

TEXAS COURT OF APPEALS, 15TH DISTRICT

Nicholas Kreines, David P. Ryan, Liberty Mineral Partners LLC,
Nak Resources INC., and CGR Oil and Gas, LLC v. ES3 Minerals,
LLC

Kreines v. ES3 Minerals · No. 15-25-00027-CV · Decided December 4, 2025

SUMMARY

The document concerns an appellate challenge arising from a case transferred to the Texas Business Court, including whether the transferee court must independently reconsider or adopt prior orders. The separate opinion discusses the temporary injunction, bond, and the expedited resolution of those issues through trial on the merits.

CASE DETAILS

COURT	Texas Court of Appeals, 15th District
WRITING FOR THE COURT	Scott A. Brister, Chief Justice; Justice Field; Justice Farris
JURISDICTION	Texas
DECIDED	December 4, 2025
DOCKET	15-25-00027-CV
DISPOSITION	other
PROCEDURAL POSTURE	Appeal involving a case transferred to the Texas Business Court and a temporary injunction entered in the transferred case.
PRECEDENTIAL VALUE	Published opinion; the extracted text is a dissenting opinion.
PARTIES	Nicholas Kreines, David P. Ryan, Liberty Mineral Partners LLC, Nak Resources INC., CGR Oil and Gas, LLC v. ES3 Minerals, LLC

TOPICS

- injunctions
- injunction bonds
- interlocutory appeal
- appellate procedure
- civil procedure

PRACTICE AREAS

- civil procedure
- appellate procedure
- injunctions
- injunction bonds
- mineral rights

QUESTIONS PRESENTED

1. Whether the appellate court could decline to review issues because the parties did not raise objections to the prior orders again after the case was transferred to the Business Court.
2. Whether the transferred-case court was required to adopt or separately reconsider prior orders entered by another judge.
3. Whether the appellate court should instruct the Business Court to conduct an evidentiary hearing regarding the temporary-injunction bond and to consider adopting the prior judge's reasoning.

KEY QUOTATIONS

“Appeal of a transferred case cannot be split in parts, filing the parts of a case argued to the Business Court in our Court, and the parts argued to and signed by a previous judge to a different one.” (at 2)

“Court orders are orders of the court; they are not personal and there is no dishonor in being reversed for declining to re-visit every issue a previous judge decided.” (at 2)

“Generally the most expeditious way of obviating the hardship and discomfiture of an unfavorable preliminary order is to try the case on its merits.” (at 2)

FACTUAL BACKGROUND

The opinion concerns a case transferred to the Texas Business Court after prior orders had been signed by another judge. The disputed orders included a temporary injunction and an associated bond. At the time of the appellate decision, the Business Court had set the case for trial, which the dissent viewed as making the bond and form of the temporary injunction shortly moot.

PROCEDURAL HISTORY

The case was transferred to the Business Court after a previous judge had entered or addressed orders, including a temporary injunction. The dissent states that the Business Court had set the matter for trial on December 8, 2025, and argues that the appellate court should not require a separate evidentiary hearing concerning the injunction bond or reconsideration of the prior judge's reasoning.

DISPOSITION

other

REMAND INSTRUCTIONS

The dissent would not instruct the Business Court to conduct an evidentiary hearing regarding the bond or to consider adopting the prior judge's reasoning; it would instead direct the court to proceed to trial.

CASES CITED

- Harley Channelview Props., LLC v. Harley Marine Gulf, LLC, 690 S.W.3d 32, 38 (Tex. 2024)

OPINION

Nicholas Kreines, David P. Ryan, Liberty Mineral Partners LLC, Nak Resources INC., and CGR Oil and Gas, LLC v. ES3 Minerals, LLC

PER CURIAM.

regardless of who signed them. Like any other transferee court, the Business Court has plenary power to reconsider, modify, or revoke previous orders, but there is no need to “adopt” them, nor to read all the evidentiary record to see if they were correct. But we cannot decline review of an issue simply because litigants did not raise an objection a second time upon transfer to a new court, as the Court does here. Appeal of a transferred case cannot be split in parts, filing the parts of a case argued to the Business Court in our Court, and the parts argued to and signed by a previous judge to a different one. Court orders are orders of the court; they are not personal and there is no dishonor in being reversed for declining to re-visit every issue a previous judge decided. As to disposition, we are informed that the Business Court has set this case for trial December 8, 2025. Accordingly, I would not instruct the trial court to “conduct an evidentiary hearing” to set a more reasonable bond or to consider whether to “adopt the reasoning of the District Court with respect to the remainder of the temporary injunction order.” What the Business Court needs to do is try the case; the bond amount and form of the temporary injunction will become moot in a few days once the case is tried. “Generally the most expeditious way of obviating the hardship and discomfiture of an unfavorable preliminary order is to try the case on its merits.” *Harley Channelview Props., LLC v. Harley Marine Gulf, LLC*, 690 S.W.3d 32, 38 (Tex. 2024). I would not urge the judge below to take any steps other than that. /s/ Scott A. Brister
Scott A. Brister Chief Justice Before Chief Justice Brister and Justices Field and Farris. 2