

**Arizona Supreme Court**  
**Civil Petition for Review - Special Action**

**CV-25-0134-PR**

**EFG et al v ACC et al**

**Appellate Case Information**

Case Filed: 20-May-2025

Case Closed:

**Dept/Composition**

**En Banc**

Hon. Ann A. Scott Timmer  
Hon. John R Lopez  
Hon. Clint Bolick  
Hon. James P Beene  
Hon. William G Montgomery  
Hon. Kathryn H. King  
Hon. Maria Elena Cruz

**Side 1. EFG AMERICA, LLC, a Delaware limited liability company; DOUGLAS ELROY FIMRITE, a married man; MARK BOYD and GINGER BOYD, spouses; DONALD CARROLL and SONIA CARROLL, spouses, Petitioner**

**(Litigant Group) EFG AMERICA, LLC, a Delaware limited liability company; DOUGLAS ELROY FIMRITE, a married man; MARK BOYD and GINGER BOYD, spouses; DONALD CARROLL and SONIA CARROLL, spouses**

- EFG Management LLC
- Douglas Elroy Fimrite
- Mark Boyd
- Donald Carroll
- Sonia Carroll

**Attorneys for: Petitioner**

Gregory G McGill, Esq. (AZ Bar No. 11020)  
Ryan McGill, Esq. (AZ Bar No. 36456)  
Ashley Torkelson Levine, Esq. (AZ Bar No. 32544)  
Aditya Dynar, Esq. (AZ Bar No. 31583)  
Cameron M. Halling, Esq. (CA Bar No. 306778)

**Side 2. ARIZONA CORPORATION COMMISSION; COMMISSIONERS JIM O'CONNOR, LEA MARQUEZ PETERSON, ANNA TOVAR, KEVIN THOMPSON, and NICK MYERS, Respondent**

**(Litigant Group) ARIZONA CORPORATION COMMISSION; COMMISSIONERS JIM O'CONNOR, LEA MARQUEZ PETERSON, ANNA TOVAR, KEVIN THOMPSON, and NICK MYERS**

- Arizona Corporation Commission
- Jim O'Connor
- Lea Marquez Peterson
- Kevin Thompson
- Nick Myers

**Attorneys for: Respondent**

Elizabeth Schmitt, Esq. (AZ Bar No. 34699)  
Paul Kitchin, Esq. (AZ Bar No. 31783)

**Side 3. GOLDWATER INSTITUTE, Amicus Curiae**

**(Litigant Group) GOLDWATER INSTITUTE**

- Goldwater Institute

**Attorneys for: Amicus Curiae**

Timothy Sandefur, Esq. (AZ Bar No. 33670)  
Jonathan Matthew Riches, Esq. (AZ Bar No. 25712)

**Side 4. ILAN WURMAN AND RONALD A. SIMMS, Amicus Curiae**

**(Litigant Group) ILAN WURMAN AND RONALD A. SIMMS**

- Ilan Wurman  
AZ Bar No. 34974
- Ronald A Simms

**Attorneys for: Amicus Curiae**

Ilan Wurman, Esq. (AZ Bar No. 34974)

**Side 5. THE NORTH AMERICAN SECURITIES ADMINISTRATORS ASSOCIATION, Amicus Curiae**

**(Litigant Group) THE NORTH AMERICAN SECURITIES ADMINISTRATORS ASSOCIATION**

- North American Securities Administrators Association

**Attorneys for: Amicus Curiae**

Daryl Manhart, Esq. (AZ Bar No. 5471)  
Dylan Javier White, Esq. (DC Bar No. dylanwhite)

**Side 6. STATE OF ARIZONA, Amicus Curiae**

**(Litigant Group) STATE OF ARIZONA**

- State of Arizona

**Attorneys for: Amicus Curiae**

Joshua D Bendor, Esq. (AZ Bar No. 31908)  
Clinton N Garrett, Esq. (AZ Bar No. 22457)  
Joshua Katz, Esq. (AZ Bar No. 39449)

**CASE STATUS**

Feb 19, 2026....Submitted

Nov 4, 2025.....At Issue

Nov 4, 2025.....Oral Argument Granted

May 20, 2025....Pending

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| PREDECESSOR CASE (S) | Cause/Charge/Class | Judgment/Sentence | Judge, Role <Comments>   | Trial | Dispo |
|----------------------|--------------------|-------------------|--|-------|-------|
| 1 CA                 | 1 CA-SA 25-0016    |                   |  |       |       |
| ↪ ACC                | S-21301A-24-0076   |                   | Yvette Kinsey,<br>Administrative Law Judge<br>Comments: (none) |       |       |

