

**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

v.

Case No. 3:18-cv-00866-CWR-BWR

**BAKER, DONELSON,
BEARMAN, CALDWELL &
BERKOWITZ, PC et al.**

DEFENDANTS

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

PLAINTIFF

v.

Case No. 3:20-cv-00232-CWR-BWR

JON DARRELL SEAWRIGHT

DEFENDANT

**ORDER DENYING RECEIVER'S MOTION
FOR LEAVE TO AMEND [201] AS UNNECESSARY**

BEFORE THE COURT is a Motion for Leave to Amend [201], filed by Alysson Mills, in her capacity as the court-appointed receiver for Arthur Lamar Adams and Madison Timber Properties, LLC ("Receiver"). Should the Court deem amendment necessary, Receiver moves to amend the Amended Complaint [57] to add the sentence, "Among other reasons, Baker Donelson is vicariously liable for the negligent and reckless acts of Seawright and Alexander because it ratified them." Prop. Sec. Am. Compl. [202-1] at 50. Defendant Baker, Donelson, Bearman, Caldwell & Berkowitz PC ("Baker Donelson") opposes Receiver's Motion to Amend.

Federal Rule of Civil Procedure 8(a)(2) “generally requires only a plausible ‘short and plain’ statement of the plaintiff’s claim, not an exposition of his legal argument.” *Skinner v. Switzer*, 562 U.S. 521, 530 (2011) (quoting Fed. R. Civ. P. 8(a)(2)). The Amended Complaint provides that “[i]nvestors were led to believe that they could rely on Alexander and Seawright to evaluate each investment using their professional expertise and judgment, which was backed by Baker Donelson’s reputation.” *Id.* at 25, ¶92. The Amended Complaint alleges vicarious liability against Baker Donelson and that Baker Donelson is liable “for the negligent and reckless acts of” Alexander and Seawright. Am. Compl. [57] at 50, ¶ 207.

Baker Donelson does not dispute Receiver’s assertion that ratification is a theory of vicarious liability. Receiver’s Mem. [202] at 7-8. Receiver sought ratification discovery in motions to compel filed in October 2022 and February 2025, to which Baker Donelson objected that ratification was not pleaded and legally meritless, and the motions were denied because the time for written discovery had passed. Thereafter, Receiver asked Baker Donelson’s witnesses questions relevant to ratification at depositions taken in March through May 2025. Baker Donelson has thus known since October 2022 that Receiver claimed ratification and has briefed the substantive law on ratification at least twice since.

The Amended Complaint alleges vicarious liability and states enough that Baker Donelson’s procedural arguments should be rejected. Requiring an amendment to the Second Amended Complaint at this point, in this case, serves little purpose but to waste time better expended towards dispositive and *Daubert* motions. Receiver’s

ratification theory of vicarious liability will move forward and can be addressed substantively in dispositive and *Daubert* motions, which are due November 3, 2025.

IT IS THEREFORE ORDERED that Receiver's Motion for Leave to Amend [201] is **DENIED** because the Court finds amending the Amended Complaint [57] is unnecessary.

SO ORDERED this 17th day of October 2025.

s/ Bradley W. Rath

BRADLEY W. RATH
UNITED STATES MAGISTRATE JUDGE