

EXHIBIT C

SUPREME COURT OF THE UNITED STATES

DELAWARE, *Plaintiff*,

v.

Nos. 220145 & 220146 (Consolidated)

ARKANSAS, *et al.*, *Defendants*

**DEFENDANT STATES' INITIAL DAMAGES
DISCOVERY REQUESTS TO DELAWARE**

TO: The State of Delaware, by and through its lead attorneys, Neal Kumar Katyal, Katherine B. Wellington, and Nathaniel Zelinsky, HOGAN LOVELLS US LLP, 555 Thirteenth Street N.W., Washington, D.C. 20004

Defendant States in the consolidated cases serve these Initial Damages Discovery Requests to Delaware. Pursuant to Rule 33 of the Federal Rules of Civil Procedure, Defendant States request that you respond to the interrogatories below. Pursuant to Rule 34, Defendant States request that you identify and produce the documents and items requested below for inspection and copying and deliver copies to counsel for Defendant States. Pursuant to Rule 36, Defendant States request that you respond to the requests for admission below. Your responses, any objections, and all responsive documents within your possession, custody, or control must be served on the undersigned attorneys within thirty (30) days after the date of the service of this request. You must either produce documents and tangible things as they are kept in the ordinary course of business or organize and label them to correspond with the categories in this request. This request is continuing in nature as provided by Rule 26(e) of the Federal Rules of Civil Procedure.

/s/ Nicholas J. Bronni

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CERTIFICATE OF SERVICE

I hereby certify that on August 4, 2023, *Defendant States' Initial Damages Discovery*

Requests to Delaware were served on counsel for Delaware via electronic mail, to:

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**DEFENDANT STATES' INITIAL DAMAGES
DISCOVERY REQUESTS TO DELAWARE**

Definitions

The following terms are defined and used in these Initial Damages Discovery Requests as follows:

1. The definitions in the Southern District of New York Local Rule 26.3 are incorporated into these requests for the terms:

- a. "Communication"
- b. "Document" (including its incorporation of electronically stored information)
- c. "Identify" (with respect to persons and documents)
- d. "Parties"
- e. "Person"
- f. "Concerning"

2. "Delaware," "You," "Your," or "Yours" mean the State of Delaware, its representatives, employees, or agents, and, where applicable, anyone acting or purporting to act on its behalf. This definition is not intended to impose a discovery obligation on any person who is not a party to the litigation.

3. "MoneyGram" means MoneyGram Payment Systems, Inc., its subsidiaries, its parent company, Travelers Express Company, its representatives, employees, or agents, and, where applicable, anyone acting or purporting to act on its behalf.

4. "Official Check" means any financial product that MoneyGram Payment Systems, Inc. labels, sells, or markets as an Official Check, including MoneyGram Agent Checks and MoneyGram Teller's Checks.

5. “Unclaimed Property Report” means any report or form relating to unclaimed or abandoned property, including but not limited to Annual Reports required under 12 Del. C. § 1142 or former 12 Del. C. § 1199, Supplemental Reports, VDA Reports, Negative Reports, Reciprocal Reports, Replacement Reports, Report Verifications, and AP-1 Forms.

6. “2023 MoneyGram Disclosures” means the documents produced by MoneyGram between January 1, 2023, and August 1, 2023, and hosted at <https://oursite1.reedsmith.com/sites/405649.60001.001/pages/home.aspx>

7. “Financial Institution State Field” means, for each financial instrument included in any spreadsheet in the 2023 MoneyGram Disclosures, the field within the row describing that financial instrument and also within any of the following columns:

