

# MINUTES

No. 8755

En Banc

*Arizona Supreme Court*  
Wednesday, November 6, 2024

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**CR-24-0016-PR**

**STATE OF ARIZONA v ADRIAN RAZO**

(1)

*Court of Appeals, Division Two*

*2 CA-CR 23-0165 PRPC*

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

Chief Justice Timmer and Justice Bolick voted to grant review.

**CR-24-0053-PR**

**STATE OF ARIZONA v JUAN MANUEL VALDEZ JR.**

(2)

*Court of Appeals, Division Two*

*2 CA-CR 22-0053*

ORDERED: Petition for Review Arizona Supreme Court = DENIED.

**CR-24-0075-PR**

**STATE OF ARIZONA v JOSEPH LEE CONLEY**

(3)

*Court of Appeals, Division One*

*1 CA-CR 22-0266 PRPC*

ORDERED: Petition for Review = DENIED.

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

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**CR-24-0084-PR**

**STATE OF ARIZONA v JOSE LEWIS BOSQUEZ**

(4)

*Court of Appeals, Division One*

*1 CA-CR 22-0360 PRPC*

ORDERED: Petition for Review = DENIED.

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

**CR-24-0093-PR**

**STATE OF ARIZONA v MICHAEL EUGENE BROOKS**

(5)

*Court of Appeals, Division One*

*1 CA-CR 23-0347 PRPC*

ORDERED: Appellant's Petition for Review = DENIED.

Vice Chief Justice Lopez and Justice Montgomery did not participate in the determination of this matter.

**CR-24-0103-PR**

**STATE OF ARIZONA v ETHAN DANE GIPSON**

(6)

*Court of Appeals, Division One*

*1 CA-CR 23-0270 PRPC*

ORDERED: Special Action Petition for Review = DENIED.

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

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**CR-24-0141-PR**  
(7)

**STATE OF ARIZONA v JERMAINE LAMAR RUTLEDGE**  
*Court of Appeals, Division One*                      *1 CA-CR 22-0169 PRPC*

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

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

**CR-24-0162-PR**  
(8)

**STATE OF ARIZONA v JOSEPH MICHAEL DESISTO**  
*Court of Appeals, Division Two*                      *2 CA-CR 22-0067*

ORDERED: Petition for Review Arizona Supreme Court = DENIED.

**CR-24-0165-PR**  
(9)

**JOSE ANGEL HERNANDEZ-HERNANDEZ v HON. WEIN/STATE**  
*Court of Appeals, Division One*                      *1 CA-SA 24-0115*

ORDERED: Petition for Review of Order Declining Special Action Jurisdiction = DENIED.

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

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**CR-24-0177-PR**  
(10)

**STATE OF ARIZONA v JAVIER JUAREZ**  
*Court of Appeals, Division Two*                      2 CA-CR 23-0118

ORDERED: Petition for Review = DENIED.

**CR-24-0233-PR**  
(11)

**STATE OF ARIZONA v DANIEL DAVITT**  
*Court of Appeals, Division One*                      1 CA-CR 23-0217

ORDERED: Appellant's Petition for Review = DENIED.

**CV-24-0042-PR**  
(12)

**RICHARD MANNING v MARIAN GRACIA**  
*Court of Appeals, Division Two*                      2 CA-CV 23-0075

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

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**CV-24-0048-PR**  
(13)

**MCALISTER et al v LOEB**

*Court of Appeals, Division One*

*1 CA-CV 23-0212*

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Cross-Petition for Review of the Memorandum Decision of the Court of Appeals = GRANTED as to the following rephrased issues:

1. Did the court of appeals err by partially reversing the superior court's grant of summary judgment in Loeb's favor on the McAlister Parties' lost-profits claim based on a prospective \$5 million initial payment by O'Flynn for a licensing agreement?
2. Did the court of appeals err by recognizing a claim for trespass to chattels based on the "electronic touching" of an intangible patent application?

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 26, 2024. Any amicus briefs are due on or before December 11, 2024 and any responses to amicus briefs are due on or before December 31, 2024. Any amicus briefs or responses may not exceed 20 pages in length.

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**CV-24-0069-PR**  
(14)

**BROWN & BROWN v MARK NEW et al**

*Court of Appeals, Division One*

*1 CA-CV 23-0327*

ORDERED: Petition for Review = DENIED.

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

FURTHER ORDERED: Request for Attorneys' Fees (Appellee Brown & Brown) = GRANTED.

**CV-24-0075-PR**  
(15)

**NGUYEN v NGUYEN et al**

*Court of Appeals, Division One*

*1 CA-CV 23-0360*

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

FURTHER ORDERED: Request for Attorneys's Fees (Appellants Anh Nguyen, et al.) = DENIED.

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**CV-24-0104-PR**  
(16)

**PEREZ v CIRCLE K**

*Court of Appeals, Division One*

*1 CA-CV 22-0425*

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 26, 2024. Any amicus briefs are due on or before December 11, 2024 and any responses to amicus briefs are due on or before December 31, 2024. Any amicus briefs or responses may not exceed 20 pages in length.

