

**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.

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

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/court-of-appeals-for-the-ninth-district-of-texas-at-beaumont-court-of-appeals-for-the-ninth-district/2026/in-re-jodi-buttarazzi-el-shariff-and-dawn-buttarazzi-phphn43a>