File Name	Column Title	Letter
FINAL CK15 2006 AGGREGATE(172570388.1).xlsx	FINANCIAL INSTITUTION STATE	L
FINAL CK15 2006(172570408.1).xlsx	FI STATE	M
FINAL CK15 2007 AGGREGATE(172583137.1).xlsx	FI STATE	L
FINAL CK15 2007(172570423.1).xlsx	FI STATE	M
FINAL CK15 2008 AGGREGATE(172570429.1).xlsx	FI STATE	L
FINAL CK15 2008(172570584.1).xlsx	FI STATE	M
FINAL CK15 2009(172570732.1).xlsx	FI STATE	L
FINAL CK15 2010(172570817.1).xlsx	FI STATE	L
FINAL CK15 2011(172570957.1).xlsx	FI STATE	L
FINAL CK15 2012(172571090.1).xlsx	FI STATE	L
FINAL CK15 2013(172573557.1).xlsx	FI STATE	L
FINAL CK15 2014(172574065.1).xlsx	FI STATE	L
FINAL CK15 2015(172574076.1).xlsx	FI STATE	J
FINAL CK15 2016 and 2017(172574085.1).xlsx	FI STATE	L
Delaware Official Check Holder Reimbursement Items(173017951.1).xlsx	STATE	H
2018 Supreme Court Deposit(172164749.1).xlsx	Financial Institution State	L
2021 Deposit 2019 Agent + Teller Check Breakout(172164961.1).xlsx	Financial Institution State	L
2021 Deposit 2020 Agent + Teller Check Breakout(172164902.1).xlsx	PRNT_STATE	P

File Name	Column Title	Letter
2021 Deposit 2021 Agent + Teller Check Breakout(172165032.1).xlsx	PRNT_STATE	O
2021 MoneyGram Reimbursement Claim 13753 Detail(172582203.2).xlsx	Financial Institution State	L
2022 MoneyGram Reimbursement Claim 14154 Detail(172579090.2).xlsx	PRNT_STATE	J
2022 Supreme Court Deposit(172164649.1).xlsx	PRNT_STATE	O
OC CK15 DROP ITEM DETAIL 2018 BALANCE AFTER CLAIM DEDUCTIONS.xlsx	Financial Institution State	L
OC CK15 DROP ITEM DETAIL 2019 BALANCE AFTER CLAIM DEDUCTIONS.xlsx	in tab ACMO, the second column titled STATE	R
OC CK15 DROP ITEM DETAIL 2020 BALANCE AFTER CLAIM DEDUCTIONS.xlsx	PRNT_STATE	N
OC CK15 DROP ITEM DETAIL 2021 BALANCE AFTER CLAIM DEDUCTIONS.xlsx	PRNT_STATE	O
OC CK15 DROP ITEM DETAIL 2022 BALANCE AFTER CLAIM DEDUCTIONS.xlsx	PRNT_STATE	N
OC CK15 DROP ITEM DETAIL 2023 BALANCE AFTER CLAIM DEDUCTIONS.xlsx	PRNT_STATE	O

Instructions

1. If any document responsive to one of the requests for production below has already been produced in this action, or if you rely on any previously produced document in responding to any of the interrogatories below pursuant to Rule 33(d), then in lieu of producing a new copy of that document identify it by its production number in your response.

2. If you claim that any responsive documents or information are privileged, then use the procedure described in Southern District of New York Local Rule 26.2.

3. If you decline to produce responsive documents or information for any other reason, then state the nature of the document or information that you are declining to produce, the reason you are declining to produce it, the legal authority for your contention that you may decline to produce it for that reason, and sufficient facts to support your contention that it need not be produced.

4. If any document for which production is requested has been lost or destroyed, state the circumstances relating to the loss or destruction of each such document, the approximate date of loss or destruction, and a reasonably complete description of the contents of said document.

5. With respect to electronically stored information (ESI), (i) spreadsheets, presentations (e.g. PowerPoint files), database archives, audio files, video files, and any other files not amenable to imaging should be produced as native files; and (ii) files amenable to imaging, including standard office file formats (e.g., emails, word processing documents, text files, scanned documents, and .pdf files), should be produced as images in .tiff, .jpeg, or .png format. All ESI productions should be accompanied by a load file suitable for loading into a litigation database that defines custodians, document breaks/unitization, family relationships, and attachments. The load file should include complete searchable text for each item—i.e., extracted text for items collected in electronic form and OCR text for imaged documents. The load file should include an MD-5 hash value for each native file. The load file should include standard metadata fields, including filename, filepath, date and time created, date and time modified, and author for each item collected as an electronic file. The load file should include standard email metadata, including to, from, cc, bcc, date sent, time sent, subject, date received, time received, and identification of attachments for each email produced.

6. Confidential documents and information should be produced pursuant to the Stipulation and Protective Order Governing the Production and Exchange of Confidential Information entered on January 16, 2018.

