



**In the  
Court of Appeals  
Second Appellate District of Texas  
at Fort Worth**

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No. 02-20-00054-CV

No. 02-21-00137-CV

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CHESAPEAKE EXPLORATION, L.L.C. AND TOTAL E&P USA, INC.,  
Appellants

v.

DALLAS/FORT WORTH INTERNATIONAL AIRPORT BOARD, CITY OF  
DALLAS, AND CITY OF FORT WORTH, Appellees

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On Appeal from the 67th District Court  
Tarrant County, Texas  
Trial Court No. 067-286059-16

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Before Kerr, Birdwell, and Walker, JJ.  
Memorandum Opinion by Justice Kerr

## MEMORANDUM OPINION AND JUDGMENT

Chesapeake Exploration, L.L.C. and Total E&P USA, Inc. appealed from the trial court's Amended Order of Severance and Final Judgment. On June 29, 2020, Chesapeake Energy Corporation notified us that it and its subsidiaries—which include Chesapeake Exploration—had filed a bankruptcy petition in the United States Bankruptcy Court for the Southern District of Texas, Cause No. 20-332233. *See* Tex. R. App. P. 8.1. We promptly suspended the appeal and stayed it for administrative purposes. *See* Tex. R. App. P. 8.2.

In January 2021, the bankruptcy court confirmed a Chapter 11 reorganization plan that requires Chesapeake Exploration to move to dismiss its appeal with prejudice.<sup>1</sup> To comply with the plan, Chesapeake Exploration has moved to reinstate the appeal and to sever and dismiss its appeal only.<sup>2</sup> *See* Tex. R. App. P. 8.3, 42.1(a)(1), (b).

We grant Chesapeake Exploration's motion. We reinstate the appeal, sever Chesapeake Exploration's appeal from cause number 02-20-00054-CV, and docket it under cause number 02-21-00137-CV. We dismiss with prejudice the appeal in cause

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<sup>1</sup>We construe the bankruptcy court's unequivocal directive that Chesapeake Exploration dismiss its appeal as authorizing us to reinstate the appeal and to dismiss it as to Chesapeake Exploration without the need for specific lift-stay language in the reorganization plan to effect that dismissal.

<sup>2</sup>The motion is unopposed, and a copy of the bankruptcy court's "Order Confirming Fifth Amended Joint Chapter 11 Plan of Reorganization of Chesapeake Energy Corporation and its Debtor Affiliates" is attached in support of the motion.

number 02-21-00137-CV. *See* Tex. R. App. P. 42.1(a)(1), (b), 43.2(f); *see also Realtex Constr., LLC v. Rico*, No. 07-18-00325-CV, 2020 WL 3477177, at \*1 (Tex. App.—Amarillo June 16, 2020, no pet.) (per curiam) (reinstating appeal based on Chapter 11 reorganization plan requiring appellant to seek dismissal of appeal and dismissing appeal on appellant’s motion). Chesapeake Exploration must pay all costs of the appeal between it and appellees. *See* Tex. R. App. P. 42.1(d), 43.4.

Total E&P’s appeal will continue under cause number 02-20-00054-CV, hereinafter styled *Total E&P USA, Inc. v. Dallas/Fort Worth International Airport Board, City of Dallas, and City of Fort Worth*.

/s/ Elizabeth Kerr  
Elizabeth Kerr  
Justice

Delivered: May 13, 2021