

**REVERSED AND RENDERED and Opinion Filed August 11, 2025**



**In The  
Court of Appeals  
Fifth District of Texas at Dallas**

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**No. 05-25-00014-CV**

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**GREG LINDBERG, Appellant**

**V.**

**SCOTT ROSKIND, INDIVIDUALLY, AS REPRESENTATIVE FOR THE  
STAKEHOLDERS OF NOXX TECHNOLOGIES, INC., AND  
DERIVATIVELY ON BEHALF OF NOXX TECHNOLOGIES, INC.,  
Appellee**

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**On Appeal from the County Court at Law No. 4  
Dallas County, Texas  
Trial Court Cause No. CC-24-04214-D**

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**MEMORANDUM OPINION**

Before Justices Smith, Clinton, and Barbare  
Opinion by Justice Smith

In this accelerated, interlocutory appeal, *see* TEX. CIV. PRAC. & REM. CODE § 51.014(a)(7), Greg Lindberg, a Florida resident, appeals the trial court's order overruling his special appearance in this complex commercial dispute in which Lindberg and four others have been sued by appellee Scott Roskind, who asserts multiple claims in an individual, representative, and derivative capacity. For the reasons below, we reverse the trial court's order and render judgment dismissing the claims brought against Lindberg for lack of personal jurisdiction.

## BACKGROUND

### *Overview of Roskind's Claims*

Roskind sued Lindberg and four others in an individual, representative, and derivative capacity, alleging multiple claims arising from the acquisition of NoXX Technologies, Inc. (NoXX Technologies) and its intellectual property. According to Roskind, NoXX Technologies is a Delaware corporation with a principal place of business in Plano, Collin County, Texas, and Roskind, a New York resident, is its founder. The five defendants Roskind sued are Beckett Collectibles, LLC (Beckett or Beckett Collectibles), Beckett Collectibles Holdings, LLC (Beckett Holdings), NoXX Holdings, Inc. (NoXX Holdings), Kevin Isaacson, and Lindberg.

According to his original petition, the actions forming the basis of Roskind's claims took place between August 2021 and February 2024. These actions included, among other things, a Stock Purchase Agreement (SPA) between "NoXX Holdings and Beckett Collectibles, as acquirers" and "NoXX Technologies and Roskind."<sup>1</sup>

Roskind's original petition asserted five claims against all defendants: two claims for breach of contract and claims for breach of the covenant of good faith and fair dealing, fraud, and theft of trade secrets. In asserting these five claims, Roskind primarily described the wrongful actions as actions by all defendants.<sup>2</sup>

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<sup>1</sup> The original petition indicated appellee's agreement to the SPA was "for and on behalf of the NoXX [s]takeholders, pursuant to which NoXX Holdings agreed to acquire 100% of the ownership interests of NoXX Technologies."

<sup>2</sup> Roskind also asserted some additional claims against some of the other defendants, but we need not discuss them, as those claims are not pertinent to Lindberg's special appearance or to this appeal.

The crux of these five claims are as follows:

1. Breach of contract – Roskind alleged that defendants “breached the Employment Agreement by firing [Roskind] for cause under false pretenses as a pretext to avoid paying [certain contractually-obligated payments]”;
2. Breach of contract – Roskind also alleged “Isaacson, and [by] extension Beckett, acted arbitrarily and unreasonably, thereby frustrating and preventing [Roskind and NoXX stakeholders] from receiving the fruits of the bargain that [they] reasonably expected, by preventing [Roskind] and his team from completing milestones 4 and 5 and making [those milestone payments ‘payable’ under the SPA] in at least the following ways:
  - a. Pretextually firing [Roskind] for alleged ‘[c]ause’ when there was no legitimate cause;
  - b. Suspending and withholding the necessary resources; and
  - c. Terminating or reassigning other members of the tech team responsible for completing the milestone work.”
3. Breach of good faith and fair dealing – Roskind made the same allegations in this claim as described in claim number two above, and for both, alleged that the conduct of “[d]efendants” “proximately caused [Roskind and NoXX stakeholders] damages in the amounts of the [milestone 4 and 5 payments] plus pre-judgment interests, costs, fees, expenses, punitive damages, and any and all other damages recoverable by law”;
4. Fraud – Roskind alleged that prior to the SPA, defendants “made or caused to be made representations to” him that he and the NoXX stakeholders relied on that were false when made, a fact defendants were aware of at the time the representations were made, and defendants never intended to fully perform their obligations under the SPA, including the deferred compensation payments contained therein; and
5. Theft of trade secrets – Roskind alleged that “[e]ach of the [d]efendants conspired with each [other] in the acts and omissions resulting in the theft and misappropriation of” NoXX Technologies’ intellectual property.

