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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MARTHA G. SAPUKOTANA, the
surviving spouse of Sarath Sapukotana; et
al.,

Plaintiff - Appellee,

v.

VAN STRAALEN FARM TRUCKING, a
Washington corporation; et al.,

Defendants - Appellees,

and

PALINAWADANAGE RAMYA
CHANDRALA FERNANDO,

Intervenor - Appellant.

No. 10-16803

D.C. No. 4:08-cv-00327-JMR

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
John M. Roll, District Judge, Presiding

* This disposition is not appropriate for publication and is not precedent
except as provided by Ninth Circuit Rule 36-3.

Submitted October 28, 2011**
San Francisco, California

Before: GRABER and IKUTA, Circuit Judges, and KAPLAN,** District Judge.

The Mississippi Chancery court determined that Sarath Sapukotana had dissolved his marriage to Ramya Chandralatha Fernando and, consequently, that Martha Sapukotana, not Fernando, was Sarath Sapukotana's widow. This issue was actually litigated and was essential, *see Miss. Code Ann.* § 91-7-63 (2010), to that court's judgment appointing Martha Sapukotana as administrator of the estate. *Harris v. Bd. of Trs. of State Insts. of Higher Learning*, 731 So. 2d 588, 590 (Miss. 1999). This state court judgment regarding Fernando's status would have preclusive effect in other Mississippi courts and therefore must be given full faith and credit in federal court. *See* 28 U.S.C. § 1738; *Kremer v. Chem. Constr. Corp.*, 456 U.S. 461, 466 (1982).

Because Fernando is not Sapukotana's surviving wife, she has no significantly protectable interest in the wrongful death suit arising from his death, *see Ariz. Rev. Stat. Ann.* § 12-612(A) (2010). Therefore, the district court did not

** This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

*** The Honorable Lewis A. Kaplan, Senior District Judge for the United States District Court for the Southern District of New York, sitting by designation.

err in denying Fernando's motion to intervene. *City of Emeryville v. Robinson*, 621 F.3d 1251, 1259 (9th Cir. 2010).

AFFIRMED.