

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

ORDER DISMISSING JUD WATKINS WITHOUT PREJUDICE

Before the Court is a motion to dismiss Defendant Jud Watkins without prejudice filed by Alysson Mills, in her capacity as the court-appointed receiver for Arthur Lamar Adams and Madison Timber Properties, LLC (the “Receiver”).

On December 30, 2019, the Receiver filed a complaint against Trustmark National Bank, Bennie Butts, Jud Watkins, Southern Bancorp Bank, and RiverHills Bank. [Doc. 1]. Jud Watkins has not answered the Receiver’s complaint. He instead filed a motion to compel arbitration.

The Receiver seeks 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.

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). The Court finds that the motion is well-taken.

The Court therefore **GRANTS** the Receiver’s motion.

Accordingly the Court hereby **ORDERS** that all claims and causes of action against Defendant Jud Watkins are dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2).

SO ORDERED, this the 9th day of September, 2021.

s/ Carlton W. Reeves
UNITED STATES DISTRICT JUDGE