

JOSHUA J. VOSS
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October 2, 2023

VIA EMAIL

Hon. Pierre N. Leval
Special Master
PNLspecialmaster@ca2.uscourts.gov
Allison_Durkin@ca2.uscourts.gov

RE: *Delaware v. Arkansas*, Nos. 22O145 & 22O146 (consolidated)

Dear Judge Leval:

On behalf of the Commonwealth, Pennsylvania Treasurer, we write to request ***expedited*** oral argument on Pennsylvania’s Motion for Order Directing Withdrawal of Deposited Funds (dkt. no. 146). That Motion is fully briefed (dkt. nos. 165 & 166) and ready for disposition. Pennsylvania asks for “expedited” argument for *four* reasons.

One, the reality of unclaimed property is that the older the escheat, the less likely it will ever be restored to the true owners—who are *not* the States litigating this dispute, but persons in each State who are mostly natural persons. Most owners claiming abandoned property do so within ***five years*** of the state assuming custody: beyond that period the likelihood of the property being reunited with its owner falls precipitously. See National Association of Unclaimed Property Administrators, *Establishing a Time-Bar on an Owner’s Right to Reclaim Unclaimed Property from the State is Both Unnecessary and Contrary to the Purposes of the Unclaimed Property Laws*, at 2 (2019).¹ Indeed, it has been estimated that the claims payout percentage drops to as low as .08 percent ten years following property abandonment. See Colorado Joint Budget Committee, Memorandum, *Unclaimed Property Program Legislative Options Addendum*, at 2 (January 17, 2018).² Here, the earliest property subject to the Motion was tendered to the escrow account ***five years ago***, so time is already of the essence as to those proceeds to restore them to their true owners. And granting the Motion will not prejudice any State’s rights, nor waive them, since any funds “wrongfully” sent to Pennsylvania can be reconciled through each State’s statutory reconciliation process (moreover, by granting Pennsylvania’s Motion, there is no prejudice to Defendant States’ pending escrow-related

¹ Available at <https://unclaimed.org/wp-content/uploads/time-bar-of-owner-claims-final.pdf>.

² Available at https://leg.colorado.gov/sites/default/files/unclaimed_property-01-17-18.pdf.



motion, dkt. no. 170, since all Defendants are using uniform principal and earnings calculations).

Two, Pennsylvania has a specific plan ready to execute—pending only an order from this Court granting the Motion—to restore the Pennsylvania-purchased Official Checks to their true owners. Specifically, Pennsylvania Treasury anticipates executing an outreach strategy that would involve print media, earned media, direct outreach, the internet, and the creation of a searchable database to advertise the availability of abandoned Official Checks. This plan reflects clear Pennsylvania policy to restore true owners to their property through *affirmative* efforts, rather than *passively* waiting for owners to come forward. Indeed, Pennsylvania Treasurer Stacy Garrity recently announced that some \$273.7 million in unclaimed property—a record amount—had been restored to Pennsylvania citizens in fiscal year 2022-2023, largely through Pennsylvania Treasury’s efforts to *cause* the return. *See* Stacy Garrity, Featured Commentary, *Working to Return \$4.5 Billion in Unclaimed Property*, TribLive (Sept. 8, 2023).³ Those efforts included a revamped unclaimed property system with easier to use claim forms, expedited reviews, and direct deposits, as well as extensive outreach to the public by Pennsylvania Treasury. *See id.*

Three, Delaware’s current claim that it needs discovery from MoneyGram’s client banks to determine the place of purchase is not an issue that should delay disposition of the Motion. This is shown because in 2018, when Pennsylvania served third-party discovery on certain MoneyGram client banks, Delaware objected. Its objection—in stark contrast to its response to the Motion—was that such discovery *wasn’t needed* because MoneyGram’s books and records *showed the place of purchase*:

With regard to Pennsylvania’s third party subpoenas, it is unclear why Pennsylvania is seeking the addresses of ***purchasers*** of MoneyGram official checks from Pennsylvania banks. The Federal Disposition of Money Orders and Travelers Checks Act (the “Act”) allocates the unclaimed written instruments subject to the Act according to the ***state of purchase*** of the instrument – information which MoneyGram maintains and has already produced to Pennsylvania in the pre-litigation audit conducted by Pennsylvania’s auditor Treasury Services Group. Consequently, the information Pennsylvania seeks is not relevant to determine liability under the Act and appears to be an improper use of this court’s subpoena power.