7. Pursuant to Rule 26(e) of the Federal Rule of Civil Procedure, you are under a duty to supplement your responses to these requests for production in a timely manner if you learn that in some material respect the response is incomplete or incorrect, and if the additional or

corrective information has not otherwise been made known to the other parties during the discovery process or in writing.

Interrogatories (Rule 33)

Interrogatory 1: Describe the remedies that are available to a first U.S. state if a second U.S. state wrongfully retains unclaimed funds that should have been escheated to the first U.S. state pursuant to 12 U.S.C. sections 2501-2503.

Interrogatory 2: Provide and explain every reason why the Defendant States cannot recover from You the funds that were remitted to You by MoneyGram in connection with unclaimed Official Checks that should have been remitted to the Defendant States.

Interrogatory 3: Provide and explain every reason why the Defendant States cannot recover from MoneyGram funds equal to the value of unclaimed Official Checks that were reported and remitted to You that should have been reported and remitted to the Defendant States.

Interrogatory 4: Provide and explain every reason why MoneyGram cannot recover from You any funds that MoneyGram is ordered to pay to the Defendant States in this action, pursuant to Your February 27, 2017, agreement to indemnify MoneyGram produced at MG0002536-38.

Interrogatory 5: For each of the reasons provided in your responses to Interrogatories 2, 3, and 4, identify all Documents that support that reason.

Interrogatory 6: For each of the reasons provided in your responses to Interrogatories 2, 3, and 4, identify each Person having knowledge of the facts that support that reason.

Interrogatory 7: State all facts that either indicate that the 2023 MoneyGram Disclosures do not accurately provide the place of purchase for the financial instruments described therein, or

raise any doubts as to whether the 2023 MoneyGram Disclosures accurately provide the place of purchase for the financial instruments described therein.

Interrogatory 8: State all facts that either indicate that the 2023 MoneyGram Disclosures do not accurately reflect the books and records of MoneyGram, or raise any doubts as to whether the 2023 MoneyGram Disclosures accurately reflect the books and records of MoneyGram.

Interrogatory 9: Identify, by MoneyGram serial number, each financial instrument listed in any of the 2023 MoneyGram Disclosures that you contend is not subject to 12 U.S.C. §§ 2501-2503.

Interrogatory 10: Identify, by MoneyGram serial number, each financial instrument listed in any of the 2023 MoneyGram Disclosures for which you contend the Financial Institution State Field associated with that financial instrument does not accurately reflect the place of purchase of that financial instrument.

Interrogatory 11: For each financial instrument identified in Your response to Interrogatory 10, state all facts that support your contention that the Financial Institution State Field associated that financial instrument does not accurately reflect the place of purchase of that financial instrument.

Interrogatory 12: For each financial instrument identified in Your responses to Interrogatories 9 and 10, identify the state to which that instrument should be or should have been reported and provide the legal basis for your identification of that state.

Interrogatory 13: For each request for admission that You deny, state all facts that support your denial of that request for admission.

Interrogatory 14: For each of the facts stated in your responses to Interrogatories 7, 8, 11, and 12, identify all Documents that support that fact.

Interrogatory 15: For each of the facts stated in your responses to Interrogatories 7, 8, 11, and 12, identify each Person having knowledge Concerning that fact.

Requests for Production of Documents and Things (Rule 34)

Request for Production 1: All Unclaimed Property Reports submitted to You by or on behalf of MoneyGram Concerning any Official Checks, and all attachments or other documents submitted along with such Unclaimed Property Reports.

Request for Production 2: All Documents Concerning any Official Checks that were submitted to You by or on behalf of MoneyGram via any online unclaimed property reporting portal (e.g. <https://unclaimedproperty.delaware.gov> or <https://delaware.findyourunclaimedproperty.com/>).

Request for Production 3: All Documents Concerning any Official Checks that were submitted to You by or on behalf of MoneyGram in a standard electronic file format defined by the National Association of Unclaimed Property Administrators (e.g. the NAUPA II file format).

Request for Production 4: All Documents Concerning any examinations or audits of MoneyGram Concerning any Official Checks.

Request for Production 5: All Communications between MoneyGram and You or anyone operating on Your behalf Concerning unclaimed Official Checks.

Request for Production 6: All Communications between any U.S. state or any employee, agency, or instrumentality thereof and You or anyone operating on Your behalf concerning Official Checks.

Request for Production 7: Document sufficient to describe all remittances of funds to You by MoneyGram Concerning unclaimed Official Checks.

