

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

**ALYSSON MILLS, in her capacity as
Receiver for Arthur Lamar Adams and
Madison Timber Properties, LLC**

PLAINTIFF

V.

CAUSE NO. 3:19-CV-364-CWR-FKB

**THE UPS STORE, INC.; HERRING
VENTURES, LLC, d/b/a The UPS Store;
AUSTIN ELSEN; TAMMIE ELSEN;
COURTNEY HERRING; DIANE
LOFTON; CHANDLER WESTOVER;
RAWLINGS & MACINNIS, PA; TAMMY
VINSON; and JEANNIE CHISHOLM**

DEFENDANTS

ORDER

Before the Court are motions to dismiss filed by Jeannie Chisholm; Rawlings & MacInnis, PA; Tammy Vinson; and The UPS Store, Inc.¹ Docket Nos. 26 and 41. They contend that the Receiver's factual allegations are insufficiently detailed, that the law bars the Receiver's claims, and that The UPS Store in particular cannot be held liable because the local store that aided and abetted Lamar Adams' fraudulent scheme was merely a franchise.

The Court respectfully disagrees. The complaint is particularly detailed, Fifth Circuit and Mississippi law support the Receiver's causes of actions, and The UPS Store's affirmative defense is one that will turn on the facts adduced during discovery. The better course of action is to begin that discovery, which in a case about notarization should not be overly complex, and adjudicate the motions for summary judgment next year.

For these reasons, the motions are denied. Within 10 days, the parties shall contact the

¹ The other six defendants have not moved to dismiss.

Magistrate Judge's chambers to schedule a Telephonic Case Management Conference.

SO ORDERED, this the 30th day of September, 2019.

s/ Carlton W. Reeves
UNITED STATES DISTRICT JUDGE