

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

ALYSSON MILLS, *in her capacity as
receiver for Arthur Lamar Adams and
Madison Timber Properties, LLC*

PLAINTIFF

VS.

CIVIL ACTION NO. 3:18-cv-866-CWR-FKB

BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, PC;
ALEXANDER SEAWRIGHT, LLC;
BRENT ALEXANDER; JON
SEAWRIGHT

DEFENDANTS

ORDER

This matter is before the Court on the Motion to Consolidate Cases [87] filed by The UPS Store, Inc. (“TUPSS”) in this case and in four other cases before this Court: *Sec. & Exch. Comm’n v. Adams*, Civil Action No. 3:18-cv-252-CWR-FKB, at [312]; *Mills v. BankPlus*, Civil Action No. 3:19-cv-196-CWR-FKB, at [134]; *Mills v. The UPS Store, Inc.*, Civil Action No. 3:19-cv-364-CWR-FKB, at [261]; and *Mills v. Trustmark National Bank*, Civil Action No. 3:19-cv-941-CWR-FKB, at [102]. TUPSS was joined in its move for consolidation by BankPlus and BankPlus Wealth Management, LLC (collectively “BankPlus”);¹ Rawlings & MacInnis, P.A., Tammy Vinson, and Jeannie Chisholm (collectively the “R&M Parties”);² and Herring Ventures, LLC, Austin Elsen, Tammie Elsen, Courtney Herring, Diane Lofton, and Chandler Westover (collectively the “Herring Parties”).³ Responses were filed by the Receiver;⁴ Baker, Donelson, Bearman, Caldwell

¹ See *Mills v. BankPlus* at [143].

² See *Mills v. TUPSS* at [270].

³ See *Mills v. TUPSS* at [271].

⁴ In *Mills v. TUPSS*, the Receiver filed a response [288] that was attached to a notice of filing in the other four cases in which TUPSS moved for consolidation. See [100]; see also *Sec. & Exch. Comm’n v. Adams* at [318], *Mills v. BankPlus* at [149], and *Mills v. Trustmark National Bank* at [114].

& Berkowitz, P.C. (“Baker Donelson”);⁵ and RiverHills Bank.⁶ Defendants Brent Alexander, Jon Seawright, and Alexander Seawright, LLC joined [99] Baker Donelson’s response [98]. TUPSS replied to the responses,⁷ and in *Mills v. TUPSS*, the Herring Parties joined the reply.⁸ In *Mills v. BankPlus*, BankPlus filed its own reply in support of consolidation.⁹ Having considered the matter, the Court finds that the motion to consolidate should be granted.

In the motion [87], TUPSS asks the Court to consolidate the following four cases for discovery:

CASE NAME:	CASE NO.:
Mills v. Baker Donelson, et al.	3:18-cv-866-CWR-FKB
Mills v. BankPlus, et al.	3:19-cv-196-CWR-FKB
Mills v. The UPS Store, Inc., et al.	3:19-cv-364-CWR-FKB
Mills v. Trustmark, et al.	3:19-cv-941-CWR-FKB

The Court finds that these four cases involve overlapping questions of law and fact and are therefore related. The Court concludes that in the interest of judicial economy and to avoid certain duplicative discovery (especially multiple depositions of the same deponents), the above-listed four cases should be consolidated under Federal Rule of Civil Procedure 42(a) for the purposes of conducting discovery. This Order is entered without prejudice to the rights of any party for good cause shown to apply for severance of any claim or action from the consolidated discovery process or to seek consolidation for trial purposes.

⁵ See [98].

⁶ See *Mills v. Trustmark* at [115].

⁷ The same reply [102] in the instant case was filed in *Mills v. BankPlus* at [156]; *Mills v. TUPSS* at [296]; and *Mills v. Trustmark National Bank* at [117].

⁸ See *Mills v. TUPSS* at [298]

⁹ See *Mills v. BankPlus* at [155].

IT IS, THEREFORE, ORDERED that TUPSS's motion [87] to consolidate is granted as follows:

1. The above-listed four cases are hereby consolidated for the purposes of discovery.
2. All future filings in all four of these cases regarding discovery matters shall be filed in Civil Action No. 3:18-cv-866-CWR-FKB.

By separate order, the Court will set a consolidated case management conference. The scheduling orders in these four cases are hereby rescinded, and the requests for a stay, proposals for scheduling orders, and discovery issues will be addressed at the consolidated case management conference.

SO ORDERED, this the 30th day of September, 2021.

/s/ F. Keith Ball
UNITED STATES MAGISTRATE JUDGE