**43 PROCEEDING ENTRIES**

1. 20-May-2025 FILED: Notice of Appearance; Certificate of Service (Petitioners EFG, et al.)
2. 20-May-2025 FILED: Motion for Extension to File Petition for Review; Certificate of Service (Petitioners EFG, et al.)
3. 20-May-2025 FILED: Opinion (Petitioners EFG, et al.)
4. 22-May-2025 FILED: Notice of Appearance; Certificate of Service (Petitioners EFG, et al.)
5. 23-May-2025 Petitioners EFG, et al., filed a "Motion for Extension to File Petition for Review" on May 20, 2025. Pursuant to Arizona Rules of Civil Appellate Procedure, Rule 6(b), a motion for a procedural order must include the words, "Motion for Procedural Order." Therefore,  
  
IT IS ORDERED the motion is denied without prejudice to Petitioner's ability to file a motion in compliance with ARCAP 6(b). This matter is subject to dismissal if a compliant motion or petition for review is not filed by May 30, 2025. (Tracie K. Lindeman, Clerk)
6. 23-May-2025 FILED: Motion for Procedural Order to Extend Time to File Petition for Review; Certificate of Service; Opinion (Petitioners EFG, et al.)
7. 23-May-2025 A "Motion for Procedural Order to Extend Time to File Petition for Review" (Petitioners EFG, et al.) having been filed on May 23, 2025,  
  
IT IS ORDERED granting a first extension of time to file the petition for review on or before July 14, 2025. No further extensions of time shall be granted absent extraordinary circumstances. This matter is subject to dismissal if the petition for review is not filed by July 14, 2025. (Tracie K. Lindeman, Clerk)
8. 17-Jun-2025 FILED: Petition for Review of Special Action Decision of the Court of Appeals; Certificate of Service; Certificate of Compliance (Petitioners EFG, et al.)
9. 17-Jun-2025 FILED: Appendix; Certificate of Service (Petitioners EFG, et al.)
10. 17-Jun-2025 FILED: Letter to [Aditya Dynar] (Verification of Pro Hac Vice Status for Cameron M. Halling)
11. 24-Jun-2025 RECEIPT No.: 2025-00178 ; \$330.00, Authorization: 8390626341561150, Applied to: EFG AMERICA, LLC, a Delaware limited liability com - Class A Filing Fee (\$330.00) Paid for: EFG AMERICA, LLC, a Delaware limited liability company; DOUGLAS ELROY FIMRITE, a married man; MARK BOYD and GINGER BOYD, spouses; DONALD CARROLL and SONIA CARROLL, spouses - By nCourt LLC
12. 25-Jun-2025 FILED: Motion to Associate Counsel Pro Hac Vice; Certificate of Service (Petitioners EFG, et al.)
13. 25-Jun-2025 FILED: Exhibits; Certificate of Service (Petitioners EFG, et al.)
14. 25-Jun-2025 FILED: (Proposed) Order; Certificate of Service (Petitioners EFG, et al.)
15. 26-Jun-2025 Petitioners EFG, et al., having filed a "Motion to Associate Counsel Pro Hac Vice" asking that Cameron M. Halling be allowed to appear and participate in the above-referenced matter and the appropriate application and related materials having been submitted and found to be in compliance with Rule 39(a), Rules of the Supreme Court,  
  
IT IS ORDERED granting the Motion and authorizing Cameron M. Halling to appear Pro Hac Vice before this Court in this matter for a period not to exceed one year from the date of this Order. (Hon. Clint Bolick)
16. 18-Jun-2025 FILED: Record from CofA: Electronic Record
17. 17-Jul-2025 FILED: Response to Petition for Review of Special Action Decision of the Court of Appeals; Certificate of Service; Certificate of Compliance (Respondent AZ Corporation Commission)
18. 17-Jul-2025 FILED: Appendix; Certificate of Service (Respondent AZ Corporation Commission)
19. 6-Aug-2025 FILED: Brief Amicus Curiae of Goldwater Institute in Support of Petitioners Filed With Consent of All Parties; Certificate of Service; Certificate of Compliance (Amicus Goldwater)
20. 6-Aug-2025 FILED: Consent of All Parties (Amicus Goldwater)
21. 14-Oct-2025 FILED: Supplemental Citation of Legal Authority; Certificate of Service (Petitioners EFG, et al.)

