



3. The Court has supplemental jurisdiction over Plaintiffs' state law claim under 28 U.S.C. § 1367(a).

4. Venue is proper in this district under 28 U.S.C. § 1391(b)(2) since a substantial part of the omissions or events giving rise to the claims at issue occurred in this district. All of the funds at issue in this dispute originated in Pennsylvania and all of them should have been submitted to the Pennsylvania Treasurer in Harrisburg. In addition, this matter calls for the application of Pennsylvania law.

### **PARTIES**

5. Plaintiff Treasury Department of the Commonwealth is an independent department of the Commonwealth government and it is the department responsible for receiving unclaimed and abandoned property under Pennsylvania law.

6. Plaintiff Pennsylvania Treasurer Timothy A. Reese is the Treasurer of the Commonwealth of Pennsylvania. The Treasurer is responsible by statute for pursuing abandoned and unclaimed property under the Disposition of Abandoned and Unclaimed Property Act, 72 P.S. §§ 1301.1 *et seq.* The Treasurer is a party here in his official capacity.

7. Defendant Delaware State Escheator David Gregor is an official of the State of Delaware who is responsible under Delaware law for receiving abandoned

and unclaimed property. The Delaware State Escheator is a party here in his official capacity.

8. MoneyGram Payment Systems, Inc. (hereafter, “MoneyGram”) is a business incorporated in the State of Delaware and, upon information and belief, has its principal place of business in Texas. MoneyGram Payment Systems is a wholly owned subsidiary of MoneyGram International, Inc.

9. All parties have sufficient contacts with this district to confer personal jurisdiction.

10. The funds at issue originated in Pennsylvania and were required to be remitted to the custodial care of the Pennsylvania Treasury in Harrisburg by MoneyGram, yet the Delaware State Escheator reached into this jurisdiction and instructed MoneyGram not to remit the funds here but to remit them to Delaware instead.

## **FACTS**

### **A. MoneyGram Money Orders and Official Checks**

11. MoneyGram sells money orders and what it markets as “official checks.”

12. Money orders are purchased from a participating MoneyGram location.

13. In general, the customer pays a transaction fee and pays the value the customer seeks to have reflected on the money order.

14. After receiving payment, the money-order seller issues an instrument that is pre-printed with the value of the payment remitted by the customer.

15. MoneyGram is directly liable for the pre-printed value of the money order.

16. Similar to money orders, official checks are purchased at a participating MoneyGram location.

17. Similar to the customer for a money order, in general, the customer for an official check pays a transaction fee and pays the value the customer seeks to have reflected on the official check.

18. After receiving payment, the official-check seller issues an instrument that is pre-printed with the value of the payment remitted by the customer.

19. MoneyGram is directly liable for the pre-printed value of the official check.

20. The only apparent differences between MoneyGram money orders and MoneyGram official checks are where they are sold and the amounts that can be reflected on them.

21. No material commercial difference exists between money orders and official checks.

22. As to place of sale, money orders are generally sold in traditional retail locations, e.g., drug stores; whereas, official checks are generally sold at financial institutions, e.g., banks.

23. As to the amounts, money orders are generally subject to low face-value amount limits; whereas, official checks are not.

24. Save for where they are sold and the face-value limits, MoneyGram money orders and MoneyGram official checks are indistinguishable.

25. With both money orders and official checks, and as is also the case with traveler's checks, the customer pre-pays the value reflected on the instrument; that is, the funds for the value are immediately taken from the customer's custody.

26. The scenario for issuing a money order or an official check (or a traveler's check) is unlike the scenario for issuing a personal check to a third party: in the former the value for the instrument is immediately taken from the customer's custody, whereas in the latter the value remains in the customer's custody until the instrument is presented for payment at a financial institution.

