

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

UNITED STATES OF AMERICA

v.

ARTHUR LAMAR ADAMS

No: 3:18-cr-88

Carlton W. Reeves, District Judge

MOTION TO SUSPEND DEADLINE

Alysson Mills, undersigned, in her capacity as court-appointed Special Master, respectfully requests that the Court suspend the deadline for her to file a proposed order of restitution, stating as follows:

1.

Arthur Lamar Adams, through his company Madison Timber Properties, LLC, operated a Ponzi scheme that defrauded hundreds of investors. On May 9, 2018, Adams pleaded guilty to the federal crime of wire fraud.

2.

On June 22, 2018, this Court appointed the undersigned the Receiver for Adams and Madison Timber in the separate civil action styled *Securities & Exchange Commission vs. Adams, et al.*, No. 3:18-cv-00252 (S.D. Miss). As Receiver, the undersigned's job is to recover money and assets for the benefit of defrauded investors.

3.

On October 30, 2018, this Court sentenced Adams to a term of imprisonment of 235 months. The Court and parties deferred the determination of appropriate restitution at that time.

4.

On November 26, 2018, on the motion of the United States Attorney's Office, this Court appointed the undersigned Special Master pursuant to 18 U.S.C. § 3664(d)(6) and instructed her to, among other things, "fashion a proposed restitution order and recommend findings to the Court on the following issues":

(a) which entities and individuals are properly considered "victims" pursuant to 18 U.S.C. § 3663A(a)(2); (b) the proper amount of restitution owed to each victim pursuant to 18 U.S.C. §§ 3664A(b) and 3664(e); and (c) an appropriate payment schedule pursuant to, among other sections, 18 U.S.C. § 3664(i); as well as other issues that may arise under 18 U.S.C. §§ 3663, 3663A, or 3664, and as may be ordered by the Court.

5.

18 U.S.C. § 3664(d)(5) states that "the court shall set a date for the final determination of the victim's losses, not to exceed 90 days after sentencing." However, "a sentencing court that misses the 90-day deadline nonetheless retains the power to order restitution—at least where, as here, the sentencing court made clear prior to the deadline's expiration that it would order restitution, leaving open (for more than 90 days) only the amount." *Dolan v. United States*, 560 U.S. 605, 608 (2010).

6.

Ninety days from Adams's sentencing on October 30, 2018, is January 28, 2019. That deadline is not practicable, unfortunately. All the information needed to determine the requisite restitution amount is yet unavailable. While certain relevant calculations can be made, they are insufficient to recommend findings on the issues identified in the Court's order. In addition, counsel and staff in the United States Attorney's Office who served as the undersigned's point-of-contact for these purposes have been furloughed.

6.

The undersigned does not wish to unnecessarily delay the entry of a restitution order. Under the circumstances, delay is inevitable, given that the ability to pay restitution depends in the first instance on the undersigned's recovery of money and assets for the benefit of defrauded investors in her separate capacity as Receiver.

7.

The undersigned proposes that the Court suspend the deadline for her to file a proposed order of restitution, and require instead that she notify the Court by public filing every 60 days, alongside the filing of her Receiver's reports in the separate civil action styled *Securities & Exchange Commission vs. Adams, et al.*, No. 3:18-cv-00252 (S.D. Miss), of the status of her ability to file a proposed order of restitution.

8.

The U.S. Attorney's Office joins this motion, and counsel for Adams does not object.

WHEREFORE, the undersigned respectfully asks that the Court grant this motion, suspend the existing deadline for her to file a proposed order of restitution, and order that she notify the Court by public filing every 60 days, alongside the filing of her Receiver's reports in the separate civil action styled *Securities & Exchange Commission vs. Adams, et al.*, No. 3:18-cv-00252 (S.D. Miss), of the status of her ability to file a proposed order of restitution.

January 18, 2019

Respectfully submitted,

/s/ Alysson Mills

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Special Master

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.

Date: January 18, 2019

/s/ Alysson Mills

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(PROPOSED) ORDER

Alysson Mills, in her capacity as court-appointed Special Master, has filed a Motion to Suspend Deadline that requests that the Court suspend the deadline for her to file a proposed order of restitution. The U.S. Attorney's Office joins Ms. Mills's request, and counsel for Defendant Arthur Lamar Adams does not object.

The Court finds Ms. Mills's request is well-founded for the reasons stated in her motion. Accordingly, it is hereby ORDERED:

1. The deadline for Ms. Mills to file a proposed order of restitution is suspended while Ms. Mills, working with the U.S. Attorney's Office and others, obtains all the information needed to determine the requisite restitution amount.

2. Ms. Mills shall notify the Court by public filing every 60 days, alongside the filing of her Receiver's reports in the separate civil action styled *Securities & Exchange Commission vs. Adams, et al.*, No. 3:18-cv-00252 (S.D. Miss), of the status of her ability to file a proposed order of restitution.

DATED: _____

Honorable Carlton W. Reeves
United States District Judge