

**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.

BUTLER SNOW LLP et al.,

Defendants.

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

Hon. Carlton W. Reeves

**MEMORANUDUM SUPPORTING BAKER DONELSON’S MOTION *IN LIMINE*
TO EXCLUDE ALLEGATIONS ABOUT INSURANCE FOR A TRUCKING BUSINESS**
(Motion *in Limine* No. 6)

Baker, Donelson, Bearman, Caldwell & Berkowitz P.C. (“Baker Donelson”) hereby moves *in limine* for an order excluding evidence or argument concerning the government’s accusation that Jon Seawright tried to mislead an insurance agent about the financial status of a trucking company, Alexander Seawright Transportation, LLC—an accusation unrelated to this lawsuit. The Receiver repeatedly has indicated she plans to use this collateral allegation to smear Mr. Seawright. *See, e.g.*, Ex. 1 (Wasser Dep.) at 70:7–71:21; Ex. 2 (Wasser Dep. Ex. 1); Ex. 3 (Cloer Dep.) at 62:7–64:18; Ex. 4 (Cloer Dep. Ex. 1). Such evidence, however, would be inadmissible evidence of “Other Crimes, Wrongs, or Acts” under Rule 404(b)(1). It is not relevant to any claim or defense under Rule 401. And the prejudicial effect of admitting such allegations would substantially outweigh any purported probative value, making it inadmissible under Rule 403.

On January 26, 2021, the government indicted Mr. Seawright in connection with Alexander Seawright Transportation, LLC. ECF No. 3 (Case No. 3:21-cr-7). The government

alleged “[t]he business of ALEXANDER SEAWRIGHT TRANSPORTATION LLC centered on trucking,” and, “[w]ithout property damage insurance coverage, ALEXANDER SEAWRIGHT TRANSPORTATION LLC would be unable to operate its tractors and trailers.” *Id.* at 1. The government further alleged Mr. Seawright made an intentionally false statement to an insurance agent in connection with an insurance proposal regarding Alexander Seawright Transportation. *See id.* at 2. On December 1, 2023, the government dismissed the indictment. Mr. Seawright agreed to plead guilty to an offense unrelated to the trucking company or its bankruptcy, and the government dismissed the transportation indictment on December 1, 2023. ECF Nos. 22, 23.

The Court should exclude evidence and reference to the indictment or the underlying allegations about the trucking company.

First, Mr. Seawright’s indictment and the conduct charged therein is inadmissible character evidence. Under Rule 404(b)(1), “[e]vidence of any other crime, wrong, or act is not admissible to prove a person’s character in order to show that on a particular occasion the person acted in accordance with the character.” Fed. R. Evid. 404(b)(1). “[E]vidence of [an] indictment is generally not admissible under Rule 404.” *Tajonera v. Black Elk Energy Offshore Operations, L.L.C.*, 2016 WL 9412702, at *2 (E.D. La. May 6, 2016). Although the Rule does not absolutely forbid such evidence when “admissible for another purpose, such as proving motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake, or lack of accident,” Fed. R. Evid. 404(b)(2), no such purpose exists here. To the extent the Receiver argues impeachment provides such a purpose, an indictment that does not “result[] in a conviction” is not “admissible for impeachment purposes under [Rule] 609.” *United States v. Abadie*, 879 F.2d 1260, 1267 (5th Cir. 1989). And “inquiry into the mere existence of an . . . indictment is not admissible to impeach the defendant’s credibility under [Rule] 608(b).” *Id.*

(collecting cases). Consequently, the only reason for the Receiver's offering such evidence would be to suggest, because Mr. Seawright was accused of dishonesty regarding the trucking company, he must be a dishonest person. But this would be an impermissible propensity inference—the central evil Rule 404 protects against.

Second, the allegations in the dismissed indictment are irrelevant to this suit, and thus inadmissible. *See* Fed. R. Evid. 402; *see also* Fed. R. Evid. 401. To be clear, the entity at issue in the dismissed indictment (Alexander Seawright Transportation, LLC) is distinct from the defendant entity in this suit (Alexander Seawright, LLC). It also is distinct from the Alexander Seawright Timber Fund I, LLC, or “ASTFI.” The Receiver brings no allegations regarding Alexander Seawright Transportation, LLC—nor, for avoidance of doubt, does she bring any allegations regarding Alexander Seawright Transportation, LLC's bankruptcy petition. *See generally* ECF No. 57 (Am. Compl.). Indeed, Alexander Seawright Transportation, LLC's business “centered on trucking,” ECF No. 3 (Case No. 3:21-cr-7), and has nothing to do with timber investments. The indictment thus is “irrelevant to this case.” *See Seibert v. Jackson County, Miss.*, 2015 WL 5125522, at *1–2 (S.D. Miss. Sept. 1, 2015) (finding “fraud” indictment was “unrelated to Plaintiff's claims of hostile work environment and intentional infliction of emotional distress,” and the one relevant count about attempting to “obtain sexual favors” was nevertheless inadmissible under Rule 403 (citation omitted)).

Third, even were the indictment or its allegations somehow relevant, it is substantially more prejudicial than probative, and thus inadmissible under Rule 403. *See* Fed. R. Evid. 403. Introducing alleged conduct associated with Alexander Seawright Transportation, LLC, bears a significant risk of “confusing the issues” regarding the similarly named, but distinct, Alexander Seawright, LLC, and Alexander Seawright Timber Fund I, LLC. *See id.* Likewise, introducing

evidence of a dismissed indictment alleging fraud would risk “misleading the jury” into erroneously concluding this separate alleged fraud forms part of the scheme alleged by the Receiver, and falsely believing the existence of the indictment makes its allegations—and by virtue of this misleading connection, the Receiver’s—true. *See id.* Especially because Mr. Seawright has not been convicted under the indictment and thus is “entitled to a presumption of innocence,” the “probative value of the indictment is substantially outweighed by the danger of unfair prejudice.” *Tajonera*, 2016 WL 9412702, at *3.

CONCLUSION

Baker Donelson respectfully requests the Court enter an order excluding evidence of and references to the government’s allegations concerning Alexander Seawright Transportation, LLC.

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