MINUTES

En Banc

Arizona Supreme Court

Tuesday, November 4, 2025

CR-25-0082-PR **STATE OF ARIZONA v DWAYNE ENDICOTT**
(1) *Court of Appeals, Division Two* *2 CA-CR 23-0223*

ORDERED: Petition for Review to the Arizona Supreme Court = DENIED.

CR-25-0118-PR **STATE OF ARIZONA v ALBERT F. VERGARA**
(2) *Court of Appeals, Division Two* *2 CA-CR 23-0081*

ORDERED: Petition for Review to the Arizona Supreme Court = DENIED.

CR-25-0119-PR **STATE OF ARIZONA v FRANK G. KITKO, JR.**
(3) *Court of Appeals, Division One* *1 CA-CR 24-0072 PRPC*

ORDERED: Petition for Review and Appendix = DENIED.

Justice Montgomery did not participate in the determination of this matter.

CR-25-0159-PR **STATE OF ARIZONA v ANTHONY B. HENDRICKS**

(4) *Court of Appeals, Division One* *1 CA-CR 24-0232*

ORDERED: Petition for Review, From the Court of Appeals, Div One Affirming Petitioner's Sentence and Conviction = DENIED.

CR-25-0193-PR **STATE OF ARIZONA v DAVID LEE JONES**

(5) *Court of Appeals, Division One* *1 CA-CR 23-0566*

ORDERED: Defendant's Petition for Review of a Decision of the Court of Appeals = DENIED.

CR-25-0201-PR **STATE OF ARIZONA v JAMES ALLEN MCNULTY**

(6) *Court of Appeals, Division One* *1 CA-CR 21-0454*

ORDERED: Petition for Review = DENIED.

CR-25-0233-PR **NORRIS ROBERT KYLE BERRY v STATE OF ARIZONA**
(7) *Court of Appeals, Division One* *1 CA-SA 25-0179*

ORDERED: Petition for Review = DENIED.

CV-25-0015-PR **GRISSOM v VALLEY OF THE SUN et al**
(8) *Court of Appeals, Division Two* *2 CA-CV 24-0132*

ORDERED: Plaintiff/Appellant's Petition for Review = DENIED.

Justice King did not participate in the determination of this matter.

CV-25-0047-PR **GYAU et al v TOTAL TRANSIT et al**
(9) *Court of Appeals, Division One* *1 CA-CV 22-0658*

ORDERED: Petition for Review = DENIED.

CV-25-0118-PR **GARCIA v STATE OF ARIZONA**
(10) *Court of Appeals, Division Two* *2 CA-CV 24-0333*

ORDERED: Petition for Review of the Arizona Court of Appeals Division One Decision = DENIED.

CV-25-0137-PR **KING v THE JULIA**
(11) *Court of Appeals, Division One* *1 CA-CV 25-0134*

ORDERED: Petition for Review = DENIED.

CV-25-0143-PR **BURKETT v DRYJA et al**
(12) *Court of Appeals, Division Two* *2 CA-CV 24-0291*

ORDERED: Petition for Review = GRANTED.

FURTHER ORDERED: The case shall be set for oral argument.

FURTHER ORDERED: The parties may file simultaneous supplemental briefs, not to exceed 20 pages in length, no later than November 24, 2025. Any amicus briefs are due on or before December 9, 2025, and any responses to amicus briefs are due on or before December 29, 2025. Any amicus briefs or responses may not exceed 20 pages in length.

FURTHER ORDERED: Request for Attorneys' Fees and Costs (Appellants Dryja, et al.) = CONTINUED.

CV-25-0147-PR **PRUITT v STATE et al**
(13) *Court of Appeals, Division One* *1 CA-CV 24-0418*

ORDERED: Petition for Review = DENIED.

Chief Justice Timmer voted to grant review.

CV-25-0150-PR **POTTER v POTTER**
(14) *Court of Appeals, Division One* *1 CA-CV 24-0408 FC*

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellant P. Potter, Pro Se) = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellee B. Potter) = GRANTED.

CV-25-0172-PR **BRADFORD et al v CITY OF TUCSON**
(15) *Court of Appeals, Division Two* *2 CA-CV 24-0231*

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Conditional Cross-Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Plaintiffs Bradford, et al.) = DENIED.

CV-25-0182-PR **VARELA et al v PEDEGANA**
(16) *Court of Appeals, Division One* *1 CA-CV 24-0554*

ORDERED: Petition for Review = DENIED.

