

**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 BIFURCATE PUNITIVE DAMAGES  
(Motion *in Limine* No. 9)**

Baker, Donelson, Bearman, Caldwell & Berkowitz P.C. (“Baker Donelson”) respectfully moves the Court *in limine* for an order bifurcating issues concerning punitive damages from the remainder of the trial, as required by Mississippi statute and pursuant to Federal Rule of Civil Procedure 42(b).<sup>1</sup> Bifurcation minimizes the substantial risk of “unfair prejudice,” “confusing the issues,” and “misleading the jury” because it would prevent the jury from deciding issues of liability based on evidence that is solely relevant to punitive damages. Fed. R. Evid. 403. It also would prevent the Receiver from making an impermissible end-run around the “narrow limits” for awarding the “extraordinary remedy” of punitive damages. *Hartford Underwriters Ins. Co. v. Williams*, 936 So. 2d 888, 895 (Miss. 2006). Accordingly, the jurors should not hear anything

---

<sup>1</sup> Baker Donelson has moved for summary judgment on the issue of punitive damages against it. ECF No. 230. This motion would apply to any punitive damages issues as to Baker Donelson in the event that motion is not granted (it should be), and also to any punitive damages issues as to the Alexander Seawright defendants. The trial as to Baker Donelson should not be infected by issues relating to punitive damages the Receiver seeks against the Alexander Seawright Defendants.

about punitive damages until and unless they render a verdict in favor of the Receiver on a claim for which punitive damages may be available.

*First*, “Mississippi Code § 11-1-65 mandates the bifurcation of liability and compensatory damages, from that of punitive damages” and “Federal Rule 42(b) authorizes the same.” *James v. Antarctic Mech. Servs., Inc.*, 2021 WL 4999012, at \*2 (S.D. Miss. Oct. 27, 2021); *see also Bradfield v. Schwartz*, 936 So. 2d 931, 938 (Miss. 2006) (“[O]ur punitive damages statute mandates the bifurcation of the issues of liability/compensatory damages and punitive damages” and “[t]he statute requires that evidence concerning punitive damages be presented separately at a subsequent evidentiary hearing to take place, if and only if, the jury has awarded some measure of compensatory damages.”). Putting aside the question whether a federal court is bound to follow the Mississippi statute, “federal district courts have followed the strict procedure outlined in § 11-1-65, in instances where granting the relief would be consistent with the provisions of Rule 42(b).” *Brown Bottling Grp., Inc. v. Imperial Trading Co.*, 2022 WL 4110918, at \*1 (S.D. Miss. Sept. 7, 2022); *see also Savior v. LM Gen. Ins. Co.*, 2022 WL 22269135, at \*5 (S.D. Miss. Nov. 4, 2022) (“[T]he trial is bifurcated to separate the liability and compensatory damages phase from the punitive damages phase at trial, in accordance with Mississippi Code § 11-1-65.”).

*Second*, bifurcating the issue of punitive damages from the remainder of the trial minimizes the substantial risk of “unfair prejudice,” “confusing the issues,” and “misleading the jury,” Fed. R. Evid. 403, that would result if the Receiver could introduce “purely punitive damages evidence during the liability phase of trial.” *Dykes v. Cleveland Nursing & Rehab. Ctr.*, 2018 WL 2967627, at \*2 (N.D. Miss. June 12, 2018). That would include, for example, evidence concerning Baker Donelson’s net worth or financial condition. Presenting such evidence to the

jury during the liability phase of the trial poses a substantial risk of the jury’s “returning an inflated compensatory damage award based on consideration of the wrong evidence.” *Bradfield*, 936 So. 2d 931 at 938.

*Third*, bifurcating these issues prevents the Receiver from making an impermissible end-run around the substantive elements she must prove for her punitive damages claim. “Mississippi law does not favor punitive damages awards, as they are considered an extraordinary remedy and are allowed only within narrow limits.” *Hartford Underwriters Ins. Co. v. Williams*, 936 So. 2d 888, 895 (Miss. 2006). Among those narrow limits, the Receiver must “prove by clear and convincing evidence” her claim for punitive damages (unlike the lower burden of proof that would be required in the liability phase). Miss. Code § 11-1-65 (1)(a). If there is no bifurcation, the jury may “ultimately confuse the basic issue of fault or liability and compensatory damages with the contingent issue of wanton and reckless conduct which may or may not ultimately justify an award of punitive damages.” *Bradfield*, 936 So. 2d 931 at 938. Bifurcating these issues ensures the Receiver does not evade these “narrow limits.”

### CONCLUSION

Baker Donelson respectfully requests the Court enter an order bifurcating the issue of punitive damages from the remainder of the trial.

Dated this 10th day of February, 2026

Respectfully submitted,

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

/s/ Craig D. Singer  
Craig D. Singer (*pro hac vice*)  
Charles Davant (*pro hac vice*)  
Benjamin W. Graham (*pro hac vice*)  
William M. Schmidt (*pro hac vice*)

Paloma Cipolla Moguilevsky (*pro hac vice*)  
C. Mark Aneke (*pro hac vice*)

WILLIAMS & CONNOLLY LLP  
680 Maine Avenue, S.W.  
Washington, DC 20024  
Tel.: (202) 434-5000  
Fax: (202) 434-5029  
Email: csinger@wc.com

James J. Crongeyer, Jr. (MSB #10536)  
James M. Tyrone (MSB #102381)  
WATKINS & EAGER PLLC  
400 East Capitol Street, Suite 300 (39201)  
Post Office Box 650  
Jackson, MS 39205  
Tel.: (601) 965-1900  
Fax: (601) 965-1901  
Email: jcrongeyer@watkinseager.com

*Counsel for Defendant Baker, Donelson,  
Bearman, Caldwell & Berkowitz PC*

**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