

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

ALYSSON MILLS, IN HER CAPACITY
AS RECEIVER FOR ARTHUR LAMAR
ADAMS AND MADISON TIMBER
PROPERTIES, LLC,

Plaintiff,

v.

MICHAEL D. BILLINGS and
MDB GROUP, LLC;
TERRY WAYNE KELLY, JR. and
KELLY MANAGEMENT, LLC;
and WILLIAM B. MCHENRY, JR. and
FIRST SOUTH INVESTMENTS, LLC,

Defendants.

Case No. 3:18-cv-679

Arising out of Case No. 3:18-cv-252,
Securities and Exchange Commission v.
Arthur Lamar Adams and Madison
Timber Properties, LLC

Hon. Carlton W. Reeves, District Judge
Hon. F. Keith Ball, Magistrate Judge

MOTION TO SUSPEND SCHEDULING ORDER AS TO BILLINGS

Alysson Mills, in her capacity as the court-appointed receiver (the “Receiver”) for Arthur Lamar Adams (“Adams”) and Madison Timber Properties, LLC (“Madison Timber”), through undersigned counsel, respectfully files this Motion to Suspend Scheduling Order as it relates to Michael D. Billings and MDB Group, LLC (collectively “Billings”) and states as follows:

1.

The Receiver filed a Motion for Summary Judgment on November 6, 2018. [Doc. 31] The Court’s scheduling order dated November 1, 2018 [Doc. 30] requires that Billings respond to the Motion for Summary Judgment within 30 days, or by December 6, 2018.

2.

As the Receiver has represented many times, she wishes to resolve the Receivership Estate's claims against each of the defendants in this case efficiently, to minimize time and expense to the Receivership Estate. The Receiver offered to suspend further litigation against a defendant if the defendant agreed to 1) make a full and complete financial disclosure, 2) commit to attempt to negotiate a settlement in good faith, and 3) preserve assets pending negotiations.

3.

On November 13, 2018, this Court entered an agreed order preserving Billings's assets. [Doc. 36] On November 15, 2018, Billings made what the Receiver deems to be a full and complete financial disclosure. Since then the parties have attempted to negotiate a settlement in good faith.

4.

The Receiver wishes to advise the Court that the parties' negotiations have been productive, and the Receiver believes settlement is likely.

5.

In the interest of conserving the parties' and the Court's resources, the Receiver moves to suspend the Court's scheduling order dated November 1, 2018 [Doc. 30] as it relates to Billings to permit the parties additional time to finalize a settlement that the Receiver may recommend for the Court's approval. If a settlement is not finalized, the Receiver may move to reinstate the scheduling order as to Billings.

6.

The Receiver submits that the Court may suspend the scheduling order as it relates to Billings by simply entering a text-only order via the Court's CM/ECF system. Suspending the

scheduling order as it relates to Billings shall not suspend the scheduling order as it relates to any other defendant in this case.

WHEREFORE, the Receiver respectfully asks that this motion be granted.

November 30, 2018

Respectfully submitted,

/s/ Lilli Evans Bass

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CERTIFICATE OF SERVICE

I certify that I electronically filed the foregoing with the Clerk of Court using the ECF system which sent notification of filing to all counsel of record.

In addition, I have separately emailed a copy of the foregoing to:

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Date: November 30, 2018

/s/ Brent B. Barriere
Admitted *pro hac vice*