See DE letter to PA (Mar. 2, 2018) (bolding in original; underlining added) (Exhibit A).

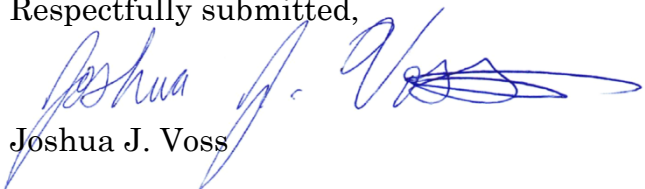
³ Available at <https://triblive.com/opinion/stacy-garrity-working-to-return-4-5-billion-in-unclaimed-property/>.



Four, and finally, Delaware's claims in response to the Motion that it needs third-party discovery also do not warrant delaying disposition of the Motion because Delaware has done nothing to attempt to effectuate such discovery. Indeed, as of the date of this letter, Delaware has not served a single third-party subpoena on any bank. And Delaware certainly knows how to serve such subpoenas: it noticed the service of six bank subpoenas in 2018 during liability-phase discovery. *See* Plaintiff State of Delaware's Notice of Third Party Subpoenas (Mar. 12, 2018) (Exhibit B; attachments removed); DE Subpoena to Academy Bank, N.A. (Exhibit C). Yet in the damages phase, where such discovery is purportedly vital to Delaware, no such efforts have begun. This is despite the Motion being pending since May 2, 2023 and despite damages-phase discovery being open since May 18, 2023 (dkt. no. 149)—nearly five months.

Therefore, for at least the foregoing reasons, Pennsylvania respectfully requests that Your Honor immediately schedule argument on Pennsylvania's Motion. In the alternative, Pennsylvania asks the Court to immediately grant the Motion and permit Pennsylvania to begin restoring the PA-related funds to their true owners: Pennsylvanians.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Joshua J. Voss", with a stylized flourish at the end.

Joshua J. Voss

cc: Counsel of record (via email)

Exhibit A



TIFF MOSELEY
Partner

901 New York Avenue NW
3rd Floor East
Washington, DC 20001-4432

Direct 202.618.5032
Main 202.618.5000
Fax 202.318.0336
tmoseley@loeb.com

Via Email

March 2, 2018

Matthew H. Haverstick
Joshua J. Voss
KLEINBARD LLC
One Liberty Place, 46th Floor
1650 Market Street
Philadelphia, PA 19103
mhaverstick@kleinbard.com
jvoss@kleinbard.com

Re: *Delaware v. Arkansas, et al. No. 22O145/22O146*

Dear Matt and Josh:

I write regarding your February 27, 2018 30(b)(6) Notice of Deposition to MoneyGram and the State of Delaware and the February 27 and 28 third party subpoenas to various Pennsylvania banks.

With regard to the pending deposition notices to Delaware and MoneyGram, Delaware is not available on March 21 and 22, 2018 due to prior commitments. Also, consistent with MoneyGram's request in its letter of February 28, 2018, Delaware believes that all depositions should be coordinated by the parties so that all parties may be prepared to fully participate in a single deposition of each party's witness. Consequently, because document production is still ongoing and third party discovery initiated by Pennsylvania and soon to be initiated by Delaware will remain outstanding until at the earliest April, I think it makes sense to set a call next week so that the parties may discuss the schedule as it relates to continued ongoing discovery and anticipated depositions. While Delaware appreciates Defendant States' offer to extend the discovery deadline by 60 days, given the current status of the case Delaware believes that an extension of 120 to 180 days is more appropriate and, given the inherent delays in the third party discovery process, will hopefully avoid the need to extend the case again in the future. I would be happy to coordinate a call if counsel for Defendant States would provide me with their availability.

With regard to Pennsylvania's third party subpoenas, it is unclear why Pennsylvania is seeking the addresses of **purchasers** of MoneyGram official checks from Pennsylvania banks. The Federal Disposition of Money Orders and Travelers Checks Act (the "Act") allocates the unclaimed written instruments subject to the Act according to the **state of purchase** of the instrument – information which MoneyGram maintains and has already produced to Pennsylvania in the pre-litigation audit conducted by Pennsylvania's auditor Treasury Services Group. Consequently, the information Pennsylvania seeks is not relevant to determine liability



under the Act and appears to be an improper use of this court's subpoena power. We think it is appropriate to discuss the basis for this discovery on the call as well.

Sincerely,

A handwritten signature in black ink that reads 'Tiff Moseley'.