CV-25-0194-PR **JOHANSON et al v CASAVELLI et al**
(17) *Court of Appeals, Division One* *1 CA-CV 24-0320*

ORDERED: Appellants' Motion to Review and Vacate the Court of Appeals' Order Awarding Attorney's Fees and Costs Pursuant to ARCAP 21(C) = DENIED.

FURTHER ORDERED: Petition for Review = DENIED.

CV-25-0237-PR **BEDI v STATE**
(18) *Court of Appeals, Division One* *1 CA-SA 25-0195*

ORDERED: Petition for Review of a Special Action Decision of the Court of Appeals (Criminal) = GRANTED.

FURTHER ORDERED: Vacating the superior court's order denying Petitioner's motion to depose the alleged victim's friend.

FURTHER ORDERED: Remanding this matter to the superior court to reconsider its order denying Petitioner's motion pursuant to Arizona Rule of Criminal Procedure 15.3 and in light of the fact that the alleged victim's friend is not subject to any privilege under A.R.S. § 13-4430.

CR-25-0139-PR **STATE OF ARIZONA v DANIEL JAMES STONER**
(19) *Court of Appeals, Division One* *1 CA-CR 24-0404 PRPC*

ORDERED: Petition for Review = DENIED.

Justice Montgomery did not participate in the determination of this matter.

CR-25-0164-PR **STATE OF ARIZONA v DAVID NICKOLAS DELICH**
(20) *Court of Appeals, Division Two* *2 CA-CR 24-0224*

ORDERED: Petition for Review to Arizona Supreme Court = DENIED.

CR-25-0174-PR **STATE OF ARIZONA v RAFAEL H. DELGADO**
(21) *Court of Appeals, Division Two* *2 CA-CR 23-0116*

ORDERED: Petition for Review to the Arizona Supreme Court = DENIED.

CR-25-0203-PR **STATE OF ARIZONA v RICKY ALONZO HIPPENSTEEL**
(22) *Court of Appeals, Division One* *1 CA-CR 23-0175*

ORDERED: Petition for Review = GRANTED.

FURTHER ORDERED: The case shall be set for oral argument.

FURTHER ORDERED: The parties may file simultaneous supplemental briefs, not to exceed 20 pages in length, no later than November 24, 2025. Any amicus briefs are due on or before December 9, 2025, and any responses to amicus briefs are due on or before December 29, 2025. Any amicus briefs or responses may not exceed 20 pages in length.

CR-25-0217-PR **STATE OF ARIZONA v KEVIN DUNBAR**
(23) *Court of Appeals, Division Two* *2 CA-CR 24-0206*

ORDERED: Petition for Review = DENIED.

CV-25-0134-PR **EFG et al v ACC et al**
(24) *Court of Appeals, Division One* *1 CA-SA 25-0016*

ORDERED: Petition for Review of Special Action Decision of the Court of Appeals = GRANTED as to the following rephrased issue:

Whether a jury trial in superior court is required under the Arizona Constitution, article II, § 23, in cases initiated by the Arizona Corporation Commission where a jury demand is made by a Commission enforcement target.

FURTHER ORDERED: The case shall be set for oral argument.

FURTHER ORDERED: The parties may file simultaneous supplemental briefs, not to exceed 20 pages in length, no later than November 24, 2025. Any amicus briefs are due on or before December 9, 2025, and any responses to amicus briefs are due on or before December 29, 2025. Any amicus briefs or responses may not exceed 20 pages in length.

FURTHER ORDERED: Request for Attorneys' Fees (Petitioners EFG, et al.) = CONTINUED.

CV-25-0148-PR **SYNC TITLE v ACC**
(25) *Court of Appeals, Division One* *1 CA-CV 23-0606*

ORDERED: Petition for Review of the Decision of the Court of Appeals = CONTINUED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellant Sync Title) = CONTINUED.

CV-25-0163-PR **IN RE TERM OF PARENTAL RIGHTS AS TO H.B**
(26) *Court of Appeals, Division One* *1 CA-JV 24-0198*

ORDERED: Petition for Review = DENIED.

CV-25-0173-PR **IN RE TERM OF PARENTAL RIGHTS AS TO M.P.**

(27) *Court of Appeals, Division Two* *2 CA-JV 24-0093*
2 CA-JV 24-0094

ORDERED: Department of Child Safety's Petition for Review = GRANTED.

FURTHER ORDERED: The case shall be set for oral argument.

