

## Appellate Court Affirms Summary Judgment in HeplerBroom Case with International Dimensions

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The Eighth Circuit Court of Appeals has affirmed the summary judgment obtained by Glenn Davis and Charles Insler in a wrongful death case with international implications.

The case arose out of the tragic electrocution of a six-year-old child at a fast-food franchise restaurant in Amman, Jordan. The Plaintiffs, all Jordanian citizens, filed suit in federal court in St. Louis alleging claims of negligence and wrongful death. After significant battles over the proper forum for the case, the United States District Court for the Eastern District of Missouri granted Davis and Insler's Motion for Summary Judgment. The summary judgment ruling also involved thorny conflicts of law issues, with the application of both U.S. and Kingdom of Jordan laws.

The plaintiffs filed an appeal. The primary issue on appeal involved plaintiffs' attempt to hold a franchisor directly or indirectly responsible for an accident which occurred in an independently owned franchise restaurant. The District Court found no basis for vicarious liability on any of the theories advanced by the plaintiffs in a well-reasoned opinion. Following oral argument in January 2023, the Eighth Circuit upheld the summary judgment in all respects.

Davis and Insler are both partners in the firm's St. Louis office. Davis handles complex litigation and business counseling issues in a broad range of contexts and also leads HeplerBroom's HBCyberGroup. He is rated an AV Preeminent Attorney by Martindale-Hubbell and is a multi-year and multi-category recipient of Best Lawyers in America's Lawyer of the Year award. Insler concentrates his practice on appellate advocacy and complex commercial litigation, including the defense of antitrust, securities, and cybersecurity litigation. He is currently a member of the ABA's Forum on Communications Law and speaks and writes regularly on cybersecurity and other legal issues.

### ATTORNEYS

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