Nos. 145 and 146, Original

In The
Supreme Court of the United States

STATE OF DELAWARE,

Plaintiff,

v.

COMMONWEALTH OF PENNSYLVANIA AND STATE OF WISCONSIN,

Defendants,

AND

STATE OF ARKANSAS, *et al.*,

Plaintiffs,

v.

STATE OF DELAWARE,

Defendant.

STATE OF DELAWARE'S ANSWER TO STATE OF ARKANSAS ET AL.'S BILL OF COMPLAINT

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**Counsel of Record*

November 1, 2016

The State of Delaware, pursuant to the Court's Order dated October 3, 2016, by and through undersigned counsel, hereby answers the Bill of Complaint of Arkansas *et al.* as follows:[1]

1. Admitted.

2. Admitted that the cited Supreme Court decisions contain the quoted language and that the Supreme Court has on three previous occasions determined disputes between States concerning the disposition of intangible property. Otherwise denied.

3. Admitted that MoneyGram, from the time that its state of incorporation has been Delaware at least through the 2015 report deadline, has reported and remitted sums to Delaware payable on unclaimed and abandoned MoneyGram Official Checks. Otherwise denied.

4. Admitted that this Court should resolve the dispute between Delaware and the other States. Otherwise denied.

5. Paragraph 5 states legal conclusions to which no response is required.

6. Paragraph 6 states legal conclusions to which no response is required.

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[1] The State of Delaware's answer herein responds to the allegations in the Bill of Complaint of the original Plaintiff States and the seven States that have sought leave to be included as additional plaintiffs.

7. Paragraph 7 states legal conclusions to which no response is required.

8. Admitted that disputes over where property should be remitted are disputes between States *qua* States. Otherwise, Paragraph 8 states legal conclusions to which no response is required.

9. Delaware lacks knowledge or information sufficient to admit or deny the allegations of Paragraph 9.

10. Denied that the only substantive difference between MoneyGram money orders and MoneyGram Official Checks is the item's face value limits. Delaware lacks knowledge or information sufficient to admit or deny the remaining allegations of Paragraph 10.

11. Admitted that many MoneyGram Official Checks are not cashed or otherwise redeemed. Delaware lacks knowledge or information sufficient to admit or deny the remaining allegations of Paragraph 11.

12. Paragraph 12 states legal conclusions to which no response is required and is otherwise denied.

13. Paragraph 13 states legal conclusions to which no response is required and is otherwise denied.

14. Paragraph 14 states legal conclusions to which no response is required and is otherwise denied.

15. Admitted that MoneyGram, from the time that its state of incorporation has been Delaware at least through the 2015 report deadline, has reported and remitted sums to Delaware payable on unclaimed

and abandoned MoneyGram Official Checks. Otherwise denied.

16. Admitted that MoneyGram, from the time that its state of incorporation has been Delaware at least through the 2015 report deadline, has reported and remitted sums to Delaware payable on unclaimed and abandoned MoneyGram Official Checks. Otherwise denied.

17. Denied.

18. Denied.

19. Admitted that in April 2011, an attorney sent a letter to Delaware regarding an unnamed client. Otherwise denied.

20. Admitted that the State of Delaware responded to the April 2011 letter in May 2011 and that the May 2011 letter speaks for itself and is the best evidence of its contents. Otherwise denied.

21. Denied.

22. Admitted that after 2011 MoneyGram continued to remit sums payable on unclaimed MoneyGram Official Checks to Delaware. Otherwise denied.

23. Denied.

24. Denied.

25. Denied.

26. Admitted that MoneyGram, from the time that its state of incorporation has been Delaware at least through the 2015 report deadline, has reported and remitted sums to Delaware payable on unclaimed and abandoned MoneyGram Official Checks. Otherwise denied.

27. Denied.

28. Delaware lacks knowledge or information sufficient to admit or deny the allegations of Paragraph 28.

29. Delaware lacks knowledge or information sufficient to admit or deny the allegations of Paragraph 29.

30. Admitted that on September 29, 2015, Delaware sent similar letters to States that had contacted it regarding the disposition of MoneyGram's unclaimed Official Checks. Further admitted that in the September 29, 2015 letters, Delaware acknowledged that the dispute was a dispute between States. Further admitted that Delaware has not returned the sums demanded by the various States related to the escheatment of MoneyGram unclaimed Official Checks. Delaware denies the remaining allegations of Paragraph 30.

31. Denied.

32. Admitted that on February 26, 2016, the Commonwealth of Pennsylvania filed a separate complaint against Delaware and MoneyGram. Further admitted that Delaware filed a motion to dismiss

Pennsylvania's complaint. Further admitted that MoneyGram also filed a motion to dismiss Pennsylvania's complaint, and that the language quoted is from MoneyGram's Memorandum in Support of Its Motion to Dismiss. Otherwise denied.

33. Delaware lacks knowledge or information sufficient to admit or deny the allegations of Paragraph 33.

34. Delaware lacks knowledge or information sufficient to admit or deny the allegations of Paragraph 34.

35. Denied.

36. Denied.

37. Denied.

38. Paragraph 38 states legal conclusions to which no response is required and is otherwise denied.

39. Paragraph 39 states legal conclusions to which no response is required and is otherwise denied.

40. Denied.

41. Denied.

42. Admitted that MoneyGram conducts business throughout the country and that this dispute can only be resolved by this Court. Otherwise denied.

Respectfully submitted,

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