attorney General

SEAN D. REYES
Utah Attorney General

PATRICK MORRISEY
West Virginia
Attorney General

APPENDIX

Nos. 22O146 & 22O145, Original (Consolidated)

In The
Supreme Court of the United States

STATE OF ARKANSAS, STATE OF TEXAS, STATE OF ALABAMA, STATE OF ARIZONA, STATE OF COLORADO, STATE OF FLORIDA, STATE OF IDAHO, STATE OF INDIANA, STATE OF KANSAS, COMMONWEALTH OF KENTUCKY, STATE OF LOUISIANA, STATE OF MICHIGAN, STATE OF MONTANA, STATE OF NEBRASKA, STATE OF NEVADA, STATE OF NORTH DAKOTA, STATE OF OHIO, STATE OF OKLAHOMA, STATE OF SOUTH CAROLINA, STATE OF UTAH, AND STATE OF WEST VIRGINIA,

Plaintiffs,

v.

STATE OF DELAWARE,

Defendant.

ANSWER TO COUNTERCLAIM

The States of Arkansas, Texas, Alabama, Arizona, Colorado, Florida, Idaho, Indiana, Kansas, Louisiana,

Michigan, Montana, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, South Carolina, Utah, and West Virginia, and the Commonwealth of Kentucky ("Plaintiff States") submit this Answer to the State of Delaware's Counterclaim against the Plaintiff States.[1]

The Plaintiff States specifically deny each and every allegation of Delaware's Counterclaim not otherwise expressly admitted, qualified, denied herein, or that is inconsistent with the allegations of the Plaintiff States' complaint. Answering the numbered paragraphs of Delaware's Counterclaim, the Plaintiff States respond as follows:

1. The Plaintiff States admit that this Court has jurisdiction over the controversy presented in Delaware's Counterclaim.

2. The Plaintiff States admit that this Court is the appropriate forum in which Delaware may bring its Counterclaim. To the extent that this paragraph contains additional allegations that Delaware has rights that it is entitled to enforce under the United States Constitution, those allegations are (a) legal conclusions to which no response is required and (b) denied if a response is deemed required.

3. This paragraph contains legal conclusions to which no response is required. This paragraph also

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[1] In the event that Delaware amends its Counterclaim to include identical claims against the States of California, Iowa, Maryland, Oregon, Washington, and the Commonwealth of Virginia, those additional States concur in this Answer. Counsel for these additional States are listed in Exhibit A.

contains Delaware's characterization of a judicial decision and State laws that speak for themselves. The Court is respectfully referred to the cited judicial decision and State laws for a full and accurate description of their contents. To the extent that a response is deemed required, it is admitted that the Plaintiff States have statutes concerning their ability to take title to certain abandoned intangible personal property. To the extent that a response is deemed required, the Plaintiff States lack sufficient information to admit or deny the remainder of the allegation in this paragraph, and on that basis, deny it.

4. This paragraph contains legal conclusions to which no response is required. This paragraph also contains Delaware's characterization of judicial decisions that speak for themselves. The Court is respectfully referred to the cited judicial decisions for a full and accurate description of their contents. To the extent that a response is deemed required, it is admitted that the cited cases address disputes regarding States' claims of priority to certain abandoned intangible personal property.

5. This paragraph contains legal conclusions to which no response is required. This paragraph also contains Delaware's characterization of a judicial decision that speaks for itself. The Court is respectfully referred to the cited judicial decision for a full and accurate description of its contents. To the extent that a response is deemed required, the allegation is denied to the extent to which it is inconsistent with the

allegation in paragraph 5 of the Plaintiff States' complaint.

6. This paragraph contains legal conclusions to which no response is required. This paragraph also contains Delaware's characterization of judicial decisions that speak for themselves. The Court is respectfully referred to the cited judicial decisions for a full and accurate description of their contents. To the extent that a response is deemed required, the allegation is denied to the extent to which it is inconsistent with the allegation in paragraph 5 of the Plaintiff States' complaint.

7. This paragraph contains legal conclusions to which no response is required. This paragraph also contains Delaware's characterization of a judicial decision and a federal statute that speak for themselves. The Court is respectfully referred to the cited decision and statute for a full and accurate description of their contents. To the extent that a response is deemed required, the allegation is denied to the extent to which it is inconsistent with the allegation in paragraph 6 of the Plaintiff States' complaint.

8. This paragraph contains three different allegations. First, it alleges that MoneyGram Payment Systems, Inc. ("MoneyGram") is a Delaware corporation that has its principal place of business in Texas; that allegation is admitted. Second, it alleges that MoneyGram is a wholly owned subsidiary of MoneyGram International, Inc.; that allegation is admitted. Third, it alleges that MoneyGram provides

official check services to financial institutions; the Plaintiff States lack sufficient information to admit or deny that allegation, and on that basis, it is denied.