Request for Production 8: All Documents Concerning Official Checks for which MoneyGram made payment or reimbursement to anyone other than You after those Official Checks were reported to You as unclaimed.

Request for Production 9: All requests by MoneyGram to reclaim funds associated with Official Checks that were previously remitted to You.

Request for Production 10: All Communications between You and MoneyGram Concerning requests to reclaim funds associated with Official Checks that had previously been remitted to You.

Request for Production 11: Documents sufficient to describe all reimbursements by You to MoneyGram of funds associated with Official Checks for which MoneyGram made payment or reimbursement to anyone other than You after those Official Checks were reported to You as unclaimed.

Request for Production 12: Documents sufficient to describe all credits to MoneyGram or deductions of funds otherwise owed to You by MoneyGram in response to any request to reclaim funds associated with Official Checks for which MoneyGram made payment or reimbursement to anyone other than You after those Official Checks were reported to You as unclaimed (i.e., “netting out”).

Requests for Production 13: All Documents Concerning claims submitted to You by owners or alleged owners of Official Checks or anyone else other than MoneyGram who claimed to have an interest in any Official Checks.

Request for Production 14: All guides, handbooks, or manuals dated January 1, 2000, or later that relate to the reporting or escheatment of unclaimed property to Delaware, including

each version of the Delaware Holder Handbook or Delaware Escheat Handbook that was made available to the public after that date.

Request for Production 15: All Documents identified in any of your responses to the interrogatories above.

Request for Inspection of Documents and Things (Rule 34)

Request for Inspection 1: Your unclaimed property database. *[In lieu of inspecting Your unclaimed property database, the Defendant States would accept production of an electronic file exported from Your unclaimed property database in a file format readable by standard SQL databases that includes all data Concerning MoneyGram Official Checks that is currently in Your unclaimed property database]*

Requests for Admission (Rule 36)

Request for Admission 1: Admit that unclaimed Official Checks should be reported to the state of the place of purchase, pursuant to 12 U.S.C. sections 2501-2503.

Request for Admission 2: Admit that from at least January 1, 2004, forward, unclaimed Official Checks should have been reported to the state of the place of purchase, pursuant to 12 U.S.C. sections 2501-2503.

Request for Admission 3: Admit that the 2023 MoneyGram Disclosures accurately reflect the books and records of MoneyGram.

SUPREME COURT OF THE UNITED STATES

DELAWARE, *Plaintiff*

Nos. 22O145 & 22O146
(Consolidated)

v.

ARKANSAS, *et al.*, *Defendants*

**PENNSYLVANIA’S FIRST SET OF DOCUMENT REQUESTS TO
DELAWARE**

Per Rules 26 and 34 of the Federal Rules of Civil Procedure, Pennsylvania, by and through its undersigned counsel, requests that Delaware produce for inspection and copying the documents requested herein. in accordance with all applicable Rules and the Definitions and Instructions set forth below. within thirty (30) days of service of these requests.

DEFINITIONS

The following definitions shall apply to these requests:

1. “Communication” means the transmission of information or data in any form, including, without limitation, written, oral, or electronic transmissions.
2. “Document” means all materials within the scope of Federal Rule of Civil Procedure 34, including but not limited to, all writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations, including electronically stored information (ESI), that are stored in any medium whatsoever from which information can be obtained either directly or, if necessary, after translation by the responding party into a reasonably usable form, as well as any tangible things. A draft or non-identical copy of a document is a separate document within the meaning of this term. A document includes all appendices, schedules, exhibits, and other attachments.
3. “Identify” with respect to a person means to provide, to the extent known, the person’s: (a) full name; (b) current or last known address; and (c) current or last known place of employment.
4. “Identify” with respect to a document means to provide, to the extent known: (a) the type of document or a general description of the document; (b) the general subject matter of the document; (c) the date of the document (or state that it is not dated); (d) the full name of each author, addressee, and recipient of the document; and (e) the document’s Bates Number (if any).

5. “Identify” with respect to communications means to give, to the extent known: (a) a description of the substance of the communication; (b) the form of the communication (such as telephone, facsimile, email, or other); (c) the identity of all parties to and present at the time of the communication, as well as the full name, present or last known address, and the current or last known place of employment of each person; (d) the identity of the person whom you contend initiated the communication; and (e) the time, date, and place of the communication.

