

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
Civil Division

DISTRICT OF COLUMBIA,	:	
Department of Insurance, Securities, and	:	
Banking,	:	
	:	
Petitioner,	:	Civil No. 2012 CA 008227 2
	:	Judge Melvin R. Wright
v.	:	
	:	
D.C. CHARTERED HEALTH PLAN,	:	
INC.,	:	
	:	
Respondent.	:	

ORDER DENYING MEDSTAR’S MOTION TO INTERVENE

This matter is before this Court upon Motion of Washington Hospital Center Corporation and MedStar Georgetown Medical Center (collectively “MedStar”) to Intervene As Interested Parties in this action.

The MedStar Motion requests that this Court permit MedStar, pursuant to SCR-Civil 24(a)(2), to intervene in this Rehabilitation action to protect its interest as a creditor of Chartered. MedStar has not sufficiently demonstrated the necessary elements to be permitted to an intervention of right: timeliness, interest, impairment of interest, and adequacy of representation. *See HSBC Bank USA, NA v. Mendoza*, 11 A.3d 229 (D.C. 2010).

An application to intervene will be denied if the application is untimely, and the determination of timeliness is within the Court’s discretion. *See Emmco Ins. Co. v. White Motor Corp.*, 429 A.2d 1385, 1387 (D.C. 1981). This Court finds MedStar’s filing to be untimely due to the Motion being filed more than 5 months after this Rehabilitation action began.

MedStar has also failed to demonstrate an impairment of its interest as a creditor to Chartered, and that the Rehabilitator is not adequately representing MedStar’s interest. SCR-Civil 24(a)(2) states that a timely application demonstrating all the necessary factors will permit

intervention of right “unless the applicant’s interest is adequately represented by existing parties.” *See also Calvin-Humphrey v Dist. of Columbia*, 340 A.2d 795, 800 (D.C. 1975). The Rehabilitator is under the statutory obligation, pursuant to the D.C. Rehabilitation and Liquidation Act, to protect MedStar’s interests as a creditor to Chartered. *See* D.C. Code §§ 31-1301 *et seq.* MedStar has made no showing that the Rehabilitator has abused his discretion and failed to adequately protect MedStar’s interest in this rehabilitation process.

Therefore, upon Motion of MedStar to Intervene as an Interested Party, the opposing and reply thereto, and the entire record herein, it is by this Court this 9th day of May, 2013, hereby

ORDERED that MedStar’s Motion to Intervene as an Interested Party is **DENIED**.

SO ORDERED.



Hon. Melvin R. Wright
Presiding Judge, Civil Division

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