

TEXAS COURT OF APPEALS, FOURTH DISTRICT, SAN ANTONIO

In re Brinks, Inc. and Lyle R. Gutterman

No. 04-26-00075-CV (Tex. App.—San Antonio Feb. 4, 2026) · No. 04-26-00075-CV · Decided February 4, 2026

SUMMARY

The Fourth Court of Appeals of San Antonio denied a petition for writ of mandamus filed by Brinks, Inc. and Lyle R. Gutterman. The court also denied as moot the relators’ emergency motion for temporary relief, concluding that they had not shown entitlement to mandamus relief.

CASE DETAILS

COURT	Texas Court of Appeals, Fourth District, San Antonio
WRITING FOR THE COURT	Per Curiam; Irene Rios, Justice; Lori Massey Brissette, Justice; Adrian A. Spears II, Justice
JURISDICTION	Texas Court of Appeals, Fourth District, San Antonio
DECIDED	February 4, 2026
DOCKET	04-26-00075-CV
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Original mandamus proceeding in which relators sought a writ of mandamus and emergency temporary relief staying the underlying proceedings.
STANDARD OF REVIEW	Mandamus is available only when the relator shows that the trial court clearly abused its discretion or violated a duty imposed by law and that there is no adequate remedy by appeal.
PRECEDENTIAL VALUE	Published memorandum opinion; precedential effect not otherwise specified in the opinion.
PARTIES	Brinks, Inc., Lyle R. Gutterman v. The State of Texas

TOPICS

- writ of certiorari
- appellate procedure
- standard of review
- remedies
- civil procedure

PRACTICE AREAS

- civil procedure
- appellate procedure
- remedies

QUESTIONS PRESENTED

1. Whether relators established entitlement to mandamus relief by showing a clear abuse of discretion or violation of a legal duty and the absence of an adequate remedy by appeal.
2. Whether the emergency motion for temporary relief should be granted.

HOLDINGS

1. Relators did not establish that they were entitled to mandamus relief; the petition for writ of mandamus was denied.
2. The emergency motion for temporary relief was denied as moot.

KEY QUOTATIONS

“Mandamus is an extraordinary remedy, available only when the relator can show (1) the trial court clearly abused its discretion or violated a duty imposed by law; and (2) there is no adequate remedy by way of appeal.” (at 2)

FACTUAL BACKGROUND

The opinion provides no substantive facts concerning the underlying dispute. It states only that the mandamus proceeding arose from Cause No. 2023-CI-17635, pending in the 57th Judicial District Court of Bexar County, and that relators sought a stay of those proceedings.

PROCEDURAL HISTORY

Relators filed a petition for writ of mandamus and an emergency motion for temporary relief in the Texas Court of Appeals on January 28, 2026. The court denied the petition and denied the emergency motion as moot.

DISPOSITION

writ_denied

CASES CITED

- Walker v. Packer, 827 S.W.2d 833, 839-40 (Tex. 1992) (orig. proceeding)

OPINION

PER CURIAM.

Fourth Court of Appeals San Antonio, Texas MEMORANDUM OPINION No. 04-26-00075-CV IN RE BRINKS, INC. and Lyle R. Gutterman Original Mandamus Proceeding 1 PER CURIAM Sitting: Irene Rios, Justice Lori Massey Brissette, Justice Adrian A. Spears II, Justice Delivered and Filed: February 4, 2026 PETITION FOR WRIT OF MANDAMUS DENIED; EMERGENCY MOTION FOR TEMPORARY RELIEF DENIED AS MOOT On January 28, 2026, relators filed a petition for writ of mandamus.

Relators also filed an emergency motion for temporary relief, requesting a stay of the underlying proceedings pending final resolution of the petition for writ of mandamus. Mandamus is an extraordinary remedy, available only when the relator can show (1) the trial court clearly abused its discretion or violated a duty imposed by law; and (2) there is no adequate remedy by way of appeal.

Walker v. Packer, 827 S.W.2d 833, 839-40 (Tex. 1992) (orig. proceeding). After considering the petition and the record, this court concludes relators did not show they are entitled to the relief sought. Accordingly, 1 This proceeding arises out of Cause No. 2023-CI-17635, styled Gustavo Ramos Abino v. Lyle R. Gutermann, Brink's Inc., and the Brinks Company, pending in the 57th Judicial District Court, Bexar County, Texas, the Honorable Antonia Arteaga presiding.

04-26-00075-CV the petition for writ of mandamus is DENIED. See TEX. R. APP. P. 52.8(a). Relators' motion for temporary relief is DENIED AS MOOT. PER CURIAM -2-