6. “Information” shall include individual documents and records (including associated metadata) whether on paper, film or other media, as discrete files stored electronically, optically, or magnetically, or as a record within a database, archive, or container file, including emails, messages, word processed documents, digital presentations, spreadsheets, and database content.

7. “Person” means any natural person or any legal entity, including but not limited to any business or governmental entity, organization or association.

8. “You,” or “your” refers to the State of Delaware, the Plaintiff in the above-captioned action.

9. “Relate,” “related,” or “relating” means, in addition to their usual and customary meanings, concerning, referring to, reflecting, regarding, pertaining to, addressing, discussing, alluding to, describing, evidencing, constituting, or otherwise having any logical or factual connection with the subject matter addressed.

10. The words “and” and “or” shall be construed disjunctively or conjunctively to bring within the scope of each interrogatory all responses which otherwise might be construed to be outside the scope of an interrogatory.

11. The word “any” shall be construed to include “all” and vice versa.

12. The word “each” shall be construed to include “every” and vice versa.

13. Any word in the singular form shall be construed as plural and vice versa.

INSTRUCTIONS

1. All objections to the production of documents requested herein shall be made in writing and delivered to the office of Kleinbard LLC, Three Logan Square, 1717 Arch Street, 5th Floor, Philadelphia, PA 19103, on or before the date set for production.

2. All documents and information is to be produced as they are kept in the usual course of business including any labels, file markings or similar identifying

features, or shall be organized and labeled to correspond to the categories requested herein. If there are no documents in response to a particular request, or if you withhold any responsive documents/information or categories of documents/information based on any objections, Plaintiff shall state so in writing.

3. Electronically stored information (ESI) must be produced in .PDF or .TIFF format.

4. These requests call for the production of all responsive documents in your possession, custody or control, or in the possession, custody or control of your employees, predecessors, successors, parents, subsidiaries, divisions, affiliates, partners, joint venturers, brokers, accountants, financial advisors, representatives, and agents or other persons acting on your behalf, without regard to the physical location of such documents.

5. In responding to these requests, include documents obtained on your behalf by your counsel, employees, agents or any other persons acting on your behalf. If your response is that the documents are not within your possession or custody, describe in detail the unsuccessful efforts you made to locate each such document. If your response is that documents are not under your control, identify who has the control and the location of the documents.

6. If any document was, but no longer is, in your possession, subject to your control or in existence, include a statement:

- (a) identifying the document;
- (b) describing where the document is now;
- (c) identifying who has control of the document;
- (d) describing how the document became lost or destroyed or was transferred; and
- (e) identifying each of those persons responsible for or having knowledge of the loss, destruction or transfer of the document from your possession, custody or control.

7. Each request contemplates production of all documents in their entirety. If only a portion of a document is responsive to one or more requests, the document shall be produced in its entirety.

8. If any document is withheld in whole or in part for any reason including, without limitation, a claim of privilege or other protection from disclosure such as the work product doctrine or other business confidentiality or trade secret protection, set forth separately with respect to each withheld document:

- (a) the privilege or protection claimed;
- (b) every basis for the privilege or protection claimed;
- (c) the type of document;
- (d) its general subject matter;
- (e) the document's date; and
- (f) other information sufficient to enable a full assessment of the applicability of the privilege or protection claims, as required by FRCP 26(b)(5), the court's local rules and the judge's individual practice rules.

9. To the extent Delaware asserts that a document contains information that should be protected from disclosure (based on the attorney-client privilege, work product doctrine or another protection) and non-privileged information, the non-privileged portions of the document must be produced. For each such document, indicate the portion of the document withheld by stamping the words "REDACTED" on the document in an appropriate location that does not obscure the remaining text.

10. If there are no documents in response to any particular request, you shall state so in writing.

11. Examples of responsive items set out in any request should not be construed to limit the scope of the request.

12. Requests for production should be read so as to encompass any and all items responsive to the request.

13. These requests are continuing, and your response to these requests must be promptly supplemented when appropriate or necessary in accordance with Federal Rule of Civil Procedure 26(e).

DOCUMENT REQUESTS

1. Documents showing remittances by MoneyGram Payment Systems, Inc. to Delaware for abandoned Official Checks for each year from 2006 through 2017.

