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

REPLY IN SUPPORT OF BAKER DONELSON'S MOTION *IN LIMINE* TO EXCLUDE MISREPRESENTATIONS OF GUILTY PLEAS[1]
(Motion *in Limine* No. 4)

In her Opposition, the Receiver neither disputes nor defends her and her counsel's repeated misrepresentations of Brent Alexander's and Jon Seawright's guilty pleas, including her counsel's repeatedly telling witnesses, falsely, Alexander and Seawright "pleaded guilty to conspiring with Lamar Adams." *See, e.g.*, ECF No. 301, Ex. 1 (Acquilano Dep.) at 92:22–23, Ex. 2 (Wasser Dep.) at 67:15–17. Instead, the Receiver says she intends at trial to pivot to a new, but equally false and prejudicial, misrepresentation: Alexander and Seawright "pleaded guilty to conspiring with each other ***to do business with Lamar Adams***." ECF No. 317, Receiver's Opp'n to Baker Donelson's Motion *in Limine* (hereinafter "Opp'n") at 11 (emphasis added). She claims this is the "takeaway" from their plea hearings, *id.* at 11, where they "affirmed in open court" the "underlying bills of information." *Id.* at 10.

[1] The convictions are inadmissible in any event for the reasons set forth in Baker Donelson's Opposition to the Receiver's motion *in limine*. ECF Nos. 301, 302.

Her "takeaway" is another misrepresentation: "to do business with Lamar Adams" is not a crime to which a person can plead guilty, nor could it be a crime to "conspire" to do business with Lamar Adams or a timber broker. (The Receiver concedes (as she must) Alexander and Seawright did not "plead[] guilty to knowing Madison Timber was a Ponzi scheme." *Id.* at 11.)

The bills of information and plea hearing transcript show Alexander and Seawright pleaded guilty to misleading the Alexander Seawright Timber Fund I, LLC ("ASTFI") investors about the extent of their own due diligence and about commission payments—nothing else. *U.S. v. Seawright*, No. 3:22-cr-84, ECF Nos. 1 (Information) at 2–3 (S.D. Miss. July 13, 2022), 9 (Plea Hearing Transcript) 30:20-38:9 (S.D. Miss. July 28, 2022).[2] Specifically, they pleaded guilty to conspiracy to defraud ASTFI investors over their "failure to inspect each property" and over their receiving "undisclosed, up-front payments," *id*. at 2–3—not (as the Receiver wrongly states) "conspiring with each other ***to do business with Lamar Adams***." Opp'n at 11. The Receiver's continued misrepresentation of the guilty pleas reinforces the need for an Order precluding the Receiver from misrepresenting the guilty pleas to the jury.

The reason the Receiver keeps twisting the truth is clear: she bears the legal burden to prove Alexander and Seawright "***conspired with Adams*** to commit the tortious acts alleged in [her] complaint" (*i.e*., the Madison Timber Ponzi scheme), ECF No. 57 (Am. Compl.) ¶ 125 (emphasis added), so it serves her interest to suggest falsely Alexander and Seawright "pleaded guilty" to a conspiracy "to do business with Lamar Adams and Madison Timber," Opp'n at 11; *see United States v. Mayhew*, 337 F. Supp. 2d 1048, 1058 (S.D. Ohio 2004) (finding the "danger of unfair prejudice" "is substantial" where there is "similarity between the prior offense and the

[2] Alexander's Information and Plea Hearing Transcript reflect the same. *See* U.S. v. Alexander, No. 3:23-cr-37, ECF Nos. 1 (Information) at 2–3 (S.D. Miss. Mar. 26, 2023), 10 (Plea Hearing Transcript) at 30:18-35:2 (S.D. Miss. Aug. 7, 2023).

current alleged offense"); *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" because it would cause "unfair prejudice to a defendant" (cleaned up)). Attributing to Alexander and Seawright a "crime" they did not commit (indeed, a crime that does not exist) presents a grave risk of "unfair prejudice," "confusing the issues," and "misleading the jury." Fed. R. Evid. 403.

Finally, the Receiver argues Baker Donelson should take solace in knowing it can object at trial whenever the Receiver mischaracterizes Alexander's and Seawright's guilty pleas. Opp'n at 11. But a motion *in limine* serves to exclude "evidence on matters so highly prejudicial to the moving party that a timely motion to strike or an instruction by the court to the jury to disregard the offending matter cannot overcome its prejudicial influence on the jurors' minds." *Univ. of Mississippi Med. Ctr. v. Sullivan*, 2024 WL 4123794, at *1 (S.D. Miss. Sept. 9, 2024) (quoting *O'Rear v. Fruehauf Corp.*, 554 F.2d 1304, 1306 n.1 (5th Cir. 1977)). Falsely accusing Alexander and Seawright of pleading guilty to a non-existent crime (that happens to resemble the legal burden the Receiver must carry) is just such a matter.

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.

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 25, 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