

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  
ELSEN; 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

**MOTION FOR LEAVE OF COURT TO TAKE  
THE DEPOSITION OF ARTHUR LAMAR ADAMS**

Defendants Rawlings & MacInnis, P.A. (“R&M”), Tammy Vinson (“Vinson”), and Jeannie Chisholm (“Chisholm”) (sometimes collectively the “R&M Parties”) file this their Motion for Leave of Court to Take the Deposition of Arthur Lamar Adams (“Adams”), and, in support of the same, would show unto the Court as follows:

1. Pursuant to Federal Rule of Civil Procedure (“F.R.C.P.”) 30(a)(2)(B), the R&M Parties seek leave of this Court to take the deposition of Adams, who is currently incarcerated at Bastrop FCI, which is a federal correction institute located in Bastrop, Texas.

2. In the case styled, *United State of America v. Arthur Lamar Adams*, in the United States District Court for the Southern District of Mississippi, Case No. 3:18-cr-00088-CWR-LRA (the “Criminal Case”), Adams was charged with criminal counts of wire fraud and bank fraud stemming from a Ponzi scheme that he perpetuated through his companies, Madison Timber Properties, LLC, Madison Timber Company, Inc., and/or Madison Timber, LLC (collectively “Madison Timber”). Adams pleaded guilty to wire fraud and was sentenced to 235 month term of imprisonment. As a result

of such imprisonment, Adams's current release date is September 13, 2035.

3. In addition to the Criminal Case, a civil case styled, *Securities and Exchange Commission v. Arthur Lamar Adams and Madison Timber Properties, LLC*, in the United States District Court for the Southern District of Mississippi, Case No. 3:18-cv-252 (the "SEC Case"), was also filed against Adams. The SEC Case likewise stemmed from Adams's Ponzi scheme through Madison Timber. In the SEC Case, Alysson Mills ("Mills" or the "Receiver") was appointed as Receiver for the estate of Adams and Madison Timber. As Receiver, Mills has instituted several additional civil actions, which arise from the SEC Case, including the case herein.

4. The Receiver's claims in this case likewise stem from actions by Adams in connection with the Madison Timber Ponzi scheme. Here, the Receiver alleges that Vinson and Chisholm notarized fraudulent timber deeds from purported landowners to Madison Timber. Those fraudulent timber deeds were allegedly presented to Vinson and Chisholm for notarization by Adams. The R&M Parties have all asserted defenses to the Receiver's claims, including admissions by Adams that he manipulated timber deeds and the notarizations of the same.

5. The only person with full and complete knowledge of Adams's actions in connection with the fraudulent timber deeds is Adams. Adams has direct and material knowledge of the facts surrounding the claims asserted by the Receiver against the R&M Parties. Adams has personal knowledge of pertinent facts that are crucial to the defenses of the R&M Parties in this case. Among other things, Adams notified the R&M Parties that:

If I ever get access to my computer again I can show y'all the document transfer program I used to change the Notary part of a timber Deed from my signature to "the within named two". It changed Documents from PDF to Word and therefore I could change Tammy notarizing my signature to two signatures. I will also show this to the Government when we start meeting.

A copy of the communications from Adams to the R&M Parties is attached hereto as Exhibit "A" and is incorporated herein by reference.<sup>1</sup> In addition, upon information and belief, Adams has

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<sup>1</sup> This communication has been designated as confidential by the R&M Parties and is subject to this Court's Protective Order [Dkt. #90]. As the designating parties, the R&M Parties do not object to the use of this document, which is BATES labeled R&M - 02494 CONFIDENTIAL, for the purposes of this Joint Motion. The

communicated the same information to the Receiver.

6. Only Adams has personal knowledge about any manipulation of timber deeds by him and only Adams can testify to his personal involvement in the Ponzi scheme as it relates to timber deeds. Further, Adams is a witness to the alleged notarizations of timber deeds by Vinson and Chisholm. As the Receiver's claims are based on the notaries' interactions with Adams and actions perpetrated by Adams and, allegedly, the notaries, Adams's testimony is necessary and relevant to this case.

7. Adams will not be prejudiced by having his deposition taken as the Criminal Case has concluded and this case arises from the SEC Case in which Adams is a defendant. Adams has consented to having his deposition taken in this case and signed a Consent Form on March 19, 2020. A true and correct copy of the Consent Form signed by Adams is attached hereto as Exhibit "B" and incorporated herein by reference.

8. It is necessary for the R&M Parties to take Adams's deposition as Adams may not be available for trial as he is currently imprisoned at a federal correction institute in Bastrop, Texas, which is over 200 miles away from the federal courthouse in Jackson, Mississippi, and he is currently not scheduled for release until 2035, which makes it unlikely that Adams will be able to appear in person to testify at trial. Therefore, taking Adams's deposition in prison may be the R&M Parties' only opportunity to preserve Adams's testimony for trial.

9. The R&M Parties request that this Court order that the R&M Parties be allowed to take Adams' deposition in prison and that the prison officials at Bastrop FCI work with the R&M Parties in coordinating and scheduling the same. Should this Court grant the Motion for Leave, counsel for the R&M Parties will coordinate the scheduling and taking of Adams's deposition with the prison officials at Bastrop FCI and with counsel for the other parties in this case.

10. In addition, the R&M Parties request that this Court order that the counsel for the R&M

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inclusion of this document should not be construed as a waiver of any confidentiality or other rights the R&M Parties have in connection with any other document it has designated as confidential in this case.