2. Documents showing reimbursements by Delaware to MoneyGram Payment Systems, Inc. for abandoned Official Checks for each year from 2006 through 2017.

3. From January 25, 2016 to February 26, 2016, communications regarding Pennsylvania's January 25, 2016 letter to State Escheator David Gregor.

4. From January 1, 2016 to February 27, 2017, communications to or from Delaware (including, but not limited to, Delaware's attorneys at Loeb & Loeb) to or from MoneyGram Payment Systems, Inc. (including, but not limited to, MoneyGram's attorney, Michael Rato) concerning reporting abandoned Official Checks to Delaware. (By way of supplemental instruction for this request, Pennsylvania seeks, among other things, communications that resulted in the letter agreement between MoneyGram and Delaware, produced by MoneyGram with bates labels MG0002536-0002538.)

5. From February 27, 2017 to the present, communications to or from Delaware (including, but not limited to, Delaware's attorneys at Loeb & Loeb) to or from MoneyGram Payment Systems, Inc. (including, but not limited to, MoneyGram's attorney, Michael Rato) concerning the letter agreement between MoneyGram and Delaware. (By way of supplemental instruction for this request, the letter agreement refers to the document produced by MoneyGram with bates labels MG0002536-0002538.)

6. From April 1, 2011 to May 31, 2011, communications regarding the letter from Michael Rato to State Escheator Mark Udinski (bates label MG0002428-2429) and the response from Mr. Udinski (bates labels MG0002431-2432).

7. From February 1, 2015 to the present, all communications regarding the February 24, 2015 letter from Caroline Lee Cross to Michael Rato (bates labels MG0002437-2438). (By way of supplemental instruction for this request, Pennsylvania seeks, among other things, communications regarding Delaware's offer to "satisfy any claim made on the property by the lawful owner or a jurisdiction with a superior claim to escheat.")

8. Unclaimed property audits of MoneyGram Payment Systems, Inc. by, or on behalf of, Delaware.

9. Documents showing the balance of Delaware's undesignated financial reserves, including, but not limited to, the so-called "rainy day fund" and the "budget stabilization fund." (By way of supplemental instruction for this request, Pennsylvania seeks documents regarding the undesignated financial reserves described by Finance Secretary Rick Geisenberger in an interview with WHY Y published on March 3, 2023.¹)

10. Filings by Delaware in the dispute described in *Delaware v. New York*, 507 U.S. 490 (1993).

¹ Available at <https://why.org/articles/delaware-supreme-court-ruling-unclaimed-property/>.

11. Delaware's settlement agreement with New York related to the dispute described in *Delaware v. New York*, 507 U.S. 490 (1993).

12. Documents received by Delaware in response to any document requests or subpoenas propounded by Delaware in this case.

13. To the extent not produced in response to the foregoing requests, documents Delaware may use to support Delaware's defense of the remainder of this litigation.

Respectfully submitted,

s/ Joshua J. Voss

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Attorneys for Pennsylvania

Dated: August 4, 2023

SUPREME COURT OF THE UNITED STATES

DELAWARE, *Plaintiff*

Nos. 22O145 & 22O146
(Consolidated)

v.

ARKANSAS, *et al.*, *Defendants*

PENNSYLVANIA’S FIRST SET OF INTERROGATORIES TO DELAWARE

Per Rules 26 and 33 of the Federal Rules of Civil Procedure, Pennsylvania, by and through its attorneys, requests that Delaware serve upon the undersigned attorneys answers under oath to each of the following interrogatories within thirty (30) days of service of these interrogatories.

DEFINITIONS

The following definitions shall apply to these interrogatories:

1. “Communication” means the transmission of information or data in any form, including, without limitation, written, oral, or electronic transmissions.
2. “Document” means all materials within the scope of Federal Rule of Civil Procedure 34, including but not limited to, all writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations, including electronically stored information (ESI), that are stored in any medium whatsoever from which information can be obtained either directly or, if necessary, after translation by the responding party into a reasonably usable form, as well as any tangible things. A draft or non-identical copy of a document is a separate document within the meaning of this term. A document includes all appendices, schedules, exhibits, and other attachments.
3. “Identify” with respect to a person means to provide, to the extent known, the person’s: (a) full name; (b) current or last known address; and (c) current or last known place of employment.
4. “Identify” with respect to a document means to provide, to the extent known: (a) the type of document or a general description of the document; (b) the general subject matter of the document; (c) the date of the document (or state that it is not dated); (d) the full name of each author, addressee, and recipient of the document; and (e) the document’s Bates Number (if any).
5. “Identify” with respect to communications means to give, to the extent known: (a) a description of the substance of the communication; (b) the form of the

