

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

ALYSSON MILLS, IN HER CAPACITY
AS RECEIVER FOR ARTHUR LAMAR
ADAMS AND MADISON TIMBER
PROPERTIES, LLC,

Plaintiff,

v.

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

Defendants.

Case No. 3:19-cv-364-CWR-FKB

Arising out of Case No. 3:18-cv-252,
*Securities and Exchange Commission v.
Arthur Lamar Adams and Madison
Timber Properties, LLC*

Hon. Carlton W. Reeves, District Judge

Hon. F. Keith Ball, Magistrate Judge

**RESPONSE TO THE UPS STORE, INC.'S
MOTION FOR PROTECTIVE ORDER**

Alysson Mills, in her capacity as the court-appointed receiver for Arthur Lamar Adams and Madison Timber Properties, LLC (the "Receiver"), respectfully responds to The UPS Store Inc.'s ("UPS") motion for protective order as follows:

1.

UPS filed its motion for protective order [Doc. 59] after the Receiver filed her motion for protective order on December 13, 2019 [Doc. 57]. UPS's motion is, effectively, an opposition to the Receiver's motion.

2.

The Receiver is only asking that defendants redact victims' names and identifying information from publicly filed documents. The Receiver's motion explained that victims' privacy is important to victims, and redaction is a small ask.

3.

UPS is the only defendant to have filed a formal response to the Receiver's motion. The Receiver does not know why it matters to UPS that it be able to publish victims' names and identifying information in its filings. UPS's motion does not explain why it matters to UPS.

4.

UPS's motion also does not explain how victims' names and identifying information are relevant to UPS's defense. UPS's defense is that it is not liable for the acts of its franchisee. Franchisor liability turns on several factors, but primarily whether the franchisor controlled or had the right to control its franchisee's business. Victims' names and identifying information is not relevant to UPS's defense. But even so, the Receiver only asks that UPS redact victims' names and identifying information from publicly filed documents. Redaction is not an onerous task—lawyers do it all the time.

5.

UPS's only argument is that the Receiver's proposed protective order would contravene Local Rule 79(b), which states that “[n]o document may be filed under seal, except upon entry of an order of the court” But the Receiver is not asking the parties to file their documents under seal—the Receiver expects that, unless the parties obtain a separate order, they will file their documents in the court's public record. The Receiver is only asking that the parties redact

victims' names and identifying information from those publicly filed documents. In fact, to make it easier, the Receiver even proposed that the parties refer to victims by numbers.

6.

Certainly, UPS has information that it intends to designate as confidential, and UPS would want the Receiver to protect its privacy by redacting that information from her publicly filed documents. If UPS is correct that the Receiver's proposed protective order contravenes Local Rule 79(b), then UPS's proposed protective order contravenes Local Rule 79(b), too. The reality is protective orders are common and do not run afoul of Local Rules. *Protective orders are encouraged.*

7.

The Court has broad discretion to enter a protective order, and there is good cause to enter the Receiver's proposed protective order. The proposed protective order is intended to facilitate the exchange of information in this case and at the same time protect victims' names and identifying information from public disclosure.

For the reasons stated here and in the memorandum accompanying the Receiver's motion [Doc. 58], the Receiver respectfully requests that the Court enter the Receiver's proposed protective order.

December 27, 2019

Respectfully submitted,

/s/ Lilli Evans Bass

BROWN BASS & JETER, PLLC
Lilli Evans Bass, Miss. Bar No. 102896
LaToya T. Jeter, Miss. Bar No. 102213
1755 Lelia Drive, Suite 400
Jackson, Mississippi 39216
Tel: 601-487-8448
Fax: 601-510-9934
bass@bbjlawyers.com
Receiver's counsel

/s/ Kristen D. Amond

FISHMAN HAYGOOD, LLP
Admitted pro hac vice
Brent B. Barriere
Kristen D. Amond
Rebekka C. Veith
201 St. Charles Avenue, Suite 4600
New Orleans, Louisiana 70170
Tel: 504-586-5253
Fax: 504-586-5250
bbarriere@fishmanhaygood.com
kamond@fishmanhaygood.com
rveith@fishmanhaygood.com
Receiver's counsel

CERTIFICATE OF SERVICE

I certify that I electronically filed the foregoing with the Clerk of Court using the ECF system which sent notification of filing to all counsel of record.

Date: December 27, 2019

/s/ Kristen D. Amond