27. MoneyGram money orders and MoneyGram official checks are similar written instruments.

28. In the alternative, MoneyGram official checks are money orders by a different name.

29. MoneyGram is directly liable for paying the sums owed on official checks.

30. When a MoneyGram official check is sold in Pennsylvania, MoneyGram ultimately becomes the holder of the value of the official check as a matter of Pennsylvania law and is not required to pay the value of the official check until it is processed for payment by a financial institution.

31. If an official check is never presented for payment, MoneyGram never releases the value of the official check.

32. This results in MoneyGram amassing large sums of money each year for which it is not the owner, but a mere holder.

33. With both money orders and official checks, sellers of the instruments typically do not record the address of the purchaser of the instruments.

**B. Pennsylvania's Disposition of Abandoned and Unclaimed Property Act**

34. Pennsylvania's Disposition of Abandoned and Unclaimed Property Act (the "Pennsylvania Unclaimed Property Act"), 72 P.S. § 1301.1 *et seq.*, defines which property is subject to placement with, or deposit in, the Pennsylvania Treasury, and subject to the custody and control of Commonwealth through the Pennsylvania Treasurer.

35. The Pennsylvania Unclaimed Property Act defines a “financial institution,” in relevant part, as “any issuer of travelers checks, money orders, or similar monetary obligations or commitments[.]” 72 P.S. § 1301.1.

36. MoneyGram issues money orders or similar monetary obligations or commitments.

37. MoneyGram is a “financial institution” under the Pennsylvania Unclaimed Property Act.

38. For MoneyGram official checks issued in Pennsylvania for which MoneyGram does not have the last known address of the owner of the check, the address of the owner of the official check is presumed to be in Pennsylvania. 72 P.S. § 1301.2(a)(2).

39. Under the Pennsylvania Unclaimed Property Act, the sums payable on checks or written instruments on which a financial institution is directly liable are presumed abandoned after being outstanding for a period of at least three years for checks/instruments generally, and seven years for money orders issued in 2004 and thereafter. 72 P.S. § 1301.3(3).

40. All statutorily abandoned property under the Pennsylvania Unclaimed Property Act is subject to the custody and control of the Commonwealth. 72 P.S. § 1301.1(a).

41. Pennsylvania abandoned property under the Pennsylvania Unclaimed Property Act must be reported to the Pennsylvania Treasurer in the year after it is abandoned and must eventually also be remitted to the custodial care of the Treasurer. 72 P.S. §§ 1301.11(a), 1301.13(a).

42. The Treasury Department retained an outside auditor to perform an audit of MoneyGram to determine if any abandoned property held by MoneyGram should have been remitted to Pennsylvania.

43. As a result of the audit, the Treasury Department learned MoneyGram sent to the Delaware State Escheator the sum of \$10,293,869.50, which represents the value paid for official checks issued in Pennsylvania but never cashed in the period 2000 through 2009 (hereafter, “the Pennsylvania Checks”).

44. All of the Pennsylvania Checks were issued in Pennsylvania.

45. All of the Pennsylvania Checks were outstanding for at least three years.

46. MoneyGram claims it does not have the last known address for the owners of the Pennsylvania Checks.

47. The last known address of the owner of the official checks is presumed to be Pennsylvania.

48. Under the Pennsylvania Unclaimed Property Act, the value held by MoneyGram for the Pennsylvania Checks was and is subject to the custody and control of the Commonwealth.

49. Under the Pennsylvania Unclaimed Property Act, MoneyGram is obligated by law to remit into the custodial care of the Pennsylvania Treasurer, via deposit in a Treasury account, all of the \$10,293,869.50 remitted to the Delaware State Escheator for the Pennsylvania Checks. MoneyGram is also obligated to submit a holder report, containing such information as the place where the instrument was purchased, the date of purchase, the amount of the purchase, the check number, and other relevant information related to the property.

50. Prior to its incorporation in Delaware, MoneyGram was incorporated in Minnesota.

51. During its incorporation in Minnesota, MoneyGram remitted payment for the sums due on abandoned official checks issued in Pennsylvania to Minnesota.