communication (such as telephone, facsimile, email, or other); (c) the identity of all parties to and present at the time of the communication, as well as the full name, present or last known address, and the current or last known place of employment of each person; (d) the identity of the person whom you contend initiated the communication; and (e) the time, date, and place of the communication.

6. “Information” shall include individual documents and records (including associated metadata) whether on paper, film or other media, as discrete files stored electronically, optically, or magnetically, or as a record within a database, archive, or container file, including emails, messages, word processed documents, digital presentations, spreadsheets, and database content.

7. “Person” means any natural person or any legal entity, including but not limited to any business or governmental entity, organization or association.

8. “You,” or “your” refers to the State of Delaware, the Plaintiff in the above-captioned action.

9. “Relate,” “related,” or “relating” means, in addition to their usual and customary meanings, concerning, referring to, reflecting, regarding, pertaining to, addressing, discussing, alluding to, describing, evidencing, constituting, or otherwise having any logical or factual connection with the subject matter addressed.

10. The words “and” and “or” shall be construed disjunctively or conjunctively to bring within the scope of each interrogatory all responses which otherwise might be construed to be outside the scope of an interrogatory.

11. The word “any” shall be construed to include “all” and vice versa.

12. The word “each” shall be construed to include “every” and vice versa.

13. Any word in the singular form shall be construed as plural and vice versa.

INSTRUCTIONS

1. Each interrogatory is to be answered fully based on information in your possession, custody, or control, or in the possession, custody, or control of your representatives, agents, or attorneys.

2. If you object to any interrogatory or any portion of an interrogatory on the ground that the answer reflects or would reveal the substance of a privileged communication, identify:

a. the nature of the privilege claimed;

- b. the person who made the communication, whether oral or in writing;
- c. if the communication was oral, all persons present while the communication was made;
- d. if the communication was written, the author, addressees, and any other recipients;
- e. the relationship of the author of the communication to each recipient;
- f. the relationship of the persons present to the person who made the communication;
- g. the date and place of the communication; and
- h. the general subject matter of the communication.

4. These interrogatories are continuing in nature. If you receive or otherwise become aware of information responsive to any interrogatory after you have served your answers to these interrogatories, you must promptly supplement your answers to these interrogatories to provide such information, as required by Federal Rule of Civil Procedure 26(e).

5. Answers to these interrogatories shall be served upon the undersigned attorneys at KLEINBARD LLC, Three Logan Square, 1717 Arch Street, 5th Floor, Philadelphia, PA 19103, within thirty (30) days of service of these interrogatories.

INTERROGATORIES

1. If you contend that MoneyGram Payment Systems, Inc. did *not* remit to Delaware the following sums by year for abandoned Official Checks purchased in Pennsylvania, state the complete factual basis for such contention:

- a. 2006: \$77,430.94;
- b. 2007: \$371,594.15;
- c. 2008: \$1,627,949.91;
- d. 2009: \$1,256,848.66;
- e. 2010: \$1,991,216.16;
- f. 2011: \$2,198,103.73;

- g. 2012: \$2,809,373.74;
- h. 2013: \$3,450,200.35;
- i. 2014: \$1,111,202.18;
- j. 2015: \$1,133,068.82; and
- k. 2017: \$2,153,501.24.

ANSWER:

2. If you contend that MoneyGram did *not* receive reimbursement from Delaware for the following sums by year for abandoned Official Checks purchased in Pennsylvania but later honored by MoneyGram, state the complete factual basis for such contention:

- a. 2006: \$3,380.83;
- b. 2007: \$82,891.07;
- c. 2008: \$328,857.65;
- d. 2009: \$324,714.59;
- e. 2010: \$135,848.79;
- f. 2011: \$78,607.81;
- g. 2012: \$96,680.43;
- h. 2013: \$170,866.61;
- i. 2014: \$13,476.72;
- j. 2015: \$106,034.26; and
- k. 2017: \$243,121.22.

