

IN THE SUPREME COURT OF THE UNITED STATES

DELAWARE, *Plaintiff,*

Nos. 22O145 & 22O146

v.

(Consolidated)

ARKANSAS, *et al., Defendants.*

**SECOND SUPPLEMENTAL APPENDIX IN SUPPORT
OF DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT ON
LIABILITY [App. 1276 to App. 1283]**

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Deposition Excerpts

Excerpts from Deposition of Eva Yingst

(May 23, 2018)App. 1276

Excerpts from Deposition of Ronald J. Mann

(Nov. 9, 2018)App. 1280

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SUPREME COURT OF THE UNITED STATES

- - -

DELAWARE, : NOS. 220145 &
 : 220146
Plaintiff, : (Consolidated)
 :
vs. :
 :
ARKANSAS, et al., :
 :
Defendants. :

- - -

Philadelphia, Pennsylvania
May 23, 2018

CONFIDENTIAL

Videotaped deposition of EVA
YINGST, taken pursuant to notice at the
law offices of Kleinbard, LLC, One
Liberty Place, 46th Floor, 1650 Market
Street, Philadelphia, Pennsylvania, on
the above date, beginning at 10:11 a.m.,
before Jared E. Bittner, RPR-CSR, Notary
Public.

- - -

GOLKOW LITIGATION SERVICES
(877) 370-3377 / fax (917) 591-5672
deps@golkow.com

1 Q. The acceptability and, okay,
2 I see what you're saying. The selling
3 bank is not presenting either a teller's
4 check or an agent check. That would be
5 the person who purchased the teller's
6 check or agent check, right?

7 MR. RATO: Object to the
8 form.

9 MR. TALIAFERRO: Join.

10 THE WITNESS: Yes.

11 MR. DISHER: All right,
12 great.

13 BY MR. DISHER:

14 Q. All right. In terms of the
15 financial institution that sells the
16 official check products, no matter what
17 type of product it is, MoneyGram handles
18 all of the back office processing of
19 that; is that right?

20 A. Yes.

21 Q. Okay. And what does back
22 officing -- excuse me. What does back
23 office processing include?

24 A. It includes handling

1 exceptions, handling the clearings,
2 handling any exceptions, performing the
3 reconciliation, retaining the images of
4 the paid items, the image archive. It
5 includes reporting, it includes handling
6 collections down the road, claims, all
7 the way through to potentially handling
8 the unclaimed property process depending
9 on the kind of item that it is.

10 **Q. Okay. MoneyGram does all of**
11 **that for all four types of official**
12 **checks?**

13 A. Yes.

14 **Q. All right. Does the selling**
15 **financial institution play any role in**
16 **any of the back end processing for any**
17 **four of the official check products sold**
18 **by MoneyGram?**

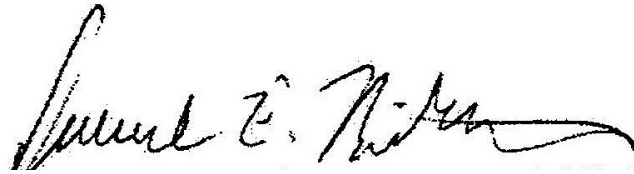
19 MR. RATO: Object to the
20 form. You can answer.

21 THE WITNESS: They are --
22 well, so primarily their role is
23 to tell us about the items that
24 they've sold, pay us for those

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CERTIFICATE

I HEREBY CERTIFY that the proceedings, evidence and objections are contained fully and accurately in the stenographic notes taken by me upon the foregoing matter on May 23, 2018, and that this is a true and correct copy of same.



Jared E. Bittner, RPR-CSR(NJ)

(The foregoing certification of this transcript does not apply to any reproduction of the same by any means, unless under the direct control and/or supervision of the certifying reporter.)

**DELAWARE vs ARKANSAS, ET AL.
Ronald J. Mann on 11/09/2018**

1 SUPREME COURT OF THE UNITED STATES
2
3 Nos. 220145 & 220146 (Consolidated)
4 -----x
5 DELAWARE,
6 Plaintiff,
7 -against-
8
9 ARKANSAS, et al.,
10 Defendants.
11 -----x

12
13
14 VIDEOTAPED DEPOSITION OF
15 RONALD J. MANN
16 New York, New York
17 Friday, November 9, 2018

18
19
20
21 Reported by
22 Roberta Caiola

23
24
25

1 seem remote to me.

2 Q. Sure. Thank you. In paragraph 68 you
3 are opining on this idea that it seems a little
4 odd to you to give the phrase third-party bank
5 check the meaning of teller's checks, do you see
6 that?

7 A. Yes, I do.

8 Q. So why does it seem odd to you to
9 ascribe the meaning of third-party bank checks as
10 teller's checks?

11 A. Well, I think the report speaks for
12 itself. I agree with what I wrote in the report.
13 In my common experience, when people talk about
14 third-party checks of any kind they mean some
15 difference between the person that's going to be
16 paid and one of the original parties to the
17 issuance of the check.

18 Q. Okay. So when you say "that term
19 usually refers to checks that end up being paid
20 to a party distinct from the original parties."

21 When you say "that term" you mean third
22 party?

23 A. A third-party check, yes.

24 Q. So in your opinion, in the context of
25 negotiable instruments, the phrase third party or

1 third-party check usually refers to checks that
2 end up being paid to a party distinct from the
3 original party?

4 A. Yes.

5 Q. Is that the same as a double endorsed
6 check?

7 A. That is not a commonly used term, in my
8 experience, and to the extent I understand it I
9 would think it's different from third party.

10 Q. How is it different?

11 A. Because it would suggest that something
12 has been endorsed twice, which might or might not
13 involve it being paid to a different person.
14 It's just a different class of circumstances.

15 Q. I understand. What about twice
16 endorsed check, are you familiar with that
17 phrase?

18 A. It's not a phrase that I have ever used
19 and it's not a phrase that I've commonly heard.
20 I can assume it means a check that's been
21 endorsed twice.

22 Q. When a party does or, rather, just walk
23 through mechanically this idea of the check
24 ending up being paid to a party distinct from the
25 original party, give me some of the mechanics of

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CERTIFICATE

STATE OF NEW YORK)

) ss.

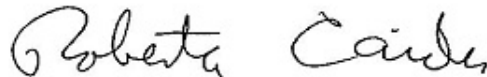
COUNTY OF NEW YORK)

I, Roberta Caiola, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify:

That RONALD J. MANN, the witness whose deposition is hereinbefore set forth, was duly sworn by me and that such deposition is a true record of the testimony given by such witness.

I further certify that I am not related to any of the parties to this action by blood or marriage and that I am in no way interested in the outcome of this matter.

In witness whereof, I have hereunto set my hand on this date, November 11, 2018.



ROBERTA CAIOLA

CERTIFICATE OF SERVICE

Counsel of record for Defendant States in Case No. 22O146 certifies that on March 8, 2019, this document was served, as required by Case Management Order No. 5, on the following counsel:

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