

**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 EVIDENCE OF ITS FINANCIAL CONDITION
(Motion *in Limine* No. 7)**

Baker Donelson’s Motion *in Limine* No. 7 asks the Court to exclude “evidence regarding Baker Donelson’s financial condition, including its revenue, profits, value, or financial status.” ECF No. 307. The Receiver’s Opposition appears to concede financial condition is irrelevant,¹ but argues she “has not developed evidence of Baker Donelson’s financial condition, therefore any ruling by the Court would be purely hypothetical.” ECF No. 317 (Receiver’s Opp’n to Baker Donelson’s Motion *in Limine*, hereinafter “Opp’n”) at 14.

The Receiver misses the point. That she “has not developed evidence of Baker Donelson’s financial condition” does not mean she will not make statements at trial about Baker Donelson’s alleged wealth, or ask witnesses questions that suggest Baker Donelson is wealthy. *Id.* The purpose of a motion *in limine* is to exclude “evidence of matters so highly prejudicial to

¹ She asserts “[e]vidence of Baker Donelson’s financial condition is directly relevant to punitive damages,” Opp’n at 15, but the Receiver did not oppose Baker Donelson’s motion to bifurcate issues of punitive damages from the remainder of trial, Opp’n at 2 n.1.

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 Miss. 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)). Evidence of Baker Donelson's revenue, profits, or assets is precisely the kind of prejudicial evidence that is routinely excluded in *in limine*.

The Receiver argues Baker Donelson's "size and sophistication" may be relevant. To be clear, Baker Donelson has not moved to exclude evidence of its "size" *per se* (e.g., attorney headcount), though such references would be improper if they are used as a proxy for wealth and invite jurors to award damages against a "deep pocket." The Receiver does not explain what she means by "sophistication" as applied to a law firm (what makes one law firm more "sophisticated" than another?). But Baker Donelson is not moving to exclude evidence of the experience or qualifications of its personnel. (If "sophisticated" is to be used as a proxy for "rich," however, such references would be more prejudicial than probative.)

CONCLUSION

Baker Donelson respectfully requests the Court enter an order precluding the Receiver from referencing or introducing evidence regarding Baker Donelson's financial condition, including its revenue, profits, or assets.

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*

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