FURTHER ORDERED: The parties may file simultaneous supplemental briefs, not to exceed 20 pages in length, no later than November 24, 2025. Any amicus briefs are due on or before December 9, 2025, and any responses to amicus briefs are due on or before December 29, 2025. Any amicus briefs or responses may not exceed 20 pages in length.

CV-25-0212-PR **CELLEBRATION et al v HON. SCHNEIDER/ACC**

(28) *Court of Appeals, Division One* *1 CA-SA 24-0236*

ORDERED: Cellebration Life Sciences, Inc. and Anand Srivastava's Motion for Stay = CONTINUED.

FURTHER ORDERED: Cellebration Life Sciences, Inc. and Anand Srivastava's Motion for Consolidation and Expedited Consideration = CONTINUED.

FURTHER ORDERED: Cellebration Life Sciences, Inc. and Anand Srivatava's Petition for Review of a Special Action Decision of the Court of Appeals = CONTINUED.
FURTHER ORDERED: Request for Attorneys' Fees (Petitioners Cellebration Life, et al.) = CONTINUED.

CR-25-0145-PR **STATE OF ARIZONA v RICO EVI ROMAN**

(29) *Court of Appeals, Division Two* *2 CA-CR 24-0040*

Separate Order.

CV-25-0039-PR **IN RE: MH 2024-004594**
(30) *Court of Appeals, Division One* *1 CA-MH 24-0111*

ORDERED: Petition for Review = CONTINUED.

Justice Cruz did not participate in the determination of this matter.

CV-25-0079-PR **SIMMS v SIMMS et al**
(31) *Court of Appeals, Division One* *1 CA-CV 23-0139*

ORDERED: Petition for Review (Arizona Racing Commission) = GRANTED.

FURTHER ORDERED: Petition for Review (TP Racing, LLLP., et al.) = GRANTED as to Issue 1 only

FURTHER ORDERED: The case shall be set for oral argument.

FURTHER ORDERED: The parties may file simultaneous supplemental briefs, not to exceed 20 pages in length, no later than November 24, 2025. Any amicus briefs are due on or before December 9, 2025, and any responses to amicus briefs are due on or before December 29, 2025. Any amicus briefs or responses may not exceed 20 pages in length.

Justice Montgomery did not participate in the determination of this matter.

CV-25-0084-PR **ALLEN v KANE**
(32) *Court of Appeals, Division One* *1 CA-CV 25-0102*

ORDERED: Petition for Review = GRANTED.

FURTHER ORDERED: Vacating the February 12, 2025 order of the court of appeals dismissing the appeal as untimely, and vacating the orders dated March 3, 2025, March 5, 2025, and March 19, 2025 denying the three motions to reinstate the appeal.

FURTHER ORDERED: Remanding the matter to the Court of Appeals, Division One, with instructions to consider as timely the notice of appeal filed on December 13, 2024.

CV-25-0107-PR **JANE DOE I et al v WARR**
(33) *Court of Appeals, Division Two* *2 CA-CV 23-0272*

ORDERED: Motion to Strike Does' Response to AACJ's Amicus Curiae Brief = CONTINUED.

FURTHER ORDERED: Appellant Counter Motion to Strike = CONTINUED.

FURTHER ORDERED: Petition for Review = CONTINUED.

MINUTES

En Banc

Arizona Supreme Court

Tuesday, November 4, 2025

CV-25-0144-PR **JANE DOE I et al v LENZNER MEDICAL et al**
(34) *Court of Appeals, Division Two* *2 CA-CV 24-0030*

ORDERED: Petition for Review = CONTINUED.

CV-25-0189-PR **GUERRIERO v GUERRIERO**
(35) *Court of Appeals, Division One* *1 CA-CV 24-0602 FC*

ORDERED: Petition for Review = GRANTED.

FURTHER ORDERED: The case shall be set for oral argument.

FURTHER ORDERED: The parties may file simultaneous supplemental briefs, not to exceed 20 pages in length, no later than November 24, 2025. Any amicus briefs are due on or before December 9, 2025, and any responses to amicus briefs are due on or before December 29, 2025. Any amicus briefs or responses may not exceed 20 pages in length.

FURTHER ORDERED: Request for Attorneys' Fees (Appellee A. Guerriero) = CONTINUED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellant G. Guerriero) = CONTINUED.

The foregoing action was taken by the Arizona Supreme Court on Tuesday, November 4, 2025.

/s/ **Date:** 11/6/2025

Ann A. Scott Timmer, Chief Justice