

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-941-CWR-BWR

Arising out of Case No. 3:18-cv-252,  
*Securities and Exchange Commission v.  
Arthur Lamar Adams and Madison  
Timber Properties, LLC*

**CONSENT MOTION TO DISMISS WITH PREJUDICE**

Alysson Mills, in her capacity as the court-appointed receiver for Arthur Lamar Adams and Madison Timber Properties, LLC (the Receiver), respectfully moves to dismiss with prejudice her claims against all defendants: Trustmark National Bank; Bennie Butts; Jud Watkins<sup>1</sup>; Southern Bancorp Bank; and RiverHills Bank (collectively, the Defendants) with prejudice.

In support, she states:

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<sup>1</sup> Jud Watkins previously was dismissed from this case. [116] Because that dismissal was without prejudice, the Receiver includes him in this motion to dismiss, too.

1.

In October 2023, the Receiver and the Defendants entered into a Settlement Agreement<sup>2</sup> under the terms of which they resolved any and all remaining claims in this lawsuit. The Court approved the Settlement Agreement and entered a Partial Final Judgment and Final Bar Order on November 14, 2023.<sup>3</sup>

2.

The Defendants have now paid amounts due under the Settlement Agreement and have fully complied with their obligations under the Settlement Agreements and the Partial Final Judgments and Final Bar Orders. Consistent with the Settlement Agreement and the Partial Final Judgments and Final Bar Orders, the Receiver moves to dismiss fully and finally with prejudice, without costs or attorneys' fees, all claims against the Defendants.

3.

Federal Rule of Civil Procedure 41(a)(2) provides that where a defendant has already answered a plaintiff's complaint, an action may be dismissed at the plaintiff's request only by court order. The Receiver submits the attached proposed Final Judgment of Dismissal With Prejudice for the Court's consideration (Exhibit A to this Motion). All Defendants have consented to this Motion and entry of the proposed Final Judgment of Dismissal With Prejudice in the form attached hereto as Exhibit A.

WHEREFORE, the Receiver respectfully asks that the Court execute the attached Final Judgment of Dismissal With Prejudice, dismissing all claims against Trustmark National Bank;

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<sup>2</sup> 372-3, 372-4, 372-6, Securities & Exchange Commission vs. Adams, et al., No. 3:18-cv-00252 (S.D. Miss).

<sup>3</sup> 392, 393, 394, Securities & Exchange Commission vs. Adams, et al., No. 3:18-cv-00252 (S.D. Miss).

Bennie Butts; Jud Watkins; Southern Bancorp Bank; and RiverHills Bank with prejudice, and close this case.

Respectfully submitted,

*/s/ Lilli Evans Bass*

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*/s/ Brent B. Barriere*

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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: January 29, 2024

*/s/ Brent B. Barriere*

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Timber Properties, LLC*

**FINAL JUDGMENT OF DISMISSAL WITH PREJUDICE**

Before the Court is a consent motion filed by Alysson Mills, in her capacity as the court-appointed receiver for Arthur Lamar Adams and Madison Timber Properties, LLC (the Receiver), to dismiss with prejudice all claims against all remaining defendants: Trustmark National Bank; Bennie Butts; Jud Watkins<sup>1</sup>; Southern Bancorp Bank; and RiverHills Bank (collectively, the Defendants).

In October 2023 the Receiver and the Defendants parties entered Settlement Agreements<sup>2</sup> by which they resolved any and all remaining claims in this lawsuit. The Court approved the Settlement Agreements and entered Partial Final Judgments and Final Bar Orders on November

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<sup>1</sup> Jud Watkins previously was dismissed from this case. [116] Because that dismissal was without prejudice, the Receiver included him in this motion to dismiss, too.

<sup>2</sup> 372-3, 372-4, 372-6, Securities & Exchange Commission vs. Adams, et al., No. 3:18-cv-00252 (S.D. Miss).

14, 2023.<sup>3</sup> The terms of the Partial Final Judgments and Final Bar Orders are incorporated herein by reference.

The Receiver advises that the Defendants have now paid amounts in full due under the Settlement Agreements and have fully complied with their obligations under the Settlement Agreement and the Partial Final Judgments and Final Bar Orders. Consistent with the Settlement Agreements and the Partial Final Judgments and Final Bar Orders, the Receiver has moved to dismiss fully and finally with prejudice, without costs or attorneys' fees, all claims against the Defendants. . The Receiver has also advised the Court that all Defendants have consented to entry of this Final Judgment of Dismissal With Prejudice.

Federal Rule of Civil Procedure 41(a)(2) provides that where a defendant has already answered a plaintiff's complaint, an action may be dismissed at the plaintiff's request only by court order.

The Receiver's motion is well-taken. The Court **GRANTS** the Receiver's motion.

Accordingly, IT IS HEREBY ORDERED, ADJUDGED and DECREED that all claims and causes of action against Trustmark National Bank; Bennie Butts; Jud Watkins; Southern Bancorp Bank; and RiverHills Bank are dismissed with prejudice, with each party to bear their own costs and attorneys' fees.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Honorable Carlton W. Reeves  
United States District Judge

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<sup>3</sup> 392, 393, 394, Securities & Exchange Commission vs. Adams, et al., No. 3:18-cv-00252 (S.D. Miss).