

NOV 1 - 2016

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**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 WISCONSIN'S COUNTERCLAIM**

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November 1, 2016

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**Counsel of Record*

The State of Delaware, pursuant to the Court's Order dated October 3, 2016, by and through undersigned counsel, hereby answers the State of Wisconsin's Counterclaim as follows:

1. Admitted that this is an action by the State of Wisconsin. Admitted that certain funds were escheated by MoneyGram Payment Systems, Inc., to the State of Delaware. Otherwise denied.

PARTIES

2. Admitted.

3. Admitted.

JURISDICTION

4. Admitted.

FACTS

5. Admitted that MoneyGram Payment Systems, Inc. is a Delaware corporation. Delaware lacks knowledge or information sufficient to admit or deny the remaining allegations of Paragraph 5.

6. Delaware lacks knowledge or information sufficient to admit or deny the allegations of Paragraph 6.

7. Admitted that money orders are usually sold by agents and that they are unlikely to bounce due to insufficient funds. Delaware lacks knowledge or information sufficient to admit or deny the remaining allegations of Paragraph 7.

8. Delaware lacks knowledge or information sufficient to admit or deny the allegations of Paragraph 8.

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

10. Delaware lacks knowledge or information sufficient to admit or deny the allegations of Paragraph 10.

11. Admitted.

12. Admitted that MoneyGram sells a product called "money orders" and that MoneyGram sells a product called "Official Checks." Delaware lacks knowledge or information sufficient to admit or deny the remaining allegations of Paragraph 12.

13. Denied that small denomination money orders and Official Checks all have the commercial features of money orders. Delaware lacks knowledge or information sufficient to admit or deny the remaining allegations of Paragraph 13.

14. Delaware lacks knowledge or information sufficient to admit or deny the allegations of Paragraph 14.

15. Admitted that 12 U.S.C. § 2503 contains the quoted language.

16. Paragraph 16 states legal conclusions to which no response is required.

17. Paragraph 17 states legal conclusions to which no response is required.

18. Paragraph 18 states legal conclusions to which no response is required.

19. Paragraph 19 states legal conclusions to which no response is required.

20. Delaware lacks knowledge or information sufficient to admit or deny the allegations of Paragraph 20.

21. Admitted.

22. Denied. The quoted language ignores an exception referenced in Wis. Stat. § 177.04(2).

23. Paragraph 23 states legal conclusions to which no response is required.

24. Paragraph 24 states legal conclusions to which no response is required.

25. Paragraph 25 states legal conclusions to which no response is required.

26. Paragraph 26 states legal conclusions to which no response is required.

27. Delaware lacks knowledge or information sufficient to admit or deny the allegations of Paragraph 27.

28. Paragraph 28 states legal conclusions to which no response is required.

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

30. Denied.

31. Admitted that in July 2015 Wisconsin sent the State of Delaware a letter regarding the disposition of MoneyGram's unclaimed Official Checks. Further admitted that Delaware responded to Wisconsin's letter in July, August and September 2015. Delaware lacks knowledge or information sufficient to admit or deny the remaining allegations of Paragraph 31.

32. Admitted.

33. Admitted.



COUNTERCLAIM AGAINST DELAWARE

34. Denied.

35. Denied.

36. Denied.

37. Denied.

38. Denied.

39. Admitted that this dispute can only be resolved by this Court. Otherwise, Paragraph 39 states legal conclusions to which no response is required.

Respectfully submitted,

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