### *Allegations Specific to Lindberg*

Specific to Lindberg, Roskind’s original petition alleged Lindberg is a federally convicted felon and is “the head and primary beneficiary of” what Roskind referred to as the “Lindberg Enterprise,” which Roskind described as a “monolithic, orchestrated and complex enterprise consisting of 100 of [sic] different companies . . . operated to wrongfully siphon funds and assets from victims such as [Roskind and NoXX Technologies stakeholders], for the benefit of [d]efendants and their related affiliated persons and entities.”<sup>3</sup>

Roskind also alleged that Lindberg “is currently under indictment for more federal crimes,” and that the other four defendants are participants in and facilitators of Lindberg’s crimes. In his claims for fraud and theft of trade secrets, Roskind alleged a broad “fraudulent scheme” by defendants, and the broader Lindberg Enterprise, to fraudulently obtain NoXX Technologies and its intellectual property and other assets to bolster defendants’ balance sheets and ability to obtain capital and financing, and to siphon those funds to other entities and persons within the Lindberg Enterprise. As to the trial court’s jurisdiction over Lindberg, Roskind’s

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<sup>3</sup> Although not alleged in this manner in Roskind’s pleading, according to Roskind’s appellate brief, the “heart of the matter is the NoXX Technologies Transaction” which his brief describes as follows:

- NoXX Holdings was created to acquire NoXX Technologies, then, “[t]o consummate the acquisition,”
- NoXX Holdings “needed to pass the decision up the ladder—through Beckett Collectibles to Beckett Holdings to [BKX Holdings, LLC]—to [Beckett Collectibles Trust],” and
- then, to get the purchase approved, the Trustee for Beckett Collectibles Trust needed the prior written consent of Entrust Global, LLC, which Roskind describes as the grantor for the Beckett Collectibles Trust, and which, in turn, Roskind describes as being solely managed by Lindberg.

original petition alleged that Lindberg is a resident of North Carolina, conducts business in Texas, and has a home office in Plano, Texas.

*Lindberg's Special Appearance and Related History*

Lindberg filed a special appearance challenging the trial court's jurisdiction over him, and he included other items subject to his special appearance, such as a motion to quash service and a general denial of Roskind's claims. In his special appearance, Lindberg argued the trial court lacked general and specific jurisdiction over him because he does not reside in or principally office in Texas, has no managerial ties to the alleged bad actors, and could not have had such ties because, at all relevant times, the entities were controlled by a trust and an independent trustee, and he was incarcerated outside Texas. Lindberg included a declaration made under penalty of perjury, stating, based on his personal knowledge:

- Lindberg is a resident of the State of North [sic] Florida;
- Lindberg has never interacted with Roskind;
- Lindberg personally conducts no business in Texas and personally has no offices, business, or other properties in Texas;
- Lindberg has not paid taxes in Texas; does not maintain a registered agent in Texas; has not been a party to any litigation or government enforcement proceedings in Texas; and has not visited or been in Texas in more than four years;
- The Beckett defendants are held in a trust and are managed by an independent trustee;
- Lindberg was incarcerated outside Texas from October 20, 2020 through July 15, 2022, during which he engaged in no business;

- Lindberg has had no managerial relationship with the Beckett defendants since October 2020;
- Before the closing of the SPA and through the culmination of the bad acts alleged in Roskind’s original petition, Lindberg had no ties with the Beckett defendants or NoXX Technologies, as all decisions and control over those entities were made and held by an independent trustee; and
- Lindberg exercised no decision-making authority or control over the Beckett defendants or NoXX Technologies during any of the times Roskind alleges misconduct occurred.

