

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.

TRUSTMARK NATIONAL BANK; BENNIE  
BUTTS; JUD WATKINS; SOUTHERN  
BANCORP BANK; and RIVERHILLS BANK,

Defendants.

Case No. 3:19-cv-00941-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

**MOTION TO DISMISS JUD WATKINS WITHOUT PREJUDICE**

Alysson Mills, in her capacity as the court-appointed receiver for Arthur Lamar Adams and Madison Timber Properties, LLC (the “Receiver”), through undersigned counsel, moves to dismiss Defendant Jud Watkins without prejudice and states as follows:

1.

On December 30, 2019, the Receiver filed a complaint against Trustmark National Bank, Bennie Butts, Jud Watkins, Southern Bancorp Bank, and RiverHills Bank—financial institutions and professionals who provided banking services that enabled and sustained the Madison Timber Ponzi scheme. [Doc. 1].

2.

Jud Watkins has not answered the Receiver’s complaint. He instead filed a motion to compel arbitration.

3.

After conferring with counsel to Jud Watkins, the Receiver elects to dismiss Jud Watkins from this action without prejudice to her rights to later assert her complaint's claims against Jud Watkins, including in an arbitral forum. The Receiver expressly reserves any and all claims, demands, and causes of action of any type that she may have against Jud Watkins, RiverHills Bank, and Trustmark National Bank.

4.

Federal Rule of Civil Procedure 41(a)(2) permits a plaintiff such as the Receiver to dismiss an individual defendant only. *See Williams v. Seidenbach*, 958 F.3d 341, 345 (5th Cir. 2020) (the Fifth Circuit interprets “action” in Rule 41(a) “to cover individual defendants—thus allowing plaintiffs, like the [Receiver], to use Rule 41(a) to dismiss individual defendants”); *Nat’l City Golf Fin. v. Scott*, 899 F.3d 412, 415 n.3 (5th Cir. 2018) (“Rule 41(a) permits a plaintiff to dismiss just one defendant, even though the action against another defendant would remain pending.”) (internal quotation marks omitted).

5.

Defendant Jud Watkins does not oppose the Receiver’s motion.

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August 23, 2021

Respectfully submitted,

*/s/ Lilli Evans Bass*

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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: August 23, 2021

*/s/ Kristen D. Amond*