

COURT OF APPEALS FOR THE NINTH DISTRICT OF TEXAS AT BEAUMONT

In re Jodi Buttarazzi-El Shariff and Dawn Buttarazzi

No. 09-26-00177-CV · No. 09-26-00177-CV · Decided May 7, 2026

SUMMARY

The Ninth Court of Appeals of Texas denied Jodi Buttarazzi-El Shariff and Dawn Buttarazzi’s petition for a writ of mandamus and motion for temporary relief. The relators sought to compel the probate court to rule on an ADA Title II request for reasonable modifications, reconsider a motion to reinstate, and clarify the claims remaining for trial.

CASE DETAILS

COURT	Court of Appeals for the Ninth District of Texas at Beaumont
WRITING FOR THE COURT	Per Curiam; Golemon, C.J.; Johnson, J.; Wright, J.
JURISDICTION	Court of Appeals for the Ninth District of Texas at Beaumont
DECIDED	May 7, 2026
DOCKET	09-26-00177-CV
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Original proceeding in which relators sought a writ of mandamus compelling the probate court to rule on an ADA Title II request for reasonable modifications, reconsider a motion to reinstate, and clarify which claims remained for trial.
STANDARD OF REVIEW	Mandamus relief requires a clear abuse of discretion and the absence of an adequate remedy by appeal. A trial court clearly abuses its discretion when its decision is arbitrary and unreasonable and amounts to clear and prejudicial legal error, or when it incorrectly analyzes or applies the law.
PRECEDENTIAL VALUE	published
PARTIES	Jodi Buttarazzi-El Shariff, Dawn Buttarazzi v. State of Texas

TOPICS

- writ of certiorari
- appellate procedure
- standard of review
- civil procedure
- ada / disability

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether relators demonstrated a clear abuse of discretion and lack of an adequate remedy by appeal sufficient to warrant mandamus relief.
2. Whether relators were entitled to temporary relief while their mandamus petition was pending.

HOLDINGS

1. Relators did not show that the trial court clearly abused its discretion or that they lacked an adequate remedy by appeal; therefore, they were not entitled to a writ of mandamus.
2. The motion for temporary relief was denied.

KEY QUOTATIONS

“A trial court clearly abuses its discretion if it reaches a decision so arbitrary and unreasonable as to amount to a clear and prejudicial error of law.” (1)

“A trial court also abuses its discretion if it fails to correctly analyze or apply the law, because a trial court has no discretion in determining what the law is or in applying the law to the facts.” (1)

FACTUAL BACKGROUND

Relators sought mandamus relief concerning proceedings in Montgomery County Probate Court No. 1. They asked the appellate court to compel rulings on an ADA Title II request for reasonable modifications and a supplemented motion to reinstate, and to require clarification of the claims remaining for trial. The appellate court determined that the record did not establish their entitlement to mandamus relief.

PROCEDURAL HISTORY

Relators petitioned the Ninth District Court of Appeals for mandamus relief from the Probate Court No. 1 of Montgomery County. The court concluded that relators had not shown entitlement to mandamus relief on the record and denied both the petition and the motion for temporary relief.

DISPOSITION

writ_denied

CASES CITED

- In re Prudential Ins. Co. of Am., 148 S.W.3d 124, 135-36 (Tex. 2004) (orig. proceeding)
- Walker v. Packer, 827 S.W.2d 833, 839-40 (Tex. 1992) (orig. proceeding)

OPINION

PER CURIAM.

In The Court of Appeals Ninth District of Texas at Beaumont _____ NO. 09-26-00177-CV _____ IN RE JODI BUTTARAZZI-EL SHARIFF AND DAWN BUTTARAZZI _____

Original Proceeding Probate Court No. 1 of Montgomery County, Texas Trial Cause No. 25-34404

MEMORANDUM OPINION In this original proceeding, Relators Jodi Buttarazzi-El Shariff and Dawn Buttarazzi seek a writ of mandamus compelling the trial court (1) to rule on Buttarazzi-El Shariff's ADA Title II Request for Reasonable Modifications, (2) to reconsider Relators' motion to reinstate as supplemented, and (3) to clarify what claims remain live for trial.

We may issue a writ of mandamus to remedy a clear abuse of discretion by the trial court when the relator lacks an adequate remedy by appeal. See *In re Prudential Ins. Co. of Am.*, 148 S.W.3d 124, 135-36 (Tex. 2004) (orig. proceeding); 1 *Walker v. Packer*, 827 S.W.2d 833, 839-40 (Tex. 1992) (orig. proceeding). "A trial court clearly abuses its discretion if it reaches a decision so arbitrary and unreasonable as to amount to a clear and prejudicial error of law." *Walker*, 827 S.W.2d at 839 (internal quotations omitted).

A trial court also abuses its discretion if it fails to correctly analyze or apply the law, because a trial court has no discretion in determining what the law is or in applying the law to the facts. See *Prudential*, 148 S.W.3d at 135; *Walker*, 827 S.W.2d at 840.

We conclude that on this record the Relators have not shown that they are entitled to mandamus relief. Accordingly, we deny the petition for a writ of mandamus and the motion for temporary relief. See Tex. R. App. P. 52.8(a); 52.10(a). PETITION DENIED. PER CURIAM Submitted on May 5, 2026 Opinion Delivered May 7, 2026 Before Golemon, C.J., Johnson and Wright, JJ. 2