

COURT OF APPEALS FOR THE NINTH DISTRICT OF TEXAS AT BEAUMONT

Vikor Scientific, LLC v. Kachina Air, Inc., GAI Air, LLC F/K/A
GSAIC, LLC, AWMR, LLC, AAW Investments, LLC, and Xian Hua
"Aaron" Wang

No. 09-24-00103-CV (Tex. App.—Beaumont Dec. 4, 2025) · No. 09-24-00103-CV · Decided December 4, 2025

SUMMARY

The Ninth Court of Appeals of Texas at Beaumont reviews an interlocutory appeal from the denial of Vikor Scientific, LLC’s special appearance. The court analyzes general and specific personal jurisdiction over Vikor, a South Carolina limited liability company, based on its Texas business activities, employees, website, and freight-management agreement with Creek Crossing Management, LLC. The opinion concludes, in the provided text, that Vikor is not subject to general jurisdiction in Texas and examines whether its Texas contacts have a substantial connection to the claims asserted by the Kachina Parties.

CASE DETAILS

COURT	Court of Appeals for the Ninth District of Texas at Beaumont
WRITING FOR THE COURT	Kent Chambers; Golemon, C.J.; Wright, J.; Chambers, J.
JURISDICTION	Court of Appeals for the Ninth District of Texas at Beaumont
DECIDED	December 4, 2025
DOCKET	09-24-00103-CV
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Interlocutory appeal from the denial of Vikor Scientific, LLC's special appearance challenging personal jurisdiction.
STANDARD OF REVIEW	De novo review because personal jurisdiction is a question of law; the appellate court reviews all evidence in the record and, absent findings of fact, presumes the trial court resolved factual disputes in favor of its ruling, subject to legal- and factual-sufficiency review when the appellate record contains the reporter's and clerk's records.
PRECEDENTIAL VALUE	Published memorandum opinion of the Texas Court of Appeals; the supplied metadata identifies the opinion as published.
PARTIES	Vikor Scientific, LLC v. Kachina Air, Inc., GAI Air, LLC f/k/a GSAIC, LLC, AWMR, LLC, AAW Investments, LLC, Xian Hua

TOPICS

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QUESTIONS PRESENTED

1. Whether Texas courts had general personal jurisdiction over Vikor based on its business operations, employees, accounts, marketing, website, and relationship with a Texas company.
2. Whether Texas courts had specific personal jurisdiction over Vikor based on its management services agreement with Creek Crossing, its Texas employees and marketing activities, and its other Texas-related business activities.
3. Whether the trial court erred in denying Vikor's special appearance.

HOLDINGS

1. Texas courts lacked general personal jurisdiction over Vikor because its Texas contacts were not so continuous, systematic, and substantial as to render Vikor essentially at home in Texas.
2. Vikor's management services agreement with Creek Crossing did not establish specific personal jurisdiction over Vikor.
3. Vikor purposefully availed itself of the benefits of doing business in Texas through Texas employees who marketed Vikor's laboratory services, but those contacts were not sufficiently related to the Kachina Parties' claims to support specific jurisdiction.
4. Vikor's Texas accounts, receipt of laboratory samples, performance of diagnostic services, and website customer portal did not establish specific personal jurisdiction because the Kachina Parties' claims were not sufficiently related to those activities.

KEY QUOTATIONS

"General jurisdiction must rest on the defendant's contacts, not some third party's contacts, with the forum." (18)

"The assignment of the MSA to Radius Flex, Vikor's purported knowledge about the joint venture, and Vikor's acceptance of free shipping all amount to passive acquiescence, not purposeful availment." (21)

"That said, our analysis does not end with purposeful availment because 'the exercise of specific jurisdiction is prohibited if 'the suit' does not 'aris[e] out of or relat[e] to the defendant's contacts with the forum.'" (23-24)

"We conclude that the relationship, if any, between Vikor's employees in Texas and the operative facts of the litigation is simply too indirect, tangential and attenuated to satisfy specific jurisdiction's due-process

concerns.” (25)

“Having found no basis for either general or specific personal jurisdiction over Vikor, we sustain Vikor’s issues on appeal.” (26)

FACTUAL BACKGROUND

Vikor is a South Carolina limited liability company with its principal place of business in Charleston, South Carolina. It entered a management services agreement with Texas-based Creek Crossing for freight-management services, and Creek Crossing later entered a joint venture agreement with Kachina Air to form Radius Flex and assigned the management agreement to Radius Flex. The Kachina Parties alleged that Vikor received uncompensated delivery services and asserted claims against Vikor, relying also on Vikor's Texas marketing activities, Texas employees, Texas medical-provider accounts, and receipt of laboratory samples from Texas.

PROCEDURAL HISTORY

Creek Crossing Management, LLC sued the Kachina Parties, who later brought Vikor into the case as a third-party defendant asserting civil conspiracy, money had and received, quantum meruit, and unjust enrichment. Vikor filed a special appearance, which the 284th District Court of Montgomery County denied. Vikor filed an interlocutory appeal ten days later. The court of appeals reversed and rendered judgment dismissing the claims against Vikor for lack of personal jurisdiction.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The opinion states that the court reversed the order and rendered the judgment the trial court should have rendered, dismissing the Kachina Parties' claims against Vikor for lack of personal jurisdiction. The disposition is therefore reversal and rendition rather than a remand for further proceedings.

CASES CITED

- Agar Corp., Inc. v. Electro Circuits Int’l, LLC, 580 S.W.3d 136 (Tex. 2019)
- Luciano v. SprayFoamPolymers.com, LLC, 625 S.W.3d 1 (Tex. 2021)
- Michiana Easy Livin' Country, Inc. v. Holten, 168 S.W.3d 777 (Tex. 2005)
- Guardian Royal Exchange Assurance, Ltd. v. English China Clays, P.L.C., 815 S.W.2d 223 (Tex. 1991)
- International Shoe Co. v. State of Washington, International Shoe Co. v. Washington, 326 U.S. 310 (1945)
- State v. Volkswagen Aktiengesellschaft, 669 S.W.3d 399 (Tex. 2023)
- BMC Software Belgium, N.V. v. Marchand, 83 S.W.3d 789 (Tex. 2002)
- American Type Culture Collection v. Coleman, 83 S.W.3d 801 (Tex. 2002)
- Helicopteros Nacionales de Colombia, S.A. v. Hall, 466 U.S. 408 (1984)
- BNSF Railway Co. v. Tyrrell, 581 U.S. 402 (2017)

- Daimler AG v. Bauman, 571 U.S. 117 (2014)
- Ford Motor Co. v. Montana Eighth Judicial District Court, 592 U.S. 351 (2021)
- Goodyear Dunlop Tires Operations, S.A. v. Brown, 564 U.S. 915 (2011)
- Moki Mac River Expeditions v. Drugg, 221 S.W.3d 569 (Tex. 2007)
- Moncrief Oil International, Inc. v. OAO Gazprom Export, LLC, 414 S.W.3d 142 (Tex. 2013)
- Kaye/Bassman International Corp. v. Dhanuka, 418 S.W.3d 352 (Tex. App.—Dallas 2013, no pet.)
- Bristol-Myers Squibb Co. v. Superior Court of California, San Francisco County, 582 U.S. 255 (2017)
- Phillips Development & Realty, LLC v. LJA Engineering, Inc., 499 S.W.3d 78 (Tex. App.—Houston [14th Dist.] 2016, pet. denied)
- Wise v. Nims, No. 09-95-00214-CV, 1996 Tex. App. LEXIS 4835 (Tex. App.—Beaumont Oct. 31, 1996, no writ)

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