Tiff Moseley
Partner

Cc: Todd Disher
Misha Tseytlin
Nicholas Bronni
Patrick Sweeten
Aimee Feinberg
Craig Rust

Exhibit B

SUPREME COURT OF THE UNITED STATES

DELAWARE, *Plaintiff,*

v.

Nos. 220145 & 220146 (Consolidated)

ARKANSAS, *et al., Defendants*

**PLAINTIFF STATE OF DELAWARE’S
NOTICE OF THIRD PARTY SUBPOENAS**

To:

Matthew H. Haverstick KLEINBARD LLC One Liberty Place, 46th Floor 1650 Market Street Philadelphia, PA 19103 mhaverstick@kleinbard.com <i>Counsel for Pennsylvania</i>	Nicholas J. Bronni Arkansas Deputy Solicitor General Office of the Arkansas Attorney General 323 Center Street, Suite 200 Little Rock, Arkansas 72201 Nicholas.Bronni@arkansasag.gov <i>Counsel of Record for Defendant States in 220146 ORG</i>
Aimee Feinberg Deputy Solicitor General Craig D. Rust Deputy Attorney General California Department of Justice 1300 I Street Sacramento, CA 95814 Craig.Rust@doj.ca.gov <i>Counsel for California</i>	Patrick K. Sweeten Senior Counsel for Civil Litigation Todd Lawrence Disher Special Counsel for Civil Litigation Office of the Attorney General of Texas P.O. Box 12548 (MC 001) Austin, TX 78711-2548 Patrick.Sweeten@oag.texas.gov Todd.Disher@oag.texas.gov <i>Counsel for Texas</i>
	Misha Tseytlin Solicitor General State of Wisconsin Department of Justice 17 West Main Street Madison, WI 53703 tseytlinm@doj.state.wi.us <i>Counsel for Wisconsin</i>

Please take notice, pursuant to Rule 45 of the Federal Rules of Civil Procedure, Plaintiff State of Delaware, by and through its undersigned counsel, intends to serve Third-Party Subpoenas, in the form attached hereto, on:

- Academy Bank, N.A.
- Chemical Bank
- FineMark National Bank and Trust
- First Guaranty Bank
- Sabine State Bank and Trust Company
- ServisFirst Bank

on March 12, 2018 or as soon thereafter as service may be effected.

<p>Dated: March 12, 2018</p> <p>Matthew P. Denn Attorney General of Delaware Aaron R. Goldstein State Solicitor Caroline Lee Cross Delaware Department of Justice Department of Finance Carvel State Office Building 820 North French Street Wilmington, DE 19801 Ph: (302) 577-8842 Eml: Caroline.Cross@state.de.us</p>	<p><u>/s/ Steven S. Rosenthal</u> Steven S. Rosenthal Tiffany R. Moseley J.D. Taliaferro LOEB & LOEB LLP 901 New York Avenue NW Washington, D.C. 20001 Ph: (202) 618-5000 Fax: (202) 618-5001 Eml: srosenthal@loeb.com tmoseley@loeb.com jtaliaferro@loeb.com</p> <p>Marc S. Cohen LOEB & LOEB LLP 10100 Santa Monica Boulevard, Suite 2200 Los Angeles, CA 90067 Ph: (310) 282-2000 Fax: (310) 282-2200</p>
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	Eml: mscohen@loeb.com
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Counsel for Plaintiff State of Delaware

Exhibit C

SUPREME COURT OF THE UNITED STATES

DELAWARE, *Plaintiff,*

v. Nos. 220145 & 220146 (Consolidated)

ARKANSAS, *et al., Defendants*

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

To: Academy Bank, N.A., c/o Jane Dickinson Kress, 1111 Main Street, Ste. 1600,
Kansas City, MO 64105

(Name of person to whom this subpoena is directed)

Production: **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: **See Attached**

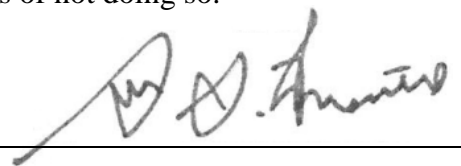
Place: Steven S. Rosenthal Loeb and Loeb LLP 901 New York Ave. NW Suite 300-E Washington, DC 20001	Date and Time: April 13, 2018 6:00 PM EST
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The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date:

CLERK OF COURT

OR



Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing PLAINTIFF STATE OF DELAWARE, who issues or requests this subpoena, are:

Steven S. Rosenthal
Loeb and Loeb LLP
901 New York Ave. NW
Suite 300-E
Washington, DC 20001
srosenthal@loeb.com

202-618-5034

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Original Action Nos. 220145 & 220146 (Consolidated)

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____

on (date) _____.

