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 PRECLUDE QUESTIONING BAKER DONELSON'S EMPLOYEES ABOUT ALEXANDER'S AND SEAWRIGHT'S CRIMINAL CONVICTIONS
(Motion *in Limine* No. 8)

Baker, Donelson, Bearman, Caldwell & Berkowitz P.C. ("Baker Donelson") respectfully moves the Court *in limine* for an order precluding the Receiver from asking Baker Donelson's clerical employees about the criminal convictions of Brent Alexander and Jon Seawright, a topic on which they have zero knowledge and about which their opinions are immaterial. During the depositions of these employees, the Receiver's counsel repeatedly asked about Alexander's and Seawright's criminal convictions, apparently to insinuate guilt by association or to embarrass the witnesses. This questioning lacks foundation, is irrelevant to any claim or defense, is harassing, and constitutes impermissible character evidence.

In depositions, the Receiver's counsel uniformly asked Baker Donelson's secretaries, receptionists, and paralegals about Alexander's and Seawright's convictions. Here, for example, is part of the questioning of secretary Kathy Acquilano:

Q. But you know that Jon pleaded guilty to conspiring with Lamar Adams, right?
A. I don't know that to be true.

Q. Well, you're aware that he was incarcerated, right?

A. Yes.

Q. So, what's your understanding of why he was incarcerated?

A. I don't know.

Q. How did you learn about his incarceration?

A. I don't recall.

Q. Seems like a pretty big deal that your friend is going to jail, right?

A. It would be surprising for anybody to go to jail.

Q. What was your reaction when you found out that he was going to jail?

A. Shocked.

Q. Do you understand that he entered a guilty plea?

A. No.

Q. Are you under the impression that he went to trial?

A. I don't know how it all came about.

Q. Would it surprise you that Jon Seawright pleaded guilty to conspiring with Lamar Adams?[1]

A. Yes, that would surprise me.

Q. Why would that surprise you?

A. It just does.

Q. Are you aware that Jon was also charged with bankruptcy fraud?[2]

A. No. I'm not aware.

Q. Did you know that that was an entirely separate charge in addition to the charge for conspiring with Lamar Adams?

A. I don't know.

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[1] This mischaracterization of the guilty plea is the subject of a separate motion *in limine*. *See* Motion *in Limine* No. 4 (Baker Donelson's Motion *in Limine* to Exclude Misrepresentations of Alexander's and Seawright's Guilty Pleas).

[2] So too is this reference to the alleged bankruptcy fraud charge—which was dismissed, and concerns activity unrelated to any timber investment—the subject of a motion *in limine*. *See* Motion *in Limine* No. 6 (Baker Donelson's Motion *in Limine* to Exclude Allegations About Insurance for a Trucking Business).

Ex. 1 (Acquilano Dep.) at 92:22–95:20 (objections omitted); *see also, e.g.*, Ex. 2 (Cloer Dep.) at 50:6–61:20; Ex. 3 (Jenkins Dep.) at 47:9–48:16; Ex. 4 (Warrington Dep.) at 43:6–47:3; Ex. 5 (Wasser Dep.) at 67:15–68:9.

Relatedly, the Receiver's counsel repeatedly and gratuitously asked whether these employees offered support to Alexander and Seawright at the time of sentencing and whether they would have done so if asked:

> Q. Did you attend Mr. Seawright's sentencing?
>
> A. No.
>
> Q. Did you send a letter to the Court to support him in sentencing?
>
> A. I did not know that was an option. No.
>
> Q. So, nobody asked you to send one?
>
> A. No.
>
> Q. Did anyone ask you not to send one?
>
> A. No.
>
> Q. If someone had asked you to, would you have sent a letter of support for his sentencing?
>
> A. Yes.
>
> Q. And what would you have written in support of him?
>
> A. I have no idea.

Ex. 1 (Acquilano Dep.) at 70:17–71:18 (objections omitted); *see also* Ex. 2 (Cloer Dep.) at 37:18–38:10; Ex. 3 (Jenkins Dep.) at 40:7–20; Ex. 4 (Warrington Dep.) at 59:12–59:24; Ex. 5 (Wasser Dep.) at 53:18–54:22.

These questions evidently were intended to force witnesses to evaluate the guilt or defend the innocence of their former colleagues. This evaluation was not predicated on any witness's knowledge of the facts or the law as a jury would have in a criminal case. These questions were based solely on the fact guilty pleas were entered. Such questions were improper and should not be permitted at trial.

First, attempting to establish a witness's "guilt by association" is impermissible character evidence, and thus not allowed under Rule 404. *See United States v. Polasek*, 162 F.3d 878, 885 (5th Cir. 1998) (citing Fed. R. Evid. 404(b)). In *Polasek*, testimony the defendant "had done title work for persons who had later been convicted of odometer fraud" was "inadmissible guilt by association evidence." *Id.* The same principle precludes questioning that seeks to undermine the testimony of a witness by suggesting "she associated with criminals." *Id.* "That one is . . . associated with[] or in the company of a criminal does not support the inference that that person is a criminal or shares the criminal's guilty knowledge." *United States v. Forrest*, 620 F.2d 446, 451 (5th Cir. 1980); *see also United States v. Singleterry*, 646 F.2d 1014, 1018 (5th Cir. 1981) ("Questions relating to convictions of associates or relatives . . . are not admissible" under Rule 404).

Second, such evidence "is not relevant as that term is defined in Rule 401 and hence is inadmissible under Rule 402." *Polasek*, 162 F.3d at 884 n.2 (collecting cases); *see* Fed. R. Evid. 401, 402. The knowledge of Baker Donelson's administrative employees about Alexander's and Seawright's criminal dispositions well after the collapse of the Ponzi scheme has no bearing on whether Baker Donelson is responsible for the Madison Timber Ponzi scheme, as the Receiver (incorrectly) alleges. Nor does it matter what these witnesses may think about Alexander and Seawright today, after they pleaded guilty to crimes. Such questions have no place in a trial.

Third, even were it relevant, this sort of guilt-by-association evidence "is unduly prejudicial and excludible under Rule 403." *Polasek*, 162 F.3d at 884 n.2; *see also* Fed. R. Evid. 403. "[A]ttempt[ing] to taint . . . character through 'guilt by association'" is "highly prejudicial." *United States v. Ochoa*, 609 F.2d 198, 205 (5th Cir. 1980) (citation omitted). Further, it risks "misleading the jury" into believing the criminal convictions of Alexander and Seawright also

impugn their colleagues at Baker Donelson. *See* Fed. R. Evid. 403. And it risks "confusing the issues" by suggesting that the conduct to which Alexander and Seawright pleaded guilty is the same conduct for which the Receiver accuses them and Baker Donelson, when it is not. *Id.* As discussed at greater length in Baker Donelson's separate Motion *in Limine* No. 4 (Baker Donelson's Motion *in Limine* to Exclude Misrepresentations of Alexander's and Seawright's Guilty Pleas), Alexander and Seawright did not plead guilty to complicity in the Madison Timber Ponzi scheme, or to conspiring with Lamar Adams. Rather, they pleaded guilty to conspiring with each other to mislead investors about their due diligence and their commissions.

CONCLUSION

Baker Donelson respectfully requests the Court enter an order precluding the Receiver from asking Baker Donelson's administrative employees about Alexander's and Seawright's criminal convictions.

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
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