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22. 4-Nov-2025 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.
23. 24-Nov-2025 FILED: Petitioners' Supplemental Brief; Certificate of Service; Certificate of Compliance (Petitioners EFG, et al.)
24. 24-Nov-2025 FILED: Supplemental Brief to Petition for Review of Special Action Decision of the Court of Appeals; Certificate of Service; Certificate of Compliance (Respondent AZ Corporation Commission)
25. 5-Dec-2025 NOTICE OF ORAL ARGUMENT: Set for Thursday, February 19, 2026, at 9:30 A.M. (20 minutes per side)
26. 9-Dec-2025 FILED: Amicus Brief of Amici Curiae Professor Ilan Wurman and Ronald A. Simms on Behalf of Petitioners; Certificate of Service; Certificate of Compliance (Amici Wurman, et al.)
27. 9-Dec-2025 FILED: Motion for Permission to File Brief Amicus Curiae (Amici Wurman, et al.)
28. 9-Dec-2025 FILED: Supplemental Brief Amicus Curiae of Goldwater Institute in Support of Petitioner; Certificate of Service; Certificate of Compliance (Amicus Goldwater)
29. 9-Dec-2025 FILED: Brief of Amicus Curiae the North American Securities Administrators Association in Support of the Respondent; Certificate of Service; Certificate of Compliance (Amicus NASAA)
30. 9-Dec-2025 FILED: Consent of all Parties (Amicus NASAA)
31. 9-Dec-2025 FILED: Amicus Curiae Brief of the State of Arizona in Support of Respondents; Certificate of Service; Certificate of Compliance (Amicus State)
32. 9-Dec-2025 FILED: State's Statement of Allowance (Amicus State)
33. 10-Dec-2025 A "Motion for Permission to File Brief Amicus Curiae" (Amici Wurman, et al.) and the brief of amicus curiae were filed on December 9, 2025. After consideration,
- IT IS ORDERED the "Motion for Permission to File Brief Amicus Curiae" is granted. The brief will be filed as of December 9, 2025. (Hon. Ann A. Scott Timmer)
34. 8-Dec-2025 FILED: Notice of Acknowledgment of Oral Argument (Paul Kitchin will argue); Certificate of Service (Respondent Arizona Corporation Commission)
35. 9-Dec-2025 FILED: Notice of Acknowledgment of Oral Argument (Aditya Dynar will argue) (Petitioners EFG, et al.)
36. 10-Dec-2025 FILED: Amended/supplemental Certificate of Service; Certificate of Service (Amicus NASAA)
37. 10-Dec-2025 FILED: Petitioner - Respondent Consents to NSAA Amicus (Amicus NASAA)
38. 17-Dec-2025 FILED: Motion to Participate in Oral Argument; Certificate of Service (Amicus State)
39. 24-Dec-2025 On December 17, 2025, Amicus State of Arizona filed a "Motion to Participate in Oral Argument." The motion represents that counsel for Respondents Arizona Corporation Commission, et al. has agreed to share their allotment of time at oral argument. After consideration,
- IT IS ORDERED granting the motion. Counsel for Respondents Arizona Corporation Commission, et al. and counsel for Amicus State may share the allotted 20 minutes of time for oral argument.  
Hon. Ann A. Scott Timmer
40. 29-Dec-2025 FILED: Commission's Response to Amicus Brief of Amicus Curiae Goldwater Institute; Certificate of Service; Certificate of Compliance (Respondent ACC)
41. 29-Dec-2025 FILED: Commission's Response to Amicus Brief of Amici Curiae Professor Ilan Wurman and Ronald A. Simms; Certificate of Service; Certificate of Compliance (Respondent ACC)
42. 19-Feb-2026 ORAL ARGUMENT - Submitted for decision en banc (Attorneys who argued: Aditya Dynar, Joshua Bendor, Paul Kitchin)
43. 29-Apr-2026 FILED: Notice of Supplemental Authority; Certificate of Service (Petitioners EFG, et al.)