I served the subpoena by delivering a copy to the named person as follows: _____

_____ on (date) _____; or

I returned the subpoena unexecuted because: _____

_____.

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's Signature

Printed Name and Title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

SUPREME COURT OF THE UNITED STATES

DELAWARE, *Plaintiff*,

v.

Nos. 220145 & 220146 (Consolidated)

ARKANSAS, *et al.*, *Defendants*

**PLAINTIFF STATE OF DELAWARE'S FIRST THIRD PARTY
SUBPOENA TO ACADEMY BANK, N.A.**

Pursuant to Rule 45 of the Federal Rules of Civil Procedure, Plaintiff State of Delaware, by and through its undersigned counsel, hereby requests Third Party Academy Bank, N.A. to respond to the following subpoena, separately, in writing, and under oath within thirty (30) days of service.

DEFINITIONS

Notwithstanding any definitions set forth below, each word, term, or phrase used in these requests is intended to have the broadest meaning permitted under the Federal Rules of Civil Procedure. Pursuant to Southern District of New York Local Rule 26.3, the following definitions set forth in L.R. 26.3(c) and 26.3(d) are deemed incorporated by reference:

- a) Communication
- b) Document
- c) Identify (with respect to persons)
- d) Identify (with respect to documents)

- e) Parties
- f) Person
- g) Concerning
- h) All/Any/Each
- i) And/Or
- j) Number

As used in these requests, the following terms are to be interpreted in accordance with these definitions:

1. “DEFENDANT STATES” means the states of States of Arkansas, Texas, Alabama, Arizona, California, Colorado, Florida, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Montana, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming and all officers, employees, agents, servants and representatives of DEFENDANT STATES.

2. “FILING ENTITY” means any banking organization, as that term is defined in 12 U.S.C. § 2502(1); any business association, as that term is defined in 12 U.S.C. § 2502(2); or financial organization as that term is defined in 12 U.S.C. § 2502(3).

3. “PERTINENT INSTRUMENT” means any official check, teller’s check, agent check, traveler’s check, cashier’s check, registered check, certified check, treasurer’s check, draft, money order, or agent money order.

4. “PLAINTIFF STATE” means the State of Delaware and all officers, employees, agents, servants and representatives of PLAINTIFF STATE.

5. “REFER TO,” or “REFERRING TO,” or “RELATE TO,” or “RELATING TO” means constituting, comprising, memorializing, reflecting, concerning, supporting, contradicting, evidencing or constituting evidence of, having any relationship to, or otherwise pertaining in any way legally, logically, or factually to the subject matter discussed, in whole or in part.

6. “ACADEMY” or “YOU” means Academy Bank, N.A. and its officers, directors, employees, partners, corporate parent, subsidiaries or affiliates.

7. “RELEVANT TIME PERIOD” means January 1, 2005 to the present.

INSTRUCTIONS

1. YOUR responses to these requests (including any objections) must be served no later than thirty calendar days after service of these requests.

2. PLAINTIFF STATE specifies the form(s) in which electronically stored information (“ESI”) is to be produced, as follows:

- a. E-mail, instant messaging, calendars, contacts, and word processing files must be derived from the original electronic media and converted

to single-page .tiff images with accompanying system metadata (e.g. author, recipient(s), “cc” recipients, “bcc” recipients, date and time of creation and receipt, date and time of modification, etc.) and substantive metadata (e.g., the substance of changes, etc.), with all attachments for production. All chronological metadata shall be standardized to Eastern Standard Time. PLAINTIFF STATE reserves the right to request native format production for ESI. Upon request, ACADEMY shall produce specific DOCUMENTS (identified by Bates number or range) in original native electronic format.

- b. Dynamic files (e.g., databases, spreadsheets, project files, etc.) shall be produced in original native format with all accompanying metadata, along with all software necessary to interpret the produced information if such software is not readily commercially available.
- c. All responsive DOCUMENTS derived from QuickBooks shall also be produced electronically in both delimited and iif formats. All responsive DOCUMENTS derived from Applied Business Software shall also be produced electronically in comma delimited (CSV) format.
- d. For all ESI not specified above, production shall be made in native format with all accompanying metadata, along with all software

necessary to interpret the produced information if such software is not readily commercially available, unless PLAINTIFF STATE specifically agrees to a different form for production.

