

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MAINE

Joel Douglas, Steven Fowler, and James Lewis v. Scott Lalumiere, et al.

Douglas v. Lalumiere · No. 2:20-cv-227-LEW · Decided June 22, 2026

SUMMARY

The court denied Plaintiffs’ motion to amend the scheduling order and pleadings to add third-party property owners and pursue rescission-related claims. The court found the proposed amendment and supplementation excessively tardy and likely to cause undue delay, prejudice, and additional discovery, and reserved the default-judgment motion in part while excluding the rescission remedy.

CASE DETAILS

COURT	United States District Court for the District of Maine
WRITING FOR THE COURT	Lance E. Walker
JURISDICTION	United States District Court for the District of Maine
DECIDED	June 22, 2026
DOCKET	2:20-cv-227-LEW
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs moved to amend the scheduling order and pleadings to join third-party property owners and, in reply, sought leave to file a supplemental complaint. The motion was opposed by several existing defendants. The court denied amendment and supplementation and reserved in part the related motion for default judgment.
STANDARD OF REVIEW	Under Federal Rules of Civil Procedure 15 and 16, amendment after the scheduling-order deadline requires good cause, and leave to amend or supplement may be denied based on undue delay, prejudice, trial inconvenience, or futility.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Joel Douglas, Steven Fowler, James Lewis v. Scott Lalumiere, Birch Point Storage LLC, MECAP LLC, Androscoggin Savings Bank, Machias Savings Bank, LH Housing LLC, TTJR LLC, Eric Holsapple, Wayne Lewis, Russell Oakes

TOPICS

motion to amend civil procedure rescission real estate remedies

PRACTICE AREAS

civil procedure real estate remedies commercial litigation

QUESTIONS PRESENTED

1. Whether plaintiffs established good cause under Federal Rule of Civil Procedure 16 to amend the scheduling order and pleadings years after the amendment deadline.
2. Whether plaintiffs should be permitted under Federal Rule of Civil Procedure 15(d) to file a supplemental complaint concerning later transfers of the properties.
3. Whether the proposed amendment or supplementation should be denied because it would cause undue delay, prejudice, trial inconvenience, or potentially futile litigation concerning rescission against third-party property owners.

HOLDINGS

1. Plaintiffs failed to establish good cause for the untimely amendment because the relevant third-party interests existed before the amendment deadline, plaintiffs waited for years to seek joinder, and the proposed amendment would require additional discovery, hearings, and potentially a trial.
2. Plaintiffs were not entitled to supplement their pleadings because the proposed supplementation would introduce a new dimension to the case after substantial delay and would cause undue delay, trial inconvenience, and prejudice.
3. The proposed amendment did not warrant reopening the case to pursue rescission against third-party property owners because plaintiffs had not plausibly shown that rescission could be imposed without prejudicing intervening rights of innocent third parties, and the proposed theory was too novel to justify the delay and burden.

KEY QUOTATIONS

“The “good cause” standard focuses on both the conduct of the moving party and the prejudice, if any, to the nonmovant.” (Discussion)

“Plaintiffs’ Motion to Amend (ECF No. 408) is DENIED.” (Conclusion)

FACTUAL BACKGROUND

Plaintiffs alleged that Scott Lalumiere and closely held LLCs induced them to convey real property through lease and buy-back arrangements. The properties were later encumbered, foreclosed upon, or sold to third parties, and those third parties were not parties to the action. Plaintiffs sought to amend or supplement their pleadings years after the amendment deadline to join current property owners and pursue rescission, while most existing defendants had already obtained dismissal or summary judgment.

PROCEDURAL HISTORY

Plaintiffs brought claims arising from an alleged fraudulent scheme involving conveyances of distressed properties, lease-back arrangements, and options to repurchase. Claims against most defendants had been dismissed or resolved on summary judgment, while Birch Point Storage LLC and MECAP LLC had defaulted. After plaintiffs sought default judgment and a damages hearing seeking rescission of conveyances involving properties now owned by nonparties, the court deferred the rescission request and directed plaintiffs to seek leave to amend. The court denied the motion because the proposed amendment and supplementation were substantially untimely and would cause undue delay, prejudice, and additional discovery and motion practice.

DISPOSITION

other

CASES CITED

- Steir v. Girl Scouts of the USA, 383 F.3d 7, 12 (1st Cir. 2004)
- Miceli v. JetBlue Airways Corp., 914 F.3d 73, 86 (1st Cir. 2019)
- Hewes v. Pangburn, 162 F.4th 177, 201-202 (1st Cir. 2025)
- U.S. ex rel. Gadbois v. PharMerica Corp., 809 F.3d 1, 4 (1st Cir. 2015)
- Cortes-Ramos v. Martin-Morales, 956 F.3d 36, 44 (1st Cir. 2020)
- Douglas v. Lalumiere, 2021 WL 641370, at *3 (D. Me. Feb. 18, 2021)