

COURT OF APPEALS FOR THE EIGHTH DISTRICT OF TEXAS

MRC Permian Company/Holland Acquisitions, Inc., d/b/a Holland Services v. Holland Acquisitions, Inc., d/b/a Holland Services/MRC Permian Company

MRC Permian · No. 08-21-00065-CV · Decided December 9, 2025

SUMMARY

In this memorandum opinion, the Eighth District Court of Appeals of Texas dismissed both the appeal and cross-appeal with prejudice for want of prosecution. The court relied on the termination of Holland’s bankruptcy proceeding, Holland’s failure to respond to the court’s order, and the parties’ failure to show that claims remained pending for purposes of the appeal.

CASE DETAILS

COURT	Court of Appeals for the Eighth District of Texas
WRITING FOR THE COURT	Gina M. Palafox; Gina M. Palafox, Justice; Alfredo C. Soto, Justice; Jeffrey S. Rodriguez, Chief Justice (Ret.), sitting by assignment
JURISDICTION	Court of Appeals for the Eighth District of Texas
DECIDED	December 9, 2025
DOCKET	08-21-00065-CV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Permissive appeal and cross-appeal from an interlocutory partial summary judgment order, severed and abated during Holland's Chapter 7 bankruptcy proceeding.
PRECEDENTIAL VALUE	Published memorandum opinion
PARTIES	MRC Permian Company/Holland Acquisitions, Inc., d/b/a Holland Services v. Holland Acquisitions, Inc., d/b/a Holland Services/MRC Permian Company

TOPICS

- appellate procedure
- bankruptcy
- civil procedure
- commercial litigation

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Holland's appeal should be dismissed for want of prosecution after Holland failed to respond to the court's August 7, 2024 order.
2. Whether MRC's cross-appeal should be dismissed for want of prosecution where MRC sought to nonsuit its claims, failed to challenge the trial court's findings and conclusions, and failed to show that any claims remained pending.

HOLDINGS

1. Holland's appeal was properly dismissed with prejudice for want of prosecution because Holland failed to respond to the court's August 7, 2024 order.
2. MRC's cross-appeal was properly dismissed with prejudice for want of prosecution because MRC sought to nonsuit its claims, did not object to the trial court's findings and conclusions, failed to show that any claims remained pending, and did not request reinstatement.

KEY QUOTATIONS

“As long as Holland is not represented by counsel, it cannot pursue its claims, if any, against MRC in Texas courts.” (at 3)

“We therefore dismiss both the appeal and the cross-appeal with prejudice” (at 4)

FACTUAL BACKGROUND

Holland filed for Chapter 7 bankruptcy while the appeal was pending, and the appellate court abated the appeal pending resolution of the bankruptcy. The bankruptcy proceeding closed on March 11, 2024; the trustee did not identify or pursue claims by Holland against MRC, and MRC received no distribution on its unsecured creditor claim. MRC represented that it wanted to nonsuit its claims against Holland, while Holland did not respond to the appellate court's order requesting an update on the bankruptcy and its effect on the appeal.

PROCEDURAL HISTORY

MRC appealed an April 30, 2019 interlocutory order granting partial summary judgment, and Holland filed cross-appeals. Holland later filed for bankruptcy, causing the appellate court to sever and abate Holland's appeal. After the bankruptcy closed, the appellate court ordered development of a record concerning the effect of the bankruptcy on the parties' claims; the trial court found that no claims by Holland against MRC had been pursued in bankruptcy and that MRC sought to nonsuit its claims against Holland. Because Holland failed to respond to the appellate court's order and MRC failed to demonstrate that any claims remained pending or seek reinstatement, the court dismissed both the appeal and cross-appeal with prejudice for want of prosecution.

DISPOSITION

dismissed

CASES CITED

- MRC Permian Co. v. Point Energy Partners Permian LLC, 624 S.W.3d 643 (Tex. App.—El Paso 2021)
- Point Energy Partners Permian, LLC v. MRC Permian Co., 669 S.W.3d 796, 800 (Tex. 2023)

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