

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division

HII MISSION TECHNOLOGIES CORP.,  
Plaintiff,

v.

Civil Action No. 3:25cv483

CYBERLUX CORP., *et al.*,  
Defendants.

**MEMORANDUM ORDER**

This matter comes before the Court on a motion to intervene “as a matter of right[,] or in the alternative[,] permissively,” filed by Bilal Maadarani. (ECF No. 162, at 1 (alterations added).)

Under Federal Rule of Civil Procedure Rule 24(a),

a district court must permit an applicant to intervene in ongoing litigation if certain conditions are met. Such intervention as a matter of right *is predicated on the filing of a timely motion*, in which a non-party claims an interest relating to the property or transaction that is the subject of the action, and is so situated that disposing of the action may as a practical matter impair or impede the movant’s ability to protect its interest, unless existing parties adequately represent that interest. . . . Thus, to intervene as a matter of right under Rule 24(a), a movant generally *must satisfy four criteria*: (1) *timeliness*, (2) an interest in the litigation, (3) a risk that the interest will be impaired absent intervention, and (4) inadequate representation of the interest by the existing parties.

*Scott v. Bond*, 734 F. App’x 188, 191 (4th Cir. 2018) (emphasis added; internal punctuation and citation omitted).

Indeed, “[t]imeliness is a central consideration when deciding a motion to intervene, and a movant’s failure to seek intervention in a timely manner is sufficient to justify denial of such motion.” *Id.* (alteration added) (citing *Gould v. Alleco, Inc.*, 883 F.2d 281, 286 (4th Cir. 1989), and *Scardelletti v. Debarr*, 265 F.3d 195, 202 (4th Cir. 2001), *rev’d on other grounds sub nom. Devlin v. Scardelletti*, 536 U.S. 1, 6 (2002)). When assessing the timeliness of a motion to intervene, a court “must consider (1) how far the case has progressed, (2) the prejudice to other

parties caused by any tardiness in filing the motion, and (3) the reason for any tardiness.” *Id.* (citing *Alt v. EPA*, 758 F.3d 588, 591 (4th Cir. 2014), and *Gould*, 883 F.2d at 286). Ultimately, “[t]he most important consideration in reviewing a motion to intervene is whether the existing parties will suffer prejudice if the motion is granted.” *Id.* (alteration added) (citing *Hill v. W. Elec. Co.*, 672 F.2d 381, 386 (4th Cir. 1982)).

Applying this standard reveals the instant motion’s untimeliness. To begin, the case “has progressed” quite far. *See Scott*, 734 F. App’x at 188. The interpleader plaintiff filed suit on June 24, 2025—nearly ten months ago. *See id.*; (ECF No. 1.) The plaintiff filed an amended complaint on August 4, 2025, (*see* ECF No. 41), and the parties engaged in robust motions practice on a contested motion to dismiss throughout autumn of 2025. (*See* ECF Nos. 85–86, 93–95, 98, 99–100, 102, 106.) The Court adjudicated the motion to dismiss, (*see* ECF No. 126); ruled on five motions to intervene, (*see* ECF Nos. 54, 58, 63, 69–71, 87, 114–17, 126, 151–52, 154); addressed serious allegations of attorney misconduct, (*see* ECF Nos. 99, 112–13, 118, 122–25, 137, 159); and held a conference with the parties in which the litigants suggested this case would resolve by settlement or summary judgment, (*see* Dkt. Entry, Feb. 11, 2026; ECF No. 145). The Court also granted the plaintiff’s motion for interpleader deposit, (*see* ECF Nos. 143–44, 146, 148, 150), which resulted in HII’s interpleading \$23,736,937.56 with the Court’s Registry Investment System – Disputed Ownership Fund. (Dkt. Entry, Mar. 6, 2026.)

