

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.

BUTLER SNOW LLP et al.,

Defendants.

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

Hon. Carlton W. Reeves

MEMORANDUM SUPPORTING BAKER DONELSON'S MOTION *IN LIMINE*
TO EXCLUDE MISREPRESENTATIONS OF
ALEXANDER'S AND SEAWRIGHT'S GUILTY PLEAS
(Motion *in Limine* No. 4)

Baker, Donelson, Bearman, Caldwell & Berkowitz P.C. ("Baker Donelson") respectfully moves the Court *in limine* for an order precluding the Receiver and her counsel from making, introducing, or otherwise eliciting statements misrepresenting Brent Alexander's and Jon Seawright's guilty pleas. The Receiver and her counsel throughout this litigation have asserted, incorrectly, that Alexander and Seawright pled guilty to *conspiring with Lamar Adams*. As this Court well knows, and as this Court's own records establish, they did no such thing: they pled guilty before this Court to *conspiring with each other*. The Receiver's assertion Alexander and Seawright pled guilty to a crime to which they indisputably *did not* plead guilty presents a substantial danger of "unfair prejudice," "confusing the issues," and "misleading the jury." Fed. R. Evid. 403.

ARGUMENT

The Receiver and her counsel have made a regular practice of misrepresenting Alexander's and Seawright's guilty pleas, including incorrectly asserting Mr. Seawright pled

guilty to conspiring with Lamar Adams. In the deposition of a Baker Donelson secretary, the Receiver's counsel asserted (incorrectly):

BY MS. ELMER:
Q. But you know that Jon pleaded guilty to conspiring with Lamar Adams, right?

Ex. 1 (Acquilano Dep.) at 92:22–23. Similarly, in the deposition of a Baker Donelson paralegal, the Receiver's counsel asserted (incorrectly):

Q. (By Ms. Elmer) Do you know that Jon pleaded guilty to conspiring with Lamar Adams?

Ex. 2 (Wasser Dep.) at 67:15–17. Receiver Alysson Mills, in her own deposition, testified (incorrectly) that Alexander and Seawright had pled guilty to “conspir[ing] with a “timber broker,” i.e., Lamar Adams:

Q. And do you know what they pled guilty of doing?
A. There's a bill of information. They conspired with a timber broker to defraud investors, but I would refer to the -- the bill of information itself. I mean, that's the sum and substance of my knowledge.

Ex. 3 (Mills Dep.) at 160:18–23. And, in her opposition to Baker Donelson's summary judgment motion, the Receiver tried to create the (incorrect) impression Alexander and Seawright pled guilty to conspiring with Adams:

There is ample evidence from which the jury may find an ***agreement between Lamar Adams, Seawright, and Alexander.*** There is, among other things, direct evidence of a criminal conspiracy: ***Seawright and Alexander both pleaded guilty to it.***

ECF No. 259 (Opp. to MSJ) at 11 (emphasis added).

This Court's records establish, however, that Alexander and Seawright pled guilty to one felony count of *conspiring with each other*, not *Lamar Adams*:

Defendant admits to being guilty of conspiracy to commit a federal offense in violation of 18 U.S.C. § 371, as alleged in the Information.

Beginning at least as early as 2011 and continuing through December 2018, in Hinds County, Mississippi, in the Northern Division of the Southern District of Mississippi, and elsewhere, defendant **JON DARRELL SEAWRIGHT** did knowingly and intentionally **conspire with TED BRENT ALEXANDER** to commit the following offense:

To knowingly devise a scheme or artifice or intend to devise a scheme or artifice to defraud and to obtain money by means of materially false and fraudulent pretenses, representations, or promises and, for the purpose of executing the scheme, did transmit or cause to be transmitted by means of wire or radio communications in interstate commerce, any writings, signals or sounds, in violation of Title 18, United States Code, Section 1343.