Roskind then filed a first amended petition, which asserted the same claims against the same defendants, stated that Lindberg was a “resident of the State of North [sic] Florida,” and added a few additional details<sup>4</sup> and a new attachment.<sup>5</sup> This first amended petition is Roskind’s live pleading.

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<sup>4</sup> For example, the first amended petition included new information in paragraphs thirteen and fourteen, which described the crux of the lawsuit and its relation to Dallas County, Texas, in the following terms:

13. Specifically, but without limitation, there are at least four underlying agreements that form the basis for [appellee’s] claims. . . . Those agreements are more specifically defined below and include the Stock Purchase Agreement [SPA], the Roskind Employment Agreement [Employment Agreement]), the Equity Consideration Agreement [Equity Agreement], and the Independent Services Agreement [Services Agreement] (collectively the “Deal Agreements”). The Deal Agreements were preceded by a Letter of Intent executed by Beckett Collectibles’ ultimate parent company, BKX Holdings, LLC [BKX], on behalf of itself or its designated affiliate, which ultimately became Beckett Collectibles [the LOI]. The LOI contained the terms of the ultimate agreement reached, and contained representations relied upon in entering into the Agreements reached.

14. Each and every one of the Deal Agreements were negotiated, formed and executed with [d]efendants while their principal office was located at 4635 McEwen Road, Dallas, Texas 75244 [the Dallas Principal Office]. In addition to being negotiated, formed and executed at, or while [d]efendants conducted business at, the Dallas Principal Office, the contractors under the Services Agreement, including [appellee] and the other employees retained by [d]efendants, performed their services for [d]efendants with their principal office located in Dallas County, Texas.

<sup>5</sup> The new attachment consisted of a Texas Franchise Tax Public Information Report signed by an individual on November 14, 2022, on behalf of defendant Beckett, which lists as its principal place of business the McEwen Road address in Dallas that is included in paragraph 14 of the amended petition. *See*

Lindberg set his special appearance for hearing soon after its filing, and Roskind sought, and the trial court granted, a continuance of the hearing so that the parties could conduct certain discovery. Ultimately, Roskind opposed Lindberg's special appearance and attached various documents to his brief in support, including:

- A declaration from one of Roskind's lawyers;
- A forfeiture order, factual basis, and bill of indictment in various federal court proceedings involving Lindberg;<sup>6</sup>
- Lindberg's responses to Roskind's requests for admissions;
- A trust agreement for Beckett, which Lindberg admitted, in a response to Roskind's requests for admissions, was a true and correct copy of the Trust Agreement for the Beckett Collectibles Trust;
- Annual reports that Entrust Global, LLC, BKX Holdings, LLC and Beckett filed with the North Carolina Secretary of State, which Roskind requested that the trial court take judicial notice of; and
- A supplemental post-hearing brief Lindberg filed in a federal court proceeding, *Universal Life Insurance Co. v. Greg E. Lindberg*, Case No. 1:20-cv-00681-LCB-JEP, in the United States District Court for the Middle District of North Carolina.

The trial court heard the special appearance on December 19, 2024. No evidence was submitted at the hearing, only argument by the parties' counsel. The

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*supra* note 3. Also attached to the original and the first amended petition are the SPA, Equity Agreement, a text chain regarding the achievement of milestone three, an email chain between appellee and others, and the Employment Agreement.