52. In 2015, Minnesota remitted to the Pennsylvania Treasurer the sum of \$209,840.30.

53. The sum remitted by Minnesota to the Pennsylvania Treasurer was for the sums payable on abandoned official checks issued by MoneyGram in Pennsylvania, which sums MoneyGram had previously remitted to Minnesota.

54. Integrated Payment Systems, Inc. is a business that also issues official checks.

55. Integrated Payment Systems remits the sums payable on abandoned official checks issued in Pennsylvania to the Pennsylvania Treasurer.

56. PNC Bank also issues official checks.

57. PNC remits the sums payable on abandoned official checks issued in Pennsylvania to the Pennsylvania Treasurer.

**C. Disposition of Abandoned Money Orders and Traveler's Check Act**

58. In *Pennsylvania v. New York*, 407 U.S. 206 (1972), the United States Supreme Court held that in the absence of record evidence of the address of the owner of an un-cashed money order, the state of the holder's corporate domicile had the right to escheat the sums owed on the money order.

59. In direct response to the Supreme Court's decision in *Pennsylvania v. New York*, Senator Hugh Scott of Pennsylvania introduced bill S. 1895 in the United States Senate, styled as the Federal Disposition of Unclaimed Property Act of 1973.

60. In support of his proposed legislation, Senator Scott entered into the official Senate Record an explanatory memorandum. In the memorandum, Senator Scott explained that the Supreme Court's decision inequitably resulted in millions of dollars generated in all 50 states being remitted to but 1 state:

The difficulty with the Supreme Court's decision is that in the case of travelers checks and commercial money orders where addresses do not generally exist large amounts of money will, if the decision applies to such instruments, escheat as a windfall to the state of corporate domicile and not to the other 49 states where purchasers of travelers checks and money orders actually reside.

....

Finally, Congress should note that the problem to which this bill is directed is a matter of important public concern in that the bill would, in effect, free for distribution among the states several million dollars in proceeds from abandoned property now being claimed by one state. The bill is eminently fair and equitable because it would permit the state where a travelers check or money order was purchased and which is the state of the purchasers' actual residence in over 90% of the transactions to escheat the proceeds of such instruments. ....

119 Cong. Rec. S9749-9750 (daily ed. May 29, 1973).

61. With some modifications, Senator Scott's proposed bill was eventually enacted into law (under another bill number) as the Disposition of Abandoned Money Orders and Traveler's Checks Act (the "Federal Disposition Act"), 12 U.S.C. §§ 2501-03.

62. In relevant part under the Federal Disposition Act, "[w]here any sum is payable on a money order, traveler's check, or similar written instrument (other than a third party bank check) on which a banking or financial organization or a business association is directly liable," the State where the money order, traveler's check, or similar written instrument was purchased "shall be entitled exclusively to escheat or take custody of the sum payable on such instrument, to the extent of that

State's power under its own laws to escheat or take custody of such sum[.]”

12 U.S.C. § 2503(1).

63. Under the Federal Disposition Act, a “business association” is defined as “any corporation (other than a public corporation), joint stock company, business trust, partnership, or any association for business purposes of two or more individuals[.]” 12 U.S.C. § 2502(1).

64. MoneyGram is a business association under the Federal Disposition Act.

65. MoneyGram's books and records show Pennsylvania as the state where the Pennsylvania Checks were purchased.

66. MoneyGram official checks are not third party bank checks.

67. Pennsylvania's Unclaimed Property Act permits Pennsylvania to take custody of the sums payable on the Pennsylvania Checks.

68. Under the Federal Disposition Act, Pennsylvania has the “exclusive” right to take custody of the sums payable on the Pennsylvania Checks.

#### **D. Treasury Department's Demands for Payment**

69. As early as July 2015, the State of Texas made a demand on the Delaware State Escheator for payment of the sums remitted by MoneyGram for abandoned official checks purchased in that state.

