

IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

Court of Appeals of New Mexico

Filed 10/14/2026 8:10 AM

**STATE OF NEW MEXICO ex rel.,
THOMAS MCGILL,**



Mark Reynolds

Plaintiff-Appellee,

v.

No. A-1-CA-43172

**JOHN BASSETT, individually,
and JOHN BASSETT, in his
capacity as Mayor for the
Town of Edgewood,**

Defendant,

and

**GOVERNING BODY for the
Town of Edgewood,**

Plaintiff-Intervenor,

v.

**JOHN BASSETT, individually,
JOHN BASSETT, in his
capacity as Mayor for the
Town of Edgewood,**

Defendant,

v.

**JOSEPHINE C. BASSETT, individually,
JOSEPHINE C. BASSETT, or her
successor-in-office, as Trustee of
the BASSETT TRUST, u/t/a
April 30, 2000, JOSEPHINE C.
BASSETT, or her successor-in-office,
as Trustee of the SURVIVOR'S
TRUST, u/t/a January 30, 2005,
and EUGENE BASSETT,**

Defendants-Appellants.

**APPEAL FROM THE DISTRICT COURT OF SANTA FE COUNTY
Maria E. Sanchez-Gagne, District Court Judge**

The Terry Firm, LLC
Adrian Terry
Edgewood, NM

for Appellee Thomas McGill

VanAmberg, Rogers, Yepa, Abeita, Gomez & Wilkinson, LLP
Ronald J. VanAmberg
Santa Fe, NM

for Appellee Intervenor Town of Edgewood

Patterson Real Bird & Rasmussen LLP
Frances C. Bassett
Louisville, CO

for Appellants

DISPOSITIONAL ORDER

DUFFY, Judge.

This matter is before the Court on Defendants Josephine C. Bassett and Eugene Bassett’s appeal from the district court’s denial of their motions to dismiss. For the reasons that follow, we affirm.

1. On March 25, 2024, Defendants each filed a motion for summary judgment arguing, in relevant part, that the claims against them must be dismissed under New Mexico’s statute prohibiting strategic litigation against public participation (Anti-SLAPP statute), NMSA 1978, § 38-2-9.1 (2001). *See McGill v. Bassett (McGill II)*, ___-NMCA-___, ¶ 5, ___ P.3d ___ (A-1-CA-42344, June 29, 2026). The district court denied the motions, and this court affirmed in a published opinion filed on June 29, 2026, concluding that the Anti-SLAPP statute did not apply and, therefore, this Court did not have jurisdiction to reach the merits of Defendants’ claims. *See id.* ¶¶ 8, 15 (holding that Defendants’ conduct or speech does not fall within the protections of the Anti-SLAPP statute and Defendants were therefore not entitled to avail themselves of the expedited appeal right provided by Section 38-2-9.1(C)).

2. On June 10, 2024, Defendants each filed an “expedited motion for summary dismissal” in the district court. The motions to dismiss were nearly indistinguishable from Defendants’ earlier motions for summary judgment—both

1 sets of motions contained identical statements of fact and legal arguments and sought
2 the same relief. As relevant to this appeal, Defendants’ motions to dismiss again
3 raised the Anti-SLAPP statute as grounds for dismissal and offered the same legal
4 argument set forth in the earlier summary judgment motions—verbatim—in support
5 of dismissal. The district court denied Defendants’ motions to dismiss on the same
6 grounds as the court’s earlier denial of Defendants’ motions for summary judgment,
7 concluding that the Anti-SLAPP statute does not apply.

8 3. As in *McGill II*, Defendants again seek to avail themselves of the
9 expedited appeal procedure set forth in the Anti-SLAPP statute. *See* ____-NMCA-
10 ____, ¶ 8.

11 4. Having carefully reviewed Defendants’ motions to dismiss, the record,
12 and the parties’ briefing on appeal, we note that Defendants have not offered any
13 new or different argument concerning the application of the Anti-SLAPP statute to
14 the facts of this case from what was already raised and decided in *McGill II*.
15 Accordingly, we reach the same conclusion here, that the Anti-SLAPP statute does
16 not apply, that the order on Defendants’ motion to dismiss is nonfinal, and this Court
17 does not have jurisdiction to consider the merits of the district court’s decision on
18 Defendants’ motions to dismiss. *See id.* ¶¶ 8, 15.

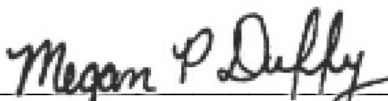
19 5. Because the district court proceedings are ongoing and nonfinal, we do
20 not have jurisdiction to consider Defendants’ additional arguments concerning the

merits of the unjust enrichment claim, whether the claim was assignable, or Defendants' motions for sanctions. *See id.* ¶ 20; *see also* *Zuni Indian Tribe v. McKinley Cnty. Bd. of Cnty. Comm'rs*, 2013-NMCA-041, ¶ 16, 300 P.3d 133 ("The general rule in New Mexico for determining the finality of a judgment is that an order or judgment is not considered final unless all issues of law and fact have been determined and the case disposed of by the trial court to the fullest extent possible." (internal quotation marks and citation omitted)); *State v. Griego*, 2004-NMCA-107, ¶ 22, 136 N.M. 272, 96 P.3d 1192 (dismissing for lack of jurisdiction when no final judgment had been entered), *abrogated on other grounds by State v. Skeets*, 2026-NMSC-005, ¶ 15, 593 P.3d 543; *State v. Garcia*, 1983-NMCA-017, ¶¶ 29-30, 99 N.M. 466, 659 P.2d 918 (same).

6. Defendants' request for expedited ruling, filed on October 6, 2026, is denied as moot.

For these reasons, we dismiss Defendants' appeal as premature and remand to the district court for further proceedings.

IT IS SO ORDERED.


MEGAN P. DUFFY, Judge

1 **WE CONCUR:**

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3 **SHAMMARA H. HENDERSON, Judge**

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5 **KRISTOPHER N. HOUGHTON, Judge**