

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 ELSEN; TAMMIE ELSEN;  
COURTNEY HERRING; DIANE LOFTON;  
CHANDLER WESTOVER; RAWLINGS &  
MACINNIS, PA; TAMMY VINSON; and  
JEANNIE CHISHOLM,

Defendants.

Case No. 3:19-cv-00364

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

**REPLY IN SUPPORT OF  
MOTION FOR EXPEDITED CONSIDERATION  
OF URGENT AND NECESSITOUS MATTER**

Alysson Mills, in her capacity as the court-appointed receiver for Arthur Lamar Adams and Madison Timber Properties, LLC (the “Receiver”), through undersigned counsel, respectfully files this reply in support of her Motion for Expedited Consideration of her Motion to Quash Subpoenas or, Alternatively, Motion for Protective Order [Doc. 215].

When on Thursday, June 17, the Receiver’s counsel learned of the subpoenas issued to investor-victims by defendant The UPS Store, Inc., the Receiver’s counsel asked to confer about them. UPS ignored that request. On Friday, June 18, UPS started serving the subpoenas. The Receiver received calls from investor-victims beginning Friday evening; she is at a loss to address

investor-victims' concerns, and yet it hardly seems reasonable to require each subpoenaed investor-victim to obtain a lawyer to help them understand their rights and obligations else risk the penalty of jail or fine.

The Receiver has standing to challenge these subpoenas as a party to this lawsuit. On Tuesday, June 22, the Receiver filed a motion for protective order that included, among other things, a request that the Court quash or limit the scope of the subpoenas duces tecum. [Doc. 207]. During a conference call on Wednesday, June 23, UPS told the Court that the motion was premature. It also informed the Court that it would not withdraw the subpoenas. Simply put, there is nothing more to confer about with respect to UPS's subpoenas to investor-victims.

Unless UPS agrees to limit the scope of its subpoenas duces tecum, investor-victims will be required to produce information that is private and that is not relevant to the Receiver's claims against UPS on or before July 8. There is no time to waste. The motion to expedite consideration of the Receiver's motion to quash or, alternatively, motion for protective order [Doc. 213] is urgent and necessitous and should be granted.

To ensure that the Court has time to rule on the Receiver's motion to quash or, alternatively, motion for protective order before investors are required to produce documents on or before July 8, the Receiver proposes that UPS's opposition be due on Wednesday, June 30 and the Receiver's reply be due by Friday, July 2.

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June 29, 2021

Respectfully submitted,

*/s/ Lilli Evans Bass*

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*/s/ Kristen D. Amond*

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### **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: June 29, 2021

*/s/ Kristen D. Amond*