70. Other states, including Colorado, have made similar demands on Delaware for payment of the sums payable on abandoned MoneyGram official checks that were purchased in states other than Delaware, but that were nevertheless remitted to the Delaware State Escheator.

71. The Delaware State Escheator has acknowledged that he has been aware of the issues with MoneyGram official checks since at least April 2015.

72. Prior to initiating this action, the Treasury Department in mid-2015 contacted representatives of the Delaware State Escheator regarding the sums payable on abandoned MoneyGram official checks issued in Pennsylvania.

73. By way of letter on September 29, 2015, the Delaware State Escheator indicated his “preliminary analysis” showed that Delaware was rightfully in custody of the sums payable on the MoneyGram official checks at issue.

74. After having heard nothing further from Delaware regarding a “final analysis,” via letter dated January 25, 2016, Plaintiffs demanded that the Delaware State Escheator and MoneyGram remit to Plaintiffs the sums payable on the Pennsylvania Checks.

75. Plaintiffs included with the demand letter a spreadsheet showing each of the Pennsylvania Checks and showing the total amount payable on the Pennsylvania Checks: \$10,293,869.50.

76. In the letter, Plaintiffs also demanded that MoneyGram immediately cease remitting sums payable on official checks purchased in Pennsylvania to Delaware.

77. In response to the January 26 letter, the Delaware State Escheator by letter dated February 3, 2016 still refused to take a final position on whether the sums payable on the Pennsylvania Checks were payable to Pennsylvania, though he indicated his skepticism that state and federal law required payment to Pennsylvania.

78. The Delaware State Escheator also refused to meet in person or by phone to discuss the matters, stating: “While we appreciate your offer to meet in person or to conduct a teleconference, Delaware believes at this time written documentation, as opposed to discussion, would be most constructive.”

79. In response to the January 26 letter, MoneyGram indicated that it would abide by a decision by Delaware and Pennsylvania, or by a court’s declaration, regarding which state is entitled to the sums payable on the Pennsylvania Checks.

80. MoneyGram also indicated that it would consider paying future sums payable on uncashed official checks purchased in Pennsylvania to the Pennsylvania Treasurer.

81. By letter dated February 9, 2016, MoneyGram sought extensions from the Delaware State Escheator and the Pennsylvania Treasurer of its upcoming deadline to report uncashed official checks purchased in Pennsylvania, or, in the alternative, that it be permitted to report and remit the uncashed official checks to an acceptable third-party.

82. In reply to the responses from the Delaware State Escheator and MoneyGram, Plaintiffs sent a letter to the Delaware State Escheator dated February 18, 2016, demanding that Delaware take a final position within seven days on whether the sums payable on the Pennsylvania checks should be remitted to Plaintiffs.

83. Representatives of the Delaware State Escheator then agreed to a call on the matter, which was had on February 22, 2016.

84. Despite the multiple letters and the telephone call, the Delaware State Escheator has taken the position that the MoneyGram official checks are “third party bank checks” and thus the sums payable on the Pennsylvania Checks are not subject to custody by Plaintiffs.

**COUNT I: DECLARATORY JUDGMENT ACT, 28 U.S.C. § 2201  
(AGAINST ALL DEFENDANTS)**

85. Plaintiffs incorporate the foregoing paragraphs as if fully set forth herein.

86. There exists an actual controversy between Plaintiffs and Defendants regarding whether MoneyGram official checks are subject to the custody and control of Plaintiffs or the Delaware State Escheator under the Federal Disposition Act and the Pennsylvania Unclaimed Property Act.

87. Plaintiffs seek a declaration that the MoneyGram official checks are “similar written instruments” under the Federal Disposition Act.

88. In the alternative, Plaintiffs seek a declaration that the MoneyGram official checks are money orders under the Federal Disposition Act.