9. This paragraph sets forth Delaware's characterization of the thoughts and conduct of itself and a third party without any reference to a period in time. The Plaintiff States lack sufficient knowledge or information to form a belief as to the truth or falsity of the allegations with respect to MoneyGram. The Plaintiff States admit that MoneyGram has remitted unclaimed property from official checks to Delaware. The Plaintiff States further admit that Delaware has concluded that the Disposition of Abandoned Money Orders and Traveler's Checks Act ("Federal Disposition Act"), 12 U.S.C. 2501-2503, does not apply to MoneyGram official checks. The remainder of the paragraph is denied based on lack of sufficient knowledge or information or because it alleges legal conclusions to which no response is required.

10. This paragraph contains legal conclusions to which no response is required. This paragraph also contains Delaware's characterization of a federal statute that speaks for itself. The Court is respectfully referred to the cited statute for a full and accurate description of its contents. To the extent that the allegations are factual, the Plaintiff States lack sufficient information to admit or deny, and on that basis, the allegations are denied.

11. The allegations constitute either legal conclusions to which no response is required, or factual

allegations that the Plaintiff States lack sufficient information to admit or deny. On these bases, the allegations are denied.

12. The Plaintiff States lack sufficient information to admit or deny the allegations, and on that basis, the allegations are denied. To the extent this paragraph contains legal conclusions, no response is required. To the extent that a response is deemed required, it is denied.

13. This paragraph contains legal conclusions to which no response is required. This paragraph also contains Delaware's characterization of a federal statute that speaks for itself. The Court is respectfully referred to the cited statute for a full and accurate description of its contents. To the extent that a response is deemed required, it is denied.

14. Admitted.

15. Admitted.

16. This paragraph contains legal conclusions to which no response is required. This paragraph also contains Delaware's characterization of a judicial decision that speaks for itself. The Court is respectfully referred to the cited decision for a full and accurate description of its contents. To the extent that a response is deemed required, it is denied.

17. This paragraph contains legal conclusions to which no response is required. To the extent a response is deemed required, it is denied that Delaware has any superior right to the Plaintiff States to receive sums

payable on abandoned and unclaimed MoneyGram official checks purchased in the Plaintiff States.

18. The Plaintiff States admit that this Court is the appropriate forum in which Delaware may bring its Counterclaim. To the extent that this paragraph contains additional allegations that Delaware has rights that it is entitled to enforce under federal law, those allegations are (a) legal conclusions to which no response is required and (b) denied if a response is deemed required.

The remaining paragraphs contain Delaware's demand for relief to which no response is required. To the extent a response is deemed required, the Plaintiff States deny the allegations in the remainder of the Counterclaim and further aver that Delaware is not entitled to the requested relief from this Court or the Plaintiff States.

The Plaintiff States intend to rely on or assert any defenses that may become available or apparent during the course of this litigation. The Plaintiff States reserve the right to amend this Answer to assert any and all such defenses.

WHEREFORE, having fully answered, the Plaintiff States assert that Delaware is not entitled to the relief requested, or to any relief whatsoever. The Plaintiff States request the entry of judgment in the form of an order dismissing Delaware's Counterclaim, and awarding the Plaintiff States costs and any other such relief as the Court deems just and proper.

Respectfully submitted,

KEN PAXTON
Texas Attorney General

LUTHER STRANGE
Alabama Attorney General

MARK BRNOVICH
Arizona Attorney General

CYNTHIA H. COFFMAN
Colorado Attorney General

PAMELA JO BONDI
Attorney General of Florida

LAWRENCE G. WASDEN
Idaho Attorney General

GREGORY F. ZOELLER
Attorney General of Indiana

DEREK SCHMIDT
Attorney General of Kansas

ANDY BESHEAR
Kentucky Attorney General

JEFF LANDRY
Attorney General
STATE OF LOUISIANA

BILL SCHUETTE
Michigan Attorney General

TIMOTHY C. FOX
Montana Attorney General

DOUGLAS J. PETERSON
Nebraska Attorney General

ADAM PAUL LAXALT
Attorney General of Nevada

LESLIE RUTLEDGE
Arkansas Attorney General

LEE RUDOFSKY*
Arkansas Solicitor General

NICHOLAS J. BRONNI
Arkansas Deputy
Solicitor General

OFFICE OF THE ARKANSAS
ATTORNEY GENERAL
323 Center St.
Little Rock, AR 72201
(501) 682-8090
lee.rudofsky
@arkansasag.gov

**Counsel of Record*

WAYNE STENEHJEM
Attorney General
of North Dakota

MICHAEL DEWINE
Attorney General of Ohio

E. SCOTT PRUITT
Oklahoma Attorney General

ALAN WILSON
South Carolina
Attorney General

SEAN D. REYES
Utah Attorney General

PATRICK MORRISEY
West Virginia
Attorney General

November 1, 2016

EXHIBIT

A

KAMALA D. HARRIS
Attorney General
of California

THOMAS J. MILLER
Attorney General of Iowa

BRIAN E. FROSH
Attorney General
of Maryland

ELLEN F. ROSENBLUM
Attorney General
STATE OF OREGON

MARK R. HERRING
Attorney General
COMMONWEALTH
OF VIRGINIA

ROBERT W. FERGUSON
Attorney General
of Washington