**CV-24-0118-PR**  
(17)

**RODRIGUEZ v PLACIDO**

*Court of Appeals, Division One*

*1 CA-CV 23-0357*

ORDERED: Plaintiffs/Appellants' Petition for Review = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellant Rodriguez) = DENIED.

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**CV-24-0133-PR**  
(18)

**IN RE TERM OF PARENTAL RIGHTS AS TO R.C.**

*Court of Appeals, Division One*

*1 CA-JV 24-0008*

ORDERED: Petition for Review = DENIED.

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**CV-24-0143-PR**  
(19)

**CRAVENS et al v MONTANO et al**

*Court of Appeals, Division Two*

*2 CA-CV 23-0108*

ORDERED: Cincinnati Indemnity Company's Petition for Review = GRANTED as to the following rephrased issues:

1. What is the proper interpretation of the phrase "in connection with your business" as used in a nonowned auto provision of an employer's commercial automobile insurance policy?

2. Is a contingent Morris agreement unenforceable?

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 26, 2024. Any amicus briefs are due on or before December 11, 2024 and any responses to amicus briefs are due on or before December 31, 2024. Any amicus briefs or responses may not exceed 20 pages in length.

FURTHER ORDERED: Request for Attorneys' Fees (Appellant Cincinnati Indemnity) = CONTINUED.

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

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*Arizona Supreme Court*  
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**CV-24-0149-PR**  
(20)

**IN RE TERM OF PARENTAL RIGHTS AS TO J.G. et al**  
*Court of Appeals, Division One*                      *1 CA-JV 23-0115*

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

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

**CV-24-0154-PR**  
(21)

**FINCHEM v FONTES et al**  
*Court of Appeals, Division One*                      *1 CA-CV 23-0383*

ORDERED: Petition for Review = DENIED.

FURTHER ORDERED: Petitioner Finchem's Rule 21(c) Motion Regarding Reasonableness of Court of Appeals Fees = DENIED.

FURTHER ORDERED: Request for Attorneys' Fees (Appellee Fontes) = DENIED.

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**CV-24-0158-PR**  
(22)

**FONG v CITY OF PHOENIX et al**

*Court of Appeals, Division One*

*1 CA-CV 23-0520*

ORDERED: Petition for Review = DENIED

FURTHER ORDERED: Pursuant to Rule 111(g) Rules of the Supreme Court, it is ordered depublishing the court of appeals opinion.

**CR-24-0077-PR**  
(23)

**STATE OF ARIZONA v FREDDY TELLEZ**

*Court of Appeals, Division Two*

*2 CA-CR 23-0124*

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

**CR-24-0149-PR**  
(24)

**STATE OF ARIZONA v KEVIN WOODROW BLACKERBY**

*Court of Appeals, Division One*

*1 CA-CR 23-0265 PRPC*

ORDERED: Petition for Review = DENIED.

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

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**CR-24-0157-PR**  
(25)

**STATE OF ARIZONA v LUIS MARIANO MARTINEZ**  
*Court of Appeals, Division Two*                      2 CA-CR 23-0191 PRPC

ORDERED: Petition for Review = DENIED.

**CR-24-0163-PR**  
(26)

**STATE OF ARIZONA v GINO ANTHONY ANTONE**  
*Court of Appeals, Division Two*                      2 CA-CR 22-0177

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

**CV-24-0101-PR**  
(27)

**KENTCH/BOYD/HAMADEH et al v MAYES et al**  
*Court of Appeals, Division One*                      1 CA-CV 23-0583

ORDERED: Petition for Review = DENIED.

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

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**CV-24-0148-PR**  
(28)

**LAKE v HOBBS et al**

*Court of Appeals, Division Two*

*2 CA-CV 23-0144*

ORDERED: Petition for Review = DENIED.

**CV-24-0163-PR**  
(29)

**RENDON v ANIXTER INTL/INDEMNITY**

*Court of Appeals, Division One*

*1 CA-IC 23-0024*

ORDERED: Petition for Review = DENIED.

**CR-24-0107-PR**  
(30)

**TERRY GENE MORF v HON. METCALF/STATE**

*Court of Appeals, Division Two*

*2 CA-SA 24-0011*

ORDERED: Petition for Review of a Special Action Decision of the Court of Appeals = DENIED.

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**CV-24-0090-PR**  
(31)

**STATE FARM v FRANK**

*Court of Appeals, Division One*

*1 CA-CV 23-0282*

ORDERED: State Farm's Petition for Review as to Those Portions of the Court of Appeals' Opinion Addressing the Umbrella Policy = DENIED.

FURTHER ORDERED: Defendant/Appellant's Cross-Petition for Review and Response to State Farm's Petition for Review = DENIED.



The foregoing action was taken by the Arizona Supreme Court on Wednesday, November 6, 2024.

/s/

Date: 11/7/2024

Ann A. Scott Timmer, Chief Justice