<sup>6</sup> The forfeiture order was filed in *United States of America v. Greg E. Lindberg*, Case No. 5:10-cr-22-MOC-DSC, in the United States District Court for the Western District of North Carolina, Statesville Division. The factual basis and bill of indictment were filed in *United States of America v. Greg E. Lindberg*, Case No. 3:23-cr-48-MOC, in the United States District Court for the Western District of North Carolina, Charlotte Division.

trial judge ruled from the bench at the conclusion of the hearing, stating she was overruling Lindberg's special appearance and granting his motion to quash service. In announcing her ruling, the trial judge stated, "I overruled your special appearance. He's going to be in this courtroom. And I just – there's too many – too many variables in this case that the court is not going to release him from jurisdiction to this court." The trial court then signed an order overruling Lindberg's special appearance and later amended that order on January 7, 2025, making certain changes to the text, but not changing the ruling.<sup>7</sup>

Lindberg did not request, and the trial court did not provide, any findings of fact or conclusions of law regarding the trial court's decision to overrule Lindberg's special appearance. By the time the trial court amended its order, Lindberg had already filed his notice of interlocutory appeal, appealing the trial court's ruling.

#### **ISSUES ON APPEAL**

Lindberg, who now appears pro se, raises two issues on appeal, arguing that we should reverse and render judgment dismissing the claims against him because (1) he is not subject to general or specific jurisdiction in Texas, and (2) he is not subject to personal jurisdiction in Texas as the alter ego of Beckett or Beckett Holdings. Roskind disputes this in part, arguing that the trial court has specific jurisdiction over Lindberg and that his challenges to the trial court's ruling in that

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<sup>7</sup> The handwritten date on the first order overruling Lindberg's special appearance was December 12, 2024, which seems to be an error, as the trial court heard the special appearance on December 19, 2024.

regard fail, but conceding he does not contend that the trial court has personal jurisdiction over Lindberg based on either general jurisdiction or an alter ego theory.

## OVERVIEW OF PERSONAL JURISDICTION LAW

### *Substantive Law*

“A court has power to decide a case only if it has ‘both subject matter jurisdiction over the controversy and personal jurisdiction over the parties.’” *TV Azteca, S.A.B. de C.V. v. Ruiz*, 490 S.W.3d 29, 36 (Tex. 2016) (quoting *Spir Star AG v. Kimich*, 310 S.W.3d 868, 871 (Tex. 2010)). “Subject matter jurisdiction involves a court’s ‘power to hear a particular type of suit,’ while personal jurisdiction ‘concerns the court’s power to bind a particular person or party.’” *Id.* (quoting *CSR Ltd. v. Link*, 925 S.W.2d 591, 594 (Tex. 1996)).

A state court has personal jurisdiction over a nonresident defendant if the state’s long-arm statute permits such jurisdiction and the exercise of jurisdiction is consistent with federal and state due-process guarantees. *Id.* The Texas long-arm statute<sup>8</sup> reaches as far as federal due process allows, so Texas courts may exercise personal jurisdiction over a nonresident if doing so comports with federal due-process limitations. *Id.* Under the Due Process Clause, a state court can exercise personal jurisdiction over a nonresident defendant only if (1) the defendant has

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<sup>8</sup>See TEX. CIV. PRAC. & REM. CODE §§ 17.041–.045 (for suits on business transactions or tort); *id.* §§ 17.061–.069 (for suits against nonresident motor vehicle operators).

established minimum contacts with the state and (2) the exercise of jurisdiction comports with traditional notions of fair play and substantial justice. *Id.*

Under the minimum-contacts prong of the analysis, we consider whether a defendant has established contacts with the state by purposefully availing itself of the privilege of conducting activities there, thereby invoking the benefits and protections of the forum’s laws. *See id.* at 37–38. Three principles guide our purposeful-availing analysis: (i) only the defendant’s contacts with the forum are relevant—not the unilateral activity of another party or a third person; (ii) the contacts must be purposeful rather than random, fortuitous, or attenuated; and (iii) the defendant must seek some benefit, advantage, or profit by availing itself of the jurisdiction. *Id.*