ANSWER:

3. If you contend that the spreadsheets produced by MoneyGram on May 11, 2023 do not accurately reflect the place of purchase for the abandoned Official Checks set forth therein, state the complete factual basis for such contention. (The names of each spreadsheet are set forth in the footnote below.¹)

ANSWER:

4. If you contend that the spreadsheet produced by MoneyGram on May 19, 2023 does not accurately reflect the place of purchase for the abandoned Official Checks set forth therein, state the complete factual basis for such contention. (The name of the spreadsheet is set forth in the footnote below.²)

ANSWER:

5. If you contend Pennsylvania's demand upon Delaware for payment of the sums set forth in Interrogatory 1, less the sums set forth in Interrogatory 2, is barred in whole or in part by the doctrine of laches, state the complete factual basis for such contention.

ANSWER:

6. If you intend to rely on the doctrine of laches, identify all Supreme Court original jurisdiction cases where the Court applied the doctrine of laches in a state versus state dispute.

ANSWER:

7. If you intend to rely on the doctrine of laches, identify specifically any prejudice you have suffered from the alleged delay by Pennsylvania in bringing its claim, including, but limited to, identifying documents lost (by name and/or type),

¹ FINAL CK15 2006 AGGREGATE(172570388.1).xlsx;
FINAL CK15 2006(172570408.1).xlsx;
FINAL CK15 2007 AGGREGATE(172583137.1).xlsx;
FINAL CK15 2007(172570423.1).xlsx;
FINAL CK15 2008 AGGREGATE(172570429.1).xlsx;
FINAL CK15 2008(172570584.1).xlsx;
FINAL CK15 2009(172570732.1).xlsx;
FINAL CK15 2010(172570817.1).xlsx;
FINAL CK15 2011(172570957.1).xlsx;
FINAL CK15 2012(172571090.1).xlsx;
FINAL CK15 2013(172573557.1).xlsx;
FINAL CK15 2014(172574065.1).xlsx;
FINAL CK15 2015(172574076.1).xlsx; and
FINAL CK15 2016 and 2017(172574085.1).xlsx

² Delaware Official Check Holder Reimbursement Items(173017951.1).xlsx

witnesses lost (by name and/or title), and any other information you claim to be lost or that you claim would be material to your defense.

ANSWER:

8. If you intend to rely on a statute of limitations defense, identify all such statutes that you contend apply to Pennsylvania's demand for payment in this matter.

ANSWER:

9. If you intend to rely on a statute of limitations defense, identify all Supreme Court original jurisdiction cases where the Court applied a statute of limitations in a state versus state dispute.

ANSWER:

10. Identify the date when you first learned that Pennsylvania was disputing the escheat of Official Checks by MoneyGram to Delaware; include in your response how you learned of such dispute.

ANSWER:

11. Explain your understanding of what "claim" or claims is/are covered by the February 24, 2015 letter between you and MoneyGram (bates labels MG0002437-2438)

ANSWER:

12. Explain your understanding of what "claim" or claims is/are covered by the February 27, 2017 letter between you and MoneyGram (bates labels MG0002536-0002538).

ANSWER:

13. From 2016 to the present, identify by name and address all entities or persons you have given instructions, guidance, or advice to regarding the Federal Disposition Act. Produce all such instructions, guidance, or advice.

ANSWER:

14. Identify by name and address all license holders in Delaware holding a Sale of Checks and Transmission of Money License. Further identify which of the foregoing license holders sell a "check" as defined in 5 Del.C. § 2302(3).

ANSWER:

15. Identify all experts you intend to use as testifying experts in this matter; include in your response the job titles and contact information for any such experts.

ANSWER:

16. Identify all persons you intend to call at trial, if any, in this matter; include in your response the job titles and contact information for any such persons.

ANSWER:

17. Identify all persons who provided the knowledge, documents, or information used, reviewed, or referenced in answering these interrogatories.

ANSWER:

Respectfully submitted,

s/ Joshua J. Voss

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Attorneys for Pennsylvania

Dated: August 4, 2023

VERIFICATION

I, _____, state that I have read Pennsylvania's First Set of Interrogatories and my answers to those interrogatories, which are true to the best of my knowledge, information, and belief. I declare under penalty of perjury that the foregoing is true and correct.

Dated: _____