Meanwhile, the Court referred the parties to settlement conference proceedings. (*See* ECF Nos. 127, 135.) United States Magistrate Judge Mark R. Colombell issued an order regarding procedures for the settlement conference, and the parties submitted briefs in preparation for the discussions. (*See* ECF Nos. 139, 142.) Judge Colombell held a settlement conference on March 26, 2026, and the parties’ settlement negotiations continue today. (*See* Dkt. Entry, Mar. 26, 2026.)

Alongside settlement proceedings, the Court entered a joint discovery plan, (*see* ECF No. 147), and set summary judgment deadlines and stringent briefing guidelines.<sup>1</sup>

Next, “the prejudice to other parties” posed by Maadarani’s joining the litigation at this juncture is significant. *See Scott*, 734 F. App’x at 188. Specifically, the parties would have to entirely reassess the priority of their respective claims to the interpleaded funds if Maadarani were to join the suit—and they would have to do so on a truncated timeline, and without Maadarani’s assent to the joint discovery plan, given the accelerated briefing schedule for summary judgment. (*See* ECF Nos. 149, 158.)

Finally, “the reason for [the] tardiness” is opaque. *See id.* (alteration added). Maadarani offers only a thin explanation for moving to intervene on April 9, 2026, 289 days after the filing of the instant suit and six days before the Court’s summary judgment deadline.<sup>2</sup> He cites a “campaign of subterfuge” by a “Mr. Schmidt,”<sup>3</sup> who allegedly told Maadarani, a shareholder of the interpleader defendant, Cyberlux Corporation, that Maadarani’s “compensation and commission” from Cyberlux “was forthcoming.” (*Id.* at 1, 5.) Maadarani states “months had already passed” by the time he “uncovered Mr. Schmidt’s web of deceit”—but once he did, Maadarani says he “*immediately* hired the undersigned counsel and filed this motion” to recoup funds. (*Id.* at 6 (emphasis added).) This explanation does not convince the Court: Maadarani

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<sup>1</sup> (*See* ECF No. 158.) This summary excludes certain substantive docket entries, including motions for *pro hac vice* admission and orders denying earlier motions for scheduling orders and for interpleader deposit.

<sup>2</sup> The Court notes that Maadarani discusses the timeliness standard in his argument for permissive intervention, but he omits it in his discussion of intervention as of right. Both forms of intervention require a “timely motion.” *See* Fed. R. Civ. P. 24(a), (b)(1).

<sup>3</sup> Maadarani describes Schmidt as “the self-certified, [*sic*] President, CEO and Chairman and Director of Cyberlux d/b/a Datron World Communications.” (ECF No. 163, at 2.)

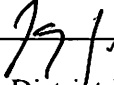
offers little factual support, and the motion’s memorandum of law reads as if it were written a few weeks ago, not “immediately” after<sup>4</sup> uncovering the alleged deceit.<sup>5</sup>

In short, Maadarani’s motion to intervene is not timely. The Court cannot permit his intervening at this stage in the litigation, with this amount of prejudice against the existing parties, and with this limited an explanation. *See Scott*, 734 F. App’x at 188. For the foregoing reasons, the Court DENIES AS UNTIMELY the motion. (ECF No. 162.)

It is so ORDERED.

Let the Clerk send a copy of this Order to all counsel of record.

Date: 20 April 2026  
Richmond, VA

<p><i>/s/</i>  John A. Gibney, Jr. Senior United States District Judge</p>
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<sup>4</sup> *See id.* Notably, the movant does not identify when he uncovered the “web of deceit.” *See id.*

<sup>5</sup> For example, Maadarani writes that the “deadline for summary judgment motions is *not until* April 15, 2026”—phrasing that suggests a date far in the future, not six days after Maadarani moved to intervene. (*Id.* (emphasis added).) Maadarani further notes that “*as recently* as March 11, 2026[,] the [C]ourt ordered the intervention of another creditor”—but the Court entered that order nearly a month before the filing of Maadarani’s motion. (*Id.* (alterations and emphasis added).)