The minimum-contacts test is more or less demanding depending on whether the plaintiff’s claims are related to the defendant’s forum contacts. *See id.* at 37. If the claims are unrelated to the forum contacts, the exercise of jurisdiction is said to be one of general jurisdiction, and the minimum-contacts test is satisfied only if the defendant’s affiliations with the state are so substantial, continuous, and systematic that the defendant is essentially at home in the state. *See id.*; *see also Ford Motor Co. v. Mont. Eighth Jud. Dist.*, 592 U.S. 351, 358–59 (2021) (noting that ordinarily, “an individual is subject to general jurisdiction in her place of domicile” and the equivalent forums for a corporation “are its place of incorporation and principal place of business”). This is a demanding test. *See BNSF Ry. Co. v. Tyrrell*, 581 U.S.

402, 406, 414 (2017) (holding that nonresident railroad was not subject to general jurisdiction in Montana despite having over 2,000 miles of railroad track, over 2,000 employees, and one automotive facility in that state).

Specific jurisdiction is an alternative to general jurisdiction. A court may exercise specific jurisdiction over a defendant if (i) the defendant purposefully availed itself of the forum state and (ii) the plaintiff’s claim arises from or relates to the defendant’s forum contacts. *See TV Azteca*, 490 S.W.3d at 37. In a specific-jurisdiction case, the minimum-contacts analysis focuses on the relationship among the defendant, the forum, and the litigation. *Moki Mac River Expeditions v. Drugg*, 221 S.W.3d 569, 575–76 (Tex. 2007). In *Moki Mac*, the Texas Supreme Court held that specific jurisdiction’s nexus requirement is satisfied only if there a substantial connection between the defendant’s forum contacts and the operative facts of the litigation. *Id.* at 585. And, in *Conexiones Tornado S. de RL. de CV v. Ramirez de Munoz*, No. 05-23-00353-CV, 2024 WL 4262405, at \*5–7 (Tex. App.—Dallas Sept. 23, 2024, no pet.) (mem. op.), we concluded this “substantial connection” test was not abrogated by the *Ford Motor Co.* decision, as the appellee in that case argued.

Finally, even if the defendant has established minimum contacts with the forum state, an exercise of personal jurisdiction violates due process if it offends traditional notions of fair play and substantial justice. *See TV Azteca*, 490 S.W.3d at 55. The exercise of jurisdiction rarely offends fair play and substantial justice when the nonresident defendant has purposefully established minimum contacts

with the forum state. *Retamco Operating, Inc. v. Republic Drilling Co.*, 278 S.W.3d 333, 341 (Tex. 2009).

### *Procedural Rules*

A nonresident challenges a Texas court's personal jurisdiction over it by filing a special appearance. *See* TEX. R. CIV. P. 120a. The plaintiff bears the initial burden to plead sufficient allegations to bring the nonresident defendant within the reach of the long-arm statute. *LG Chem Am., Inc. v. Morgan*, 670 S.W.3d 341, 346 (Tex. 2023). The plaintiff must satisfy that burden in its petition; allegations appearing only in the plaintiff's special-appearance response do not count. *Steward Health Care Sys. LLC v. Saidara*, 633 S.W.3d 120, 129 (Tex. App.—Dallas 2021, no pet.) (en banc). The defendant then bears the burden to negate all bases of personal jurisdiction alleged by the plaintiff in its petition. *Id.*

If the plaintiff fails to allege facts that bring the defendant within the long-arm statute, the defendant carries its burden to negate jurisdiction simply by proving it does not reside in Texas. *Id.* at 126. Otherwise, the defendant can negate personal jurisdiction either legally or factually. *TV Azteca*, 490 S.W.3d at 36 n.4. Legally, the defendant can show that the plaintiff's alleged jurisdictional facts, even if true, do not meet the personal jurisdiction requirements. *Id.* Factually, the defendant can present evidence negating one or more of the requirements, controverting the plaintiff's contrary allegations, and the plaintiff can then respond with evidence supporting the allegations. *Id.*

