

NOV 04 2009

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

RENATA ANNA PIATEK, an individual,

Plaintiff - Appellee,

v.

MAGDALENA J. SIUDY, an individual,

Defendant - Appellant.

No. 08-35774

D.C. No. 3:07-cv-05132-RBL

MEMORANDUM*

Appeal from the United States District Court
for the Western District of Washington
Ronald B. Leighton, District Judge, Presiding

Argued and Submitted October 16, 2009
Seattle, Washington

Before: RAWLINSON and CALLAHAN, Circuit Judges, and BURNS,** District
Judge.

Magdalena Siudy (“Siudy”) appeals the district court’s judgment declaring
Renata Piatek (“Piatek”) to be the sole owner of property in Buckley, Washington

* This disposition is not appropriate for publication and is not precedent
except as provided by 9th Cir. R. 36-3.

** The Honorable Larry A. Burns, U.S. District Court Judge for the
Southern District of California, sitting by designation.

(the “Property”). We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.¹

The district court did not abuse its discretion in concluding that Siudy was properly served by publication pursuant to Washington Revised Code § 4.28.100. *See Rio Props. v. Rio Int’l Interlink*, 284 F.3d 1007, 1014 (9th Cir. 2002). Section 4.28.100 does not require the mailing of documents abroad in order to effect service of process in the technical sense, and therefore the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, Nov. 15, 1965, 20 U.S.T. 361, 658 U.N.T.S. 163, does not apply. *Volkswagenwerk Aktiengesellschaft v. Schlunk*, 486 U.S. 694, 699-701 (1988). Moreover, service under section 4.28.100 was proper because the action challenged Siudy’s ownership of property situated in Washington state. *See Wash. Rev. Code § 4.28.100(3), (6)*.

Neither did the district court abuse its discretion in admitting evidence regarding assets from Piatek’s marriage to Stan Piatek (“Stan”), as such evidence assisted in determining the character of the Property. *See Tritchler v. County of Lake*, 358 F.3d 1150, 1155 (9th Cir. 2004). Moreover, the district court did not

¹ The parties are familiar with the facts of this case, so we repeat them here only as necessary.

exceed the scope of its *in rem* jurisdiction because it did not adjudicate ownership of any item other than the Property. *See Shaffer v. Heitner*, 433 U.S. 186, 199 (1977). The judgment merely declares that Siudy has no ownership interest in the Property and that title is vested solely with Piatek.

Finally, the district court did not abuse its discretion by proceeding without joining Stan as a party because he was neither “required” nor “indispensable” under Rule 19 of the Federal Rules of Civil Procedure. Despite participating as a witness throughout the proceedings in the district court, Stan at no time claimed an interest in the Property. *See United States v. Bowen*, 172 F.3d 682, 688-89 (9th Cir. 1999). Moreover, the district court was able to accord complete relief between the existing parties in Stan’s absence. *See Eldredge v. Carpenters 46 N. Cal. Counties Joint Apprenticeship and Training Comm.*, 662 F.2d 534, 537 (9th Cir. 1981). Finally, nothing in the record suggests that the district court could not “in equity and good conscience” proceed without Stan, especially since neither Stan nor Siudy ever asked the court to join him. Fed. R. Civ. P. 19(b); *see also Provident Tradesmens Bank & Trust Co. v. Patterson*, 390 U.S. 102, 110 (1968).

AFFIRMED.