Parties be allowed to meet with and interview Adams prior to his deposition provided that Adams consents to such interview. Due to the limited amount of time allotted for the deposition of Adams, the R&M Parties need to interview Adams prior to the deposition in order to determine the necessary questions that will need to be asked in the deposition within the limited deposition time. The R&M Parties have made multiple attempts, via telephone calls and written correspondence, to arrange a meeting with and interview of Adams with the Bastrop FCI employee who is designated as the proper contact person to arrange such a meeting and interview. A copy of the correspondence from counsel for the R&M Parties to Mr. Wilkins at Bastrop FCI is attached hereto as Exhibit "C" and is incorporated herein by reference. However, the R&M Parties have received no response in connection with the same. As such, the R&M Parties request that this Court order that they be allowed to meet with and interview Adams prior to his deposition in this case, if he consents to the same, and that the prison officials at Bastrop FCI cooperate with counsel for the R&M Parties in arranging and scheduling such meeting, if Adams consents to the same.

WHEREFORE PREMISES CONSIDERED, the R&M Parties respectfully request that this Court grant them leave to meet with and interview Adams at FCI Bastrop, prior to his deposition, if he consents to such meeting and interview and that this Court grant them leave to take the deposition of Adams at FCI Bastrop pursuant to F.R.C.P. 30(a)(2)(B) as discussed above.

Respectfully submitted, this the 1<sup>st</sup> day of June, 2021.

**RAWLINGS & MACINNIS, P.A.,  
TAMMY VINSON, AND  
JEANNIE CHISHOLM**

By: /s/ G. Todd Burwell

OF COUNSEL:

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Emily K. Lindsay (MSB #104963)  
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**CERTIFICATE OF SERVICE**

I, G. Todd Burwell, one of the attorneys for Defendants Rawlings & MacInnis, P.A., Tammy Vinson and Jeannie Chisholm, do hereby certify that on this the 1<sup>st</sup> day of June, 2021, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system. I certify that I have this day forwarded via the ECF system, a true and correct copy of the foregoing to all counsel of record who have registered with that system in this case. I also certify that I have this day forwarded via U.S. Mail, a true and correct copy of the foregoing to the following:

Arthur Lamar Adams  
Register #20878-043  
FCI Bastrop  
Federal Correctional Institution  
P.O. Box 1010  
Bastrop, TX 78602

*/s/ G. Todd Burwell*

If I ever get access to my computer again I can show y'all the document transfer program I used to change the Notary part of a timber Deed from my signature to "the within named two". It changed Documents from PDF to Word and therefore I could change Tammy notarizing my signature to two signatures. I will also show this to the Government when we start meeting.

**R&M - 02494  
CONFIDENTIAL**

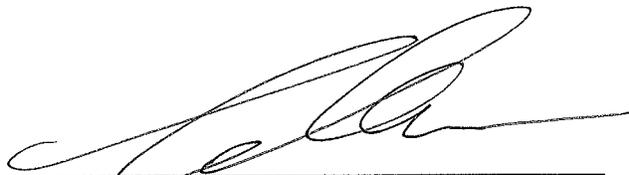
**EXHIBIT "A"**

**CONSENT FORM**

I, Arthur Lamar Adams, Register #20878-043, do hereby consent to and approve of G. Todd Burwell, Esq. taking my deposition in connection with the case of *Alysson Mills, In Her Capacity as Receiver for Arthur Lamar Adams and Madison Timbers Properties, LLC v. Rawlings & MacInnis, P.A.; Tammy Vinson; and Jeannie Chisholm*; In the United States District Court, Southern District of MS, Northern Division; 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*. I acknowledge that G. Todd Burwell, Esq. represents Rawlings & MacInnis, P.A., Tammy Vinson, and Jeannie Chisholm in the above referenced matter, and that if I wish to have my own attorney present during the deposition, I must inform my attorney of the same and that my attorney should coordinate with Mr. Burwell with respect to the scheduling of the deposition.

3-19-20

DATE



ARTHUR LAMAR ADAMS

**\*Please sign and date the above and return the Consent Form in the pre-addressed, pre-stamped envelope provided to you.\***

G. TODD BURWELL, P.A.

Attorneys At Law  
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Telephone: (601) 427-4470  
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G. Todd Burwell

[tburwell@gtbpa.com](mailto:tburwell@gtbpa.com)

April 20, 2021

**VIA U.S. MAIL**

Mr. Jermaine Wilkins  
FCI Bastrop  
Federal Correction Institution  
P.O. Box 730  
Bastrop, TX 78602

Re: *Arthur Lamar Adams; Register No.: 20878-043*

Dear Mr. Wilkins:

I hope this finds you well. I am writing you concerning Arthur Lamar Adams, Register No.: 20878-043. I represent Rawlings & MacInnis, P.A., Tammy Vinson, and Jeannie Chisholm (the "R&M Parties") in the federal civil case styled *Alysson Mills, in her capacity as the court-appointed receiver for Arthur Lamar Adams, et al. v. The UPS Store, Inc., et al*; In the United States District Court for the Southern District of Mississippi, Jackson Division; No. 19-cv-364-CWR- FKB (the "Civil Case").

The Civil Case is one of several civil cases filed by the Receiver, Alysson Mills, that arise out of or relate to the Madison Timber Ponzi scheme perpetrated by Mr. Adams. As the Civil Case is related to and involving the activities of Mr. Adams and the Madison Timber Ponzi scheme, Mr. Adams is an essential non-party witness in the Civil Case. Due to Mr. Adams' position as an essential non-party witness, I would like to speak with you about setting up a date and time for me to interview Mr. Adams about his knowledge and involvement in matters raised in the Civil Case.

If you would, please contact me to discuss making these arrangements.

Sincerely,

G. TODD BURWELL, P.A.



G. Todd Burwell  
GTB/sp