Although the trial judge acts as the factfinder and must resolve any factual disputes in the special-appearance evidence, the judge must accept as true any clear, direct, and positive evidence presented in an undisputed affidavit. *Forever Living Prods. Int'l, LLC v. AV Eur. GmbH*, 638 S.W.3d 719, 723 (Tex. App.—Dallas 2021, no pet.); *see also Smith v. Patrick W.Y. Tam Tr.*, 296 S.W.3d 545, 547 (Tex. 2009) (“[W]here the testimony of an interested witness is not contradicted by any other witness, or attendant circumstances, and the same is clear, direct and positive, and free from contradiction, inaccuracies, and circumstances tending to cast suspicion thereon, it is taken as true, as a matter of law.”).

#### *Appellate Review Standards*

When we review a trial court’s order deciding a special appearance, we review the trial court’s factual findings, whether express or implied, for legal and factual sufficiency of the evidence. *See BMC Software Belg., N.V. v. Marchand*, 83 S.W.3d 789, 794–95 (Tex. 2002). In a legal-sufficiency review, we view the evidence in the light most favorable to the trial judge’s ruling and indulge every reasonable inference that would support it. *See City of Keller v. Wilson*, 168 S.W.3d 802, 822 (Tex. 2005). The evidence is legally sufficient if it enables reasonable and fair-minded people to reach the finding in question. *See id.* at 827. In a factual-sufficiency review, we consider all the evidence and set the finding aside only if the evidence supporting it is so weak, or the contrary evidence is so overwhelming, that the finding is clearly wrong and unjust. *See Hoss v. Alardin*, 338 S.W.3d 635, 651 (Tex. App.—Dallas

2011, no pet.). The ultimate question of whether the trial court has personal jurisdiction over a defendant is a question of law that we review de novo. *TV Azteca*, 490 S.W.3d at 36 n.4.

### ANALYSIS

In his first issue, Lindberg argues we should reverse and render judgment dismissing Roskind's claims against him because he is not subject to general or specific jurisdiction in Texas. Before we turn to the parties' arguments, we assume, but do not decide, Roskind pleaded sufficient allegations to bring Lindberg within the reach of the applicable long-arm statute<sup>9</sup> and that Lindberg thus bore the burden to negate, either legally or factually, all bases of personal jurisdiction alleged by Roskind in his petition. *See TV Azteca*, 490 S.W.3d at 36 n.4 (discussing burdens).

#### *General Jurisdiction*

In the trial court, Lindberg argued the trial court lacked personal jurisdiction over him based on general jurisdiction, and Roskind did not dispute that argument. On appeal, Roskind now concedes that he does not contend that the trial court has personal jurisdiction over Lindberg based on general jurisdiction. However, even if we assume the trial court made an implied finding that it has general jurisdiction over Lindberg, there is no evidence in the record to support this. The record indicates the parties agree that Lindberg is a Florida resident, and there is no evidence in the

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<sup>9</sup> *See* TEX. CIV. PRAC. & REM. CODE §§ 17.041–.045 (long-arm jurisdiction in suits on business transaction or tort); *see Morgan*, 670 S.W.3d at 346 (describing plaintiff's initial pleading burden).

record to indicate that Lindberg is domiciled in Texas, *see Ford Motor Co.*, 592 U.S. at 358–59, or that his affiliations with Texas are so substantial, continuous, and systematic that he is essentially at home in Texas. *See TV Azteca*, 490 S.W.3d at 37–38. Thus, to the extent the trial court’s decision to overrule Lindberg’s special appearance was based on an implied finding that it had general jurisdiction over Lindberg, this was error.

### *Specific Jurisdiction*

Lindberg also argued below that the trial court lacked personal jurisdiction over him based on specific jurisdiction. Roskind disputed this in the trial court and disputes this on appeal.