U.S. v. Seawright, Case No. 3:22-cr-84, ECF Nos. 1 (Information) at 1, 5 (Plea Agreement) at 4 (highlighting added).¹

Further, Alexander and Seawright did not plead guilty to knowing Madison Timber was a Ponzi scheme. To the contrary, they pled guilty to telling certain investors they “were inspecting each tract of land and were vetting each document, deed, and contract in support of their investments,” when, in fact, they were not; and of telling certain investors they “would only profit from each series of the investment if it performed as promised to the investors” and “had personal funds invested in ASTF units,” when, in fact, they received some payment regardless of the fund’s performance and rarely invested their own money. *See U.S. v. Seawright*, Case No.

¹ Alexander’s Plea Agreement and Information reflect the same. *See U.S. v. Alexander*, Case No:3:23-cr-37, ECF Nos. 1, 4.

3:22-cr-84, ECF No. 1 (Information) at 1–3. The Receiver admittedly can point to no evidence they knew (or suspected) Madison Timber was a Ponzi scheme. Ex. 3 (Mills Dep.) at 161:14–162:18. (Defense counsel raised with the Receiver’s counsel their repeated misrepresentations of the guilty pleas, and asked that they “[p]lease identify the non-frivolous basis for your assertion to deponents that Mr. Seawright pled guilty to conspiring with Mr. Adams.” Ex. 4 (3/25/2025 Email). The Receiver’s counsel never responded.)

Before a jury, the Receiver’s misrepresentations of the guilty pleas—official government records in this Court’s file and subject to its judicial notice—would present a substantial risk of “unfair prejudice,” “confusing the issues,” and “misleading the jury.” Fed. R. Evid. 403; *see Nuccio v. Shell Pipeline Co.*, 506 F. Supp. 3d 382, 390 (E.D. La. 2020) (the “substantial risk of prejudice” presented in making “definitive statements [] coupled with unexplained factual inaccuracies . . . significantly outweighs any probative value” of such statements). Such misrepresentations before the jury also would implicate this Court’s “inherent authority to supervise the professional conduct of attorneys appearing before it.” *Williams v. Lockheed Martin Corp.*, 990 F.3d 852, 867 (5th Cir. 2021); *see also* Miss. R. Prof’l C. r. 3.1 (“Meritorious Claims and Contentions”); *id.* at r. 3.3 (“Candor to the Tribunal”); *id.* at r. 3.4 (“Fairness to Opposing Party and Counsel”).

The risk of unfair prejudice would be especially grave here, in view of the Receiver’s legal burden to prove her claim “***Defendants conspired with Adams*** to commit the tortious acts alleged in this complaint,” ECF No. 57 (Am. Compl.) ¶ 125 (emphasis added), and Alexander and Seawright were “aware of the fraud or wrongful conduct at the beginning of the agreement” in 2011, ECF No. 70 (Motion to Dismiss Order) at 9 n.7 (quoting *Bradley v. Kelley Bros. Contractors, Inc.*, 117 So. 3d 331, 339 (Miss. Ct. App. 2013)). The Receiver may not dodge her

legal burden by confusing and misleading the jury into believing, falsely, Alexander and Seawright already pled guilty in this Court to the very elements she must prove. *See Davis v. Baton Rouge City Constables Off.*, 2017 WL 3671857, at *1 (M.D. La. Aug. 25, 2017) (excluding evidence suggesting “there is reason to believe that a violation has taken place and therefore results in unfair prejudice to a defendant” (cleaned up)).

For the same reasons—and for the avoidance of doubt—the Receiver and her counsel should also be precluded from referring to the guilty pleas as applying to Baker Donelson, or suggesting that the firm was convicted of anything. Alexander’s and Seawright’s guilty pleas did not implicate Baker Donelson in any way. And the firm obviously has not pled guilty or been convicted of anything. Any suggestion to the contrary would be false, and egregiously prejudicial. The Court should preclude any such distortion regarding the guilty pleas.

CONCLUSION

Baker Donelson respectfully requests the Court enter an order precluding the Receiver and her counsel from making, introducing, or otherwise eliciting statements misrepresenting Brent Alexander’s and Jon Seawright’s guilty pleas.

Dated this 10th day of February, 2026

Respectfully submitted,

**BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ PC**

/s/ Craig D. Singer

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CERTIFICATE OF SERVICE

I hereby certify that on February 10, 2026, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

/s/ Craig D. Singer
Craig D. Singer