



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

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June 15, 2016

Honorable Scott S. Harris
Clerk of Court
Supreme Court of the United States
1 First Street, N.E.
Washington, D.C. 20543-0001

Re: *State of Delaware v. Commonwealth of Pennsylvania and State of Wisconsin*, No. 22O145
State of Arkansas, et al. v. State of Delaware, No. 22O146

Dear Mr. Harris:

In *State of Delaware v. Commonwealth of Pennsylvania and State of Wisconsin*, No. 22O145 (Motion For Leave To File Bill Of Complaint pending), on June 3, 2016, the State of Wisconsin filed a Brief And Motion For Leave To File Counterclaim regarding whether Delaware has unlawfully taken custody of funds from abandoned Official Checks purchased in Wisconsin. In that filing, Wisconsin pointed out that whether Official Checks are “money order[s], traveler’s check[s], or other similar written instrument[s] (other than a third party bank check),” 12 U.S.C. § 2503, was a critical, threshold issue, which could be resolved “promptly,” so as to avoid “needlessly add[ing] to the expense that the litigants must bear.” *Ohio v. Kentucky*, 410 U.S. 641, 644 (1973). See Brief of Wisconsin at 13–15.

In *State of Arkansas, et al. v. State of Delaware*, No. 22O146, on June 9, 2016, 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, filed a Motion For Leave To File Bill Of Complaint against Delaware, seeking similar relief relating to Delaware unlawfully taking custody of funds from abandoned Official Checks purchased in those States.

The threshold issue in these two cases is identical: whether Official Checks qualify as “money order[s], traveler’s check[s], or other similar written instrument[s]

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(other than a third party bank check).” 12 U.S.C. § 2503. Accordingly, if this Court exercises jurisdiction in these cases, Wisconsin respectfully submits that these two cases should be consolidated. In addition, and consistent with Wisconsin’s prior suggestion, the parties in both cases should be required within 30 days to provide to this Court a proposal for prompt proceedings for resolving the threshold issue. *See* Brief of Wisconsin at 13–15.

Thank you for your consideration in this matter.

Sincerely,

/s/ Misha Tseytlin
Solicitor General
Counsel For State of Wisconsin

cc: Steven S. Rosenthal, Counsel For Delaware, via e-mail
Matthew H. Haverstick, Counsel For Pennsylvania, via e-mail
Lee Rudofsky, Counsel For Arkansas, via e-mail