In the special appearance hearing, Lindberg argued that he negated Roskind’s allegations supporting jurisdiction and that, even if Roskind’s jurisdictional allegations were true, they do not meet the requirements for personal jurisdiction. The only legal authorities discussed in the hearing were *U.S. Reif Northpointe Centre Texas Ltd. Partnership v. Connett*, No. 05-18-01274-CV, 2019 WL 3315447 (Tex. App.—Dallas Jul. 24, 2019, no pet.) (mem. op.), which Lindberg relied on, and *State v. Volkswagen Aktiengesellschaft*, 669 S.W.3d 399 (Tex. 2023), which Roskind relied on.

On appeal, Lindberg argues, in part, that Roskind failed to allege any facts demonstrating that Lindberg purposefully availed himself of the privileges and benefits of conducting business in Texas and that Roskind failed to establish the

constitutionally-required nexus between Lindberg’s alleged Texas contacts and the claims at issue. Roskind does not directly respond to those arguments; instead, he relies on the *Volkswagen* case he relied upon in the trial court and argues that the trial court has specific jurisdiction over Lindberg because he purposefully availed himself of the Texas market to consummate an illegal scheme, given what Roskind describes as the sham nature of the Beckett Trust and Lindberg’s authority to instruct other entities to “carry out the NoXX Technologies Transaction.”<sup>10</sup>

For the trial court to properly exercise specific jurisdiction in this case, (1) Lindberg must have made minimum contacts with Texas by purposefully availing himself of the privilege of conducting activities here, and (2) his liability must have arisen from or related to those contacts. *See Moki Mac*, 221 S.W.3d at 576. The second element requires a substantial connection between the defendant’s forum contacts and the operative facts of the case. *See id.* at 585. In applying the

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<sup>10</sup> Specifically, in his appellate brief, Roskind argues that Lindberg “is the engineer of a criminal corporate Leviathan—a dizzying number of hundreds of interconnected entities designed to give the impression of Lindberg’s separation and lack of involvement but that are actually manifesting his will at every turn” and that, in this specific instance:

[T]he heart of the matter is the NoXX Technologies Transaction. NoXX Holdings was created and used to acquire NoXX Technologies. To consummate the acquisition, NoXX Holdings needed to pass the decision up the ladder—through Beckett Collectibles to Beckett Holdings to [BKX Holdings, LLC]—to [Beckett Collectibles Trust]. For [Beckett Collectibles Trust] to approve the purchase, the Trustee needed the “prior written consent” of [Entrust Global, LLC, the Beckett Collectibles Trust] grantor. . . . [which] has been solely managed by Lindberg. This direct, vice-grip control through corporate entities readily permits the imputation of the Beckett Entities [sic] to Lindberg.

Roskind defines “Beckett Entities”—a phrase he uses in the last sentence quoted above—as collectively referring to Beckett Collectibles, Beckett Holdings, Beckett Collectibles Trust, BKX Holdings, LLC, NoXX Holdings, and Entrust Global, LLC.

substantial-connection test, we consider factors such as what the claim is principally concerned with, whether the defendant's forum contacts will be the focus of the trial and consume most if not all of the litigation's attention, and whether the contacts are related to the operative facts of the claim. *TV Azteca*, 490 S.W.3d at 53.

Here, the record contains no evidence of any contacts with Texas by Lindberg, and as a result, the record also contains no evidence of any nexus between any such Texas contacts by Lindberg and the claims Roskind asserts against him. Accordingly, keeping in mind the three principles that guide our purposeful-availment analysis,<sup>11</sup> to the extent the trial court overruled Lindberg's special appearance based on an implied finding that the trial court had specific jurisdiction over Lindberg based on sufficient minimum contacts with Texas to constitute purposeful availment and a sufficient nexus between his Texas contacts and the claims Roskind brought against him, we conclude this was error because there is no evidence in the record before us to support such a finding. *See TV Azteca*, 490 S.W.3d at 37 (requirements for specific jurisdiction). We reach this conclusion notwithstanding Roskind's reliance on *Volkswagen*, which we find distinguishable.<sup>12</sup>

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<sup>11</sup> *See TV Azteca*, 490 S.W.3d at 37–38 (noting that the following three principles guide our purposeful-availment analysis: (i) only the defendant's contacts with the forum are relevant—not the unilateral activity of another party or a third person; (ii) the contacts must be purposeful rather than random, fortuitous, or attenuated; and (iii) the defendant must seek some benefit, advantage, or profit by availing itself of the jurisdiction).