3. If YOU claim any form of privilege, whether based on statute or otherwise, as a ground for withholding a DOCUMENT, YOU shall serve a privilege log. In its privilege log, YOU are required to state the following: (a) the identity of the person who prepared or authored the DOCUMENT, and if applicable, all persons to whom the DOCUMENT was addressed or transmitted; (b) the date on which the DOCUMENT was prepared and/or is dated; (c) the general subject matter of the DOCUMENT; (d) the nature of the DOCUMENT (e.g. letter, memorandum, email, etc.); (e) a brief statement of the legal ground upon which the DOCUMENT is claimed to be privileged and the facts supporting that legal ground; (f) the paragraph of this request to which the DOCUMENT RELATES; (g) the Bates range of the DOCUMENT, if any; (h) all other recipients and persons who have reviewed the DOCUMENT. Notwithstanding the assertion of any privilege or objection, any DOCUMENT which contains both privileged or objectionable and non-privileged or non-objectionable information which is responsive to a request must be produced with the privileged or objectionable information redacted from the DOCUMENT.

4. If YOU claim any privilege with regard to a portion of a DOCUMENT, YOU shall nonetheless produce the portion of the DOCUMENT for which YOU do not claim a privilege and stamp the word “redacted” on each page or a portion of a page YOU have redacted.

5. Any objection to these requests must state with particularity whether and in what manner YOU will rely on that objection as a basis for limiting the scope of any search for DOCUMENTS or for withholding any responsive DOCUMENT. If YOU are withholding responsive DOCUMENTS pursuant to any general objection, YOU should expressly so indicate in YOUR response. If YOU claim any ambiguity or uncertainty in interpreting either the request or a definition or instruction applicable thereto, such claim shall not be used by YOU as a ground for refusing to respond, YOU must set forth as part of YOUR response the language deemed to be ambiguous or uncertain and the interpretation that YOU will use in responding to the request. If YOU object to any part of a request, YOU shall nonetheless respond to all parts of the request to which YOU do not object.

6. If any otherwise responsive DOCUMENT was, but is no longer, in existence or in YOUR possession, custody, or control, identify the type of information contained in the DOCUMENT, its current or last known custodian, the location/address of such DOCUMENT, the identity of all persons having knowledge or who had knowledge of the DOCUMENT, and describe in full the

circumstances surrounding its disposition from YOUR possession, custody, or control. All DOCUMENTS produced shall include all attachments or exhibits affixed thereto.

REQUESTS FOR PRODUCTION

Request No. 1:

Examples of all versions of YOUR PERTINENT INSTRUMENTS for the RELEVANT TIME PERIOD.

Request No. 2:

Each of YOUR unclaimed property reports filed with any State for the RELEVANT TIME PERIOD.

Request No. 3: For each PERTINENT INSTRUMENT identified on unclaimed property reports produced in response to Request No. 2, produce documents sufficient to show:

- a. The State where each such PERTINENT INSTRUMENT was purchased.
- b. If available, the Name and Last Known Address of the purchaser of each such PERTINENT INSTRUMENT.
- c. If available, the Name and Last Known Address of the payee of each such PERTINENT INSTRUMENT.

Request No. 4:

All DOCUMENTS related to YOUR internal unclaimed property reporting guides/procedures for the reporting as unclaimed property of uncashed PERTINENT INSTRUMENTS for the RELEVANT TIME PERIOD.

<p>Dated: March 9, 2018</p> <p>Matthew P. Denn Attorney General of Delaware Aaron R. Goldstein State Solicitor Caroline Lee Cross Delaware Department of Justice Department of Finance Carvel State Office Building 820 North French Street Wilmington, DE 19801 Ph: (302) 577-8842 Eml: Caroline.Cross@state.de.us</p>	<p><u>/s/ Steven S. Rosenthal</u> Steven S. Rosenthal Tiffany R. Moseley J.D. Taliaferro LOEB & LOEB LLP 901 New York Avenue NW Washington, D.C. 20001 Ph: (202) 618-5000 Fax: (202) 618-5001 Eml: srosenthal@loeb.com tmoseley@loeb.com jtaliaferro@loeb.com</p> <p>Marc S. Cohen LOEB & LOEB LLP 10100 Santa Monica Boulevard, Suite 2200 Los Angeles, CA 90067 Ph: (310) 282-2000 Fax: (310) 282-2200 Eml: mcohen@loeb.com</p> <p><i>Counsel for Plaintiff State of Delaware</i></p>
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