

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

Oak Plaza, LLC v. David T. Buckingham, et al.

Oak Plaza · No. DKC 22-0231 · Decided March 27, 2026

SUMMARY

The United States District Court for the District of Maryland denies Daniel Buckingham’s renewed motion to intervene as of right or permissively in Oak Plaza, LLC’s state-law fraud action. The court concludes that the motion is untimely, Buckingham’s interests are adequately represented by Oak Plaza, and intervention would prejudice the existing parties and delay resolution of the case.

CASE DETAILS

COURT	United States District Court for the District of Maryland
WRITING FOR THE COURT	Deborah K. Chasanow
JURISDICTION	United States District Court for the District of Maryland
DECIDED	March 27, 2026
DOCKET	DKC 22-0231
DISPOSITION	other
PROCEDURAL POSTURE	John Daniel Buckingham, Jr. moved to intervene as of right and permissively under Federal Rule of Civil Procedure 24 in a removed state-law fraud action. The District of Maryland denied the renewed motion to intervene.
STANDARD OF REVIEW	A motion to intervene as of right under Rule 24(a) requires satisfaction of all four requirements: timeliness, a direct and substantial interest, potential impairment of that interest, and inadequate representation by existing parties. Permissive intervention under Rule 24(b) is committed to the court’s sound discretion and requires consideration of undue delay or prejudice, along with judicial economy, fairness, and the balance of the equities.
PRECEDENTIAL VALUE	Unknown
PARTIES	John Daniel Buckingham, Jr. v. Oak Plaza, LLC, Susan Buckingham, David T. Buckingham, Richard Buckingham, Philip McNutt

TOPICS

intervention

civil procedure

commercial litigation

limited liability companies

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether Daniel Buckingham was entitled to intervene as of right under Federal Rule of Civil Procedure 24(a).
2. Whether the court should permit Daniel Buckingham to intervene under Federal Rule of Civil Procedure 24(b).
3. Whether the court should grant additional requests included in the intervention motion, including directives concerning the Oak Plaza file, mediation, judgment, and trial.

HOLDINGS

1. Daniel Buckingham was not entitled to intervene as of right because his renewed motion was untimely and he failed to show that his interests were inadequately represented by Oak Plaza.
2. The court denied permissive intervention because the motion was untimely and allowing intervention would unduly delay and prejudice the adjudication of the existing parties' rights.
3. The court denied the movant's additional requests because the motion to intervene was denied and Daniel Buckingham was not a party to the action.

KEY QUOTATIONS

"A year and seven months have passed since this court first found that his motion to intervene was untimely, and unsurprisingly, the possible burden to the Defendants of his intervention has only grown." (6)

"This court's role has never been to ensure that the parties are spending equivalent amounts." (11)

"Daniel Buckingham cannot manufacture the circumstances for intervention by refusing to pay the receiver." (11)

FACTUAL BACKGROUND

Oak Plaza, LLC, whose sole member is Tower Oaks Boulevard, LLC, was dissolved by the Circuit Court for Montgomery County after a dispute involving company members. A receiver for Oak Plaza filed a state-law fraud action concerning the distribution of funds obtained from a judgment in related litigation, and the action was removed to federal court. Daniel Buckingham sought to intervene after the case had been pending for more than four years, after mediation and summary-judgment proceedings, and while the parties were discussing trial dates. The receiver later withdrew, but Daniel Buckingham's counsel entered an appearance for Oak Plaza.

PROCEDURAL HISTORY

The receiver for Oak Plaza, LLC filed the underlying fraud action in the Circuit Court for Montgomery County, Maryland, and Philip McNutt removed it to the United States District Court for the District of Maryland on January 31, 2022. Daniel Buckingham previously moved to intervene, but the court denied that motion on August 8, 2024, finding it untimely and inadequately represented by Oak Plaza. He filed a renewed motion to intervene on October 16, 2025. During the pendency of the renewed motion, the receiver obtained permission to withdraw and Daniel Buckingham's counsel entered an appearance for Oak Plaza. The court denied intervention and denied the additional requests included in the motion.

DISPOSITION

other

CASES CITED

- Am. Coll. of Obstetricians & Gynecologists v. United States Food & Drug Admin., 467 F. Supp. 3d 282, 286 (D. Md. 2020)
- First Penn–Pacific Life Ins. Co. v. William R. Evans, Chartered, 200 F.R.D. 532, 536 (D. Md. 2001)
- In re Richman, 104 F.3d 654, 659 (4th Cir. 1997)
- Scardelletti v. Debarr, 265 F.3d 195, 202 (4th Cir. 2001)
- United States v. S. Bend Cmty. Sch. Corp., 710 F.2d 394, 396 (7th Cir. 1983)
- Devlin v. Scardelletti, 536 U.S. 1 (2002)
- Gould v. Alleco, Inc., 883 F.2d 281, 286 (4th Cir. 1989)
- Alt v. U.S. E.P.A., 758 F.3d 588, 591 (4th Cir. 2014)
- Scott v. Bond, 734 F. App'x 188, 192 (4th Cir. 2018)
- Smith v. L.A. Unified Sch. Dist., 830 F.3d 843, 854 (9th Cir. 2016)
- Crawford v. Equifax Payment Servs., Inc., 201 F.3d 877, 881 (7th Cir. 2000)
- In re Sanctuary Belize Litigation, No. 18-cv-3309-PX, 2025 WL 1382894, at *4 (D. Md. May 13, 2025)
- In re Sierra Club, 945 F.2d 776, 779 (4th Cir. 1991)
- Spring Constr. Co. v. Harris, 614 F.2d 374, 376-77 (4th Cir. 1980)