<sup>12</sup> In *Volkswagen*, the court concluded the minimum contacts standard for specific jurisdiction over German manufacturers was met “based on evidence of (1) the German manufacturers' intentional conduct; (2) their knowing use of an established and preexisting distribution system . . . to bring their jointly developed software to Texas to alter the [a]ffected [v]ehicles post-sale; (3) the ‘automated download’ of

In light of our conclusion that there is no evidence in the record to support an implied finding that Lindberg had sufficient minimum contacts with Texas to constitute purposeful availment for specific jurisdiction purposes, we need not consider whether exercising personal jurisdiction over Lindberg offends traditional notions of fair play and substantial justice. *See Foley v. Trinity Indus. Leasing Co.*, 314 S.W.3d 593, 602 (Tex. App.—Dallas 2010, no pet.) (court considers second prong of constitutional due process analysis only if minimum contacts are established). We sustain Lindberg’s first issue and need not reach his second.<sup>13</sup>

#### CONCLUSION

We reverse the trial court’s order overruling Lindberg’s special appearance and render judgment dismissing the claims brought against Lindberg for lack of personal jurisdiction.

/Craig Smith/  
CRAIG SMITH  
JUSTICE

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the software through a conduit server for installation on targeted Texas vehicles; and (4) use of the manufacturers’ proprietary diagnostic system to install the software in Texas.” *Volkswagen*, 669 S.W.3d at 416. No similar evidence exists here. Even if we take as true Roskind’s argument that, to consummate the NoXX Technologies acquisition, NoXX Holdings had to pass the decision up the ladder through Beckett Collectibles, to Beckett Holdings, to BXX Holdings, LLC, to Beckett Collectibles Trust, which then had to obtain prior written consent of Entrust Global, LLC, this still does nothing to show the existence of sufficient minimum contacts with Texas by Lindberg to justify specific jurisdiction over him in this case.

<sup>13</sup> Roskind has conceded that he is not arguing that the trial court had personal jurisdiction over Lindberg based on an alter ego theory, so we need not reach Lindberg’s second issue. *See* TEX. R. APP. P. 41.7 (“The court of appeals must hand down a written opinion that is as brief as practicable but that addresses every issue raised and necessary to final disposition of the appeal.”).



**Court of Appeals  
Fifth District of Texas at Dallas**

**JUDGMENT**

GREG LINDBERG, Appellant

No. 05-25-00014-CV      V.

SCOTT ROSKIND,  
INDIVIDUALLY, AS  
REPRESENTATIVE FOR THE  
STAKEHOLDERS OF NOXX  
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Appellee

On Appeal from the County Court at  
Law No. 4, Dallas County, Texas  
Trial Court Cause No. CC-24-04214-D.  
Opinion delivered by Justice Smith.  
Justices Clinton and Barbare  
participating.

In accordance with this Court's opinion of this date, the trial court's order overruling appellant's special appearance is **REVERSED** and judgment is **RENDERED** dismissing appellee's claims against appellant for lack of personal jurisdiction.

It is **ORDERED** that appellant GREG LINDBERG recover his costs of this appeal from appellee SCOTT ROSKIND, INDIVIDUALLY, AS REPRESENTATIVE FOR THE STAKEHOLDERS OF NOXX TECHNOLOGIES, INC., AND DERIVATIVELY ON BEHALF OF NOXX TECHNOLOGIES, INC.

Judgment entered this 11<sup>th</sup> day of August 2025.