89. Plaintiffs seek a declaration that the MoneyGram official checks are not third party bank checks.

90. Plaintiffs seek a declaration that the Delaware State Escheator stands in violation of the Federal Disposition Act since Pennsylvania is the state “exclusively entitled” to custody of the sums payable on the Pennsylvania Checks.

91. Plaintiffs seek a declaration that MoneyGram stands in violation of both the Federal Disposition Act and the Pennsylvania Unclaimed Property Act since the sums payable on the Pennsylvania Checks should have been remitted to the custodial care of Plaintiffs.

92. Plaintiffs seek a declaration that all future sums payable on abandoned MoneyGram official checks that were purchased in Pennsylvania be remitted to Plaintiffs.

93. The interests of Plaintiffs and Defendants are adverse: Plaintiffs have demanded payment on the sums payable on the Pennsylvania Checks and demanded that future sums payable on abandoned MoneyGram official checks be remitted to Plaintiffs; Defendants have refused to comply with Plaintiffs' demands.

94. A ruling by this Court on whether MoneyGram official checks are subject to the custody of Plaintiffs under the Federal Disposition Act and the Pennsylvania Unclaimed Property Act will conclusively resolve the disputes between the parties.

95. A decision by this Court on the issues presented will render practical help to the parties in that a decision will determine which parties are entitled to which sums now and going forward.

**COUNT II: VIOLATION OF 12 U.S.C. § 2503  
(AGAINST ALL DEFENDANTS)**

96. Plaintiffs incorporate the foregoing paragraphs as if fully set forth herein.

97. The Federal Disposition Act was intended to provide federal priority rules between competing states regarding which state has a superior claim to certain un-cashed instruments, such as the Pennsylvania Checks.

98. It was also, on its face, intended to give a state an implied remedy to seek payment if sums subject to the priority rules under the Federal Disposition Act were not remitted to the custodial care of the state that has the “exclusive[.]” right to take custody of the sums at issue.

99. The Delaware State Escheator has violated the Federal Disposition Act by unlawfully taking custody of the sums payable on the Pennsylvania Checks because Pennsylvania has the exclusive right to take custody of the sums payable on the Pennsylvania Checks.

100. MoneyGram has violated the Federal Disposition Act by remitting to the Delaware State Escheator the sums payable on the Pennsylvania Checks because Pennsylvania has the exclusive right to take custody of the sums payable on the Pennsylvania Checks.

**COUNT III: VIOLATION OF DISPOSITION OF ABANDONED AND UNCLAIMED PROPERTY ACT, 72 P.S. § 1301.1 *ET SEQ.* (AGAINST MONEYGRAM PAYMENT SYSTEMS, INC.)**

101. Plaintiffs incorporate the foregoing paragraphs as if fully set forth herein.

102. The Pennsylvania Unclaimed Property Act allows the Treasurer to pursue a civil action against a person that refuses to pay to the Treasurer sums payable under the Act. 72 P.S. § 1301.24(a).

103. The sums payable on the Pennsylvania Checks should have been remitted to the custodial care of the Pennsylvania Treasurer by MoneyGram.

104. Despite demands for payment by Plaintiffs, MoneyGram has refused to pay the sums payable on the Pennsylvania Checks.

105. The Pennsylvania Unclaimed Property Act provides that if the holder of abandoned property subject to the Act fails to pay without proper cause as required, the holder is subject to an interest rate of 12% per annum. 72 P.S. § 1301.24(b).

106. MoneyGram is without proper cause to fail to pay the sums payable on the Pennsylvania Checks, and as such, it is liable for 12% interest.

107. MoneyGram should have reported the sums payable on the Pennsylvania Checks to the Treasurer in the year after they became subject to the Pennsylvania Unclaimed Property Act. 72 P.S. § 1301.11.

