

**IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO**

Court of Appeals of New Mexico

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Mark Reynolds

**IN THE MATTER OF THE ESTATE**

**OF HELEN J. CORDOVA a/k/a**

**ELENA J. CORDOVA, Deceased,**

**ALBERT TOM CORDOVA and**

**ROBERT TIM CORDOVA**

Plaintiffs-Appellants,

v.

**No. A-1-CA-41742**

**LOUIS ORLANDO CORDOVA,**

Defendant-Appellee.

**APPEAL FROM THE DISTRICT COURT OF SANTA FE COUNTY**

**Frank J. Mathew, District Court Judge**

Robert Tim Cordova

Chimayo, NM

Albert Tom Cordova

Boulder, Colorado

Pro Se Appellants

Law Office of Jamison Barkley, LLC

Jamison Barkley

Santa Fe, NM

for Appellee

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<sup>1</sup>This case is disposed by nonprecedential dispositional order pursuant to Rule 12-405(B) NMRA.

1 the claims were untimely. The district court granted Defendant’s motion and  
2 dismissed the 2020 complaint. On appeal, neither party presents an argument about  
3 which statutory limitation period applies to the claims. Instead, Plaintiffs contend  
4 that the claims should have been heard on the merits, and Defendant argues that the  
5 claims were properly dismissed for other reasons.

6       3. Plaintiffs’ appellate briefing focuses on the factual allegations that  
7 support the legal elements of the tort of interference with a prospective inheritance,  
8 as outlined in *Peralta v. Peralta*, 2006-NMCA-033, ¶ 8, 139 N.M. 231, 131 P.3d 81,  
9 and whether Defendant fraudulently took Decedent’s money and property and  
10 breached his fiduciary duty to Plaintiffs. Plaintiffs argue that (1) the district court  
11 addressed none of these claims from the 2020 complaint in the probate proceeding,  
12 (2) the claims were wrongly dismissed in the civil matter, and (3) this Court’s  
13 opinion in the prior appeal of the civil matter “does not apply to this case as it  
14 contains many opinions contrary to [New Mexico] statutes.”

15       4. We decline to revisit the issues decided in the civil matter, as Plaintiffs’  
16 second and third arguments request us to do. We explained the preclusion doctrines  
17 in *Cordova*, A-1-CA-39120, mem. op. ¶¶ 12-13 (holding that Plaintiffs did not  
18 explain how their arguments on appeal “undermined, negated, or otherwise  
19 adversely impacted” the preclusion doctrines). Applying those principles to the  
20 present case, Plaintiff is precluded from relitigating the issues addressed in the civil

1 matter because “(1) there was a final judgment in an earlier action, (2) the earlier  
2 judgment was on the merits, (3) the parties in the two suits are the same, and (4) the  
3 cause of action is the same in both suits.” *See Potter v. Pierce*, 2015-NMSC-002,  
4 ¶ 10, 342 P.3d 54 (describing claim preclusion).

5       5. Plaintiffs’ remaining arguments attempt to establish the merits of the  
6 claims in the 2020 complaint and fault the district court because the claims were not  
7 addressed on the merits. But Defendant’s motion to dismiss was based on the statute  
8 of limitations, and the district court granted that motion. On appeal, Plaintiffs have  
9 the burden to demonstrate why that dismissal was wrong. *See Premier Tr. of Nev.,*  
10 *Inc. v. City of Albuquerque*, 2021-NMCA-004, ¶ 10, 482 P.3d 1261 (“In undertaking  
11 . . . review [of a motion to dismiss], we accept all well-pled factual allegations as  
12 true and resolve all doubts in favor of the sufficiency of the complaint. At the same  
13 time, we reiterate that it is the appellant’s burden to demonstrate, by providing well-  
14 supported and clear arguments, that the district court has erred.” (alterations, internal  
15 quotation marks, and citations omitted)). Plaintiffs do not identify an applicable  
16 statute of limitations or explain how the claims brought in the probate proceeding  
17 were timely. As a result, we conclude that the district court did not wrongfully grant  
18 Plaintiffs’ motion to dismiss the 2020 complaint and affirm.

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