108. MoneyGram is without proper cause to fail to report the sums owed.

109. By failing to report as required and without proper cause, Plaintiffs are entitled to a \$1000 per day penalty from MoneyGram. 72 P.S. § 1301.24.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs request judgment as follows:

A. On Count One, entering judgment in favor of Plaintiffs and against Defendants and entering the following declarations:

- i. The MoneyGram official checks are “similar written instruments” under the Federal Disposition Act.
- ii. In the alternative, the MoneyGram official checks are money orders under the Federal Disposition Act.
- iii. MoneyGram official checks are not third party bank checks.
- iv. The Delaware State Escheator violated the Federal Disposition Act by accepting the sums payable on the Pennsylvania Checks and by refusing to return them upon demand since Pennsylvania is the state “exclusively entitled” to custody of those sums.
- v. MoneyGram violated the Federal Disposition Act and the Pennsylvania Unclaimed Property Act since the sums payable on the Pennsylvania Checks should have been remitted to the custodial care of Plaintiffs.
- vi. All future sums payable on abandoned MoneyGram official checks that were purchased in Pennsylvania should be remitted to Plaintiffs by MoneyGram.

B. On Count Two, awarding damages in favor of Plaintiffs and against MoneyGram, in an amount to be determined at trial, but in no event less than \$10,293,869.50 plus interest at 12% per annum, penalties of \$1000 per day, and

attorneys' fees and costs, and entering judgment in favor of Plaintiffs and against Defendants, entering the following declarations:

- i. The MoneyGram official checks are "similar written instruments" under the Federal Disposition Act.
- ii. In the alternative, the MoneyGram official checks are money orders under the Federal Disposition Act.
- iii. MoneyGram official checks are not third party bank checks.
- iv. The Delaware State Escheator violated the Federal Disposition Act by accepting the sums payable on the Pennsylvania Checks and by refusing to return them upon demand since Pennsylvania is the state "exclusively entitled" to custody of those sums.
- v. MoneyGram violated the Federal Disposition Act and the Pennsylvania Unclaimed Property Act since the sums payable on the Pennsylvania Checks should have been remitted to the custodial care of Plaintiffs.
- vi. All future sums payable on abandoned MoneyGram official checks that were purchased in Pennsylvania should be remitted to Plaintiffs by MoneyGram.

C. On Count Three, awarding damages in favor of Plaintiffs and against MoneyGram, in an amount to be determined at trial, but in no event less than

\$10,293,869.50 plus interest at 12% per annum, penalties of \$1000 per day, and attorneys' fees and costs.

D. Granting Plaintiffs such other and further relief as the Court deems just and proper.

Respectfully submitted,

**KLEINBARD LLC**

**By:** /s/ Matthew H. Haverstick  
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*Attorneys for Plaintiffs*

Dated: February 26, 2016

Respectfully submitted,

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CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Treasury Department of the Commonwealth
Treasurer Timothy A. Reese, in his official capacity

(b) County of Residence of First Listed Plaintiff Dauphin
(EXCEPT IN U.S. PLAINTIFF CASES)

Matthew Haverstick, Mark Seiberling, Joshua Voss | Kleinbard LLC
One Liberty Place, 46th Floor | 1650 Market Street
Philadelphia, PA 19103 | Ph: (215) 568-2000

DEFENDANTS

Delaware State Escheator David Gregor, in his official capacity
MoneyGram Payment Systems, Inc.

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Steven Rosenthal, Ph: (202) 618-5034 (DE State Escheator)
Michael Rato, Ph: (973) 425-8661 (MoneyGram)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Table with columns for Plaintiff (PTF) and Defendant (DEF) citizenship: Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation.

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Large table with categories: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from Another District (specify)
6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 12 U.S.C. § 2503

Brief description of cause: Disposition of Abandoned Money Orders and Traveler's Checks Act

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ 10,293,869.50 CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE 2/26/16 SIGNATURE OF ATTORNEY OF RECORD /s/ Matthew H. Haverstick

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE