

HEPLERBROOM LLC

CHARLES N. INSLER

Partner | St. Louis, MO
charles.insler@heplerbroom.com
(314) 480-4219

Charles N. Insler is an accomplished writer who helps spearhead the firm's appellate practice. He has briefed more than 15 appeals over the last five years, culminating in recent victories before the Illinois Supreme Court and the U.S. Court of Appeals for the Seventh Circuit. Mr. Insler's appellate practice covers a variety of procedural and substantive legal issues and has reached all five Appellate Districts in Illinois, all three Appellate Districts in Missouri, as well as the Illinois Supreme Court, the Missouri Supreme Court, and the U.S. Courts of Appeals for the Seventh and Eighth Circuits. He is frequently asked to handle appeals for cases he did not handle at the trial level.

Mr. Insler's practice also includes a concentration on complex commercial litigation, which can involve cases touching on antitrust and unfair competition matters, business torts, class actions, intellectual property disputes, securities law, and cybersecurity. He also has experience representing clients in insurance matters and has defended employers against discrimination claims and other employment-related matters.

Before joining HeplerBroom, he worked for a boutique firm in Baltimore, litigating class action securities fraud and fiduciary duty cases in state and federal courts around the country. Before that, he served as the law clerk to a Federal Magistrate Judge on the U.S. District Court for the Eastern District of Missouri and as a staff attorney for the U.S. Court of Appeals for the Sixth Circuit.

Before starting law school, Mr. Insler completed a year of study at the Institut d'Études Politiques (Sciences-Po) in Paris, France. He continues to maintain his French fluency.

He frequently contributes to legal and non-legal publications, and his writing has appeared in publications as diverse as the *Illinois Bar Journal, Communications Lawyer, Litigation, St. Louis Post-Dispatch,* and the *Cincinnati Enquirer.* His non-legal writing is also featured on the cooking blog he maintains (http://www.judicialpeach.com), which collects over 200 original recipes

Practices:

- Antitrust
- Appellate
- Business & Corporate
- Class & Mass Tort Actions
- Commercial Litigation
- Cybersecurity & Privacy Protection
- Distribution & Franchise
- Employment & Labor
- Securities & Financial Litigation

Education:

- Washington University in St. Louis School of Law, L.L.M. in Intellectual Property, first in class, 2007
- Tulane University School of Law, J.D., 2006
- Princeton University, B.A. in History, 2003

Bar Admissions:

- Missouri
- Illinois
- District of Columbia
- Maryland
- U.S. Courts of Appeals for the
  - 7th Circuit
  - 8th Circuit
- U.S. District Courts for the
  - Eastern District of Missouri
  - Western District of Missouri
  - Northern District of Illinois
  - Southern District of Illinois
  - District of Maryland
  - District of Columbia

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Results

- Representative Commercial Litigation and Contract Matters
- Won affirmance for the City of Waukegan, after winning summary judgment for City of Waukegan on plaintiff's class-of-one Equal Protection claim, alleging the City discriminated against plaintiff during the process for selecting its casino operator. Waukegan Potawatomi Casino v. City of Waukegan,128 F.4th 871 (7th Cir. 2025).
- Won reversal of the Court of Appeal's decision and reinstatement of the Circuit Court's dismissal for the City of Waukegan, in an appeal before the Illinois Supreme Court, relating to the City's defense of its process for selecting its casino developer. Waukegan Potawatomi Casino v. Illinois Gaming Board, 2025 IL 130036.
- Won summary judgment for accounting firm in lawsuit accusing the firm of negligent misrepresentations in its audit work after audit company's client defaulted on a $3.5 million loan. Central Bank of St. Louis v. Stone Carlie & Company, LLC, No. 18SL-CC03021 (Mo. Cir. Ct.).
- Won affirmance of motion to dismiss for City of Waukegan relating to Waukegan Gaming's allegation that it had an exclusive agreement with the City of Waukegan to be the City's casino operator. Waukegan Gaming, LLC v. City of Waukegan, 2023 IL App (2d) 220426
- Won affirmance for restaurant franchisor in an appeal of a favorable summary judgment ruling stemming from the death of a child in a franchise restaurant in Amman, Jordan. Hersh v. CKE Restaurants Holdings, Inc., 2023 WL 2620251 (8th Cir. 2023) (Hersh II).
- Successfully defended the City of Waukegan in an interlocutory appeal in which the Potawatomi Casino sought an injunction to halt the Illinois Gaming Board from making a preliminary determination on the suitability of the City's casino operator. Waukegan Potawatomi Casino v. City of Waukegan, No. 1-21-1561 (1st Dist.).
- Represented appellant CSAC in an appeal of an order denying a motion to compel arbitration. CSAC, Inc. v. Crawford, 635 S.W.3d 148 (Mo. App. Ct. 2021) (Per Curiam).
- Represented restaurant franchisor in an appeal of a favorable forum non conveniens ruling stemming from the death of a child in a franchise restaurant in Amman, Jordan. Hersh v. CKE Restaurants Holdings, Inc., 995 F.3d 659 (8th Cir. 2021) (Hersh I).
- Won reversal of an adverse motion for judgment on the pleadings for valve manufacturer in a first-party insurance coverage dispute. Federated Mutual Ins. Co. v. Coyle Mech. Supply,

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Inc., 983 F.3d 307 (7th Cir. 2020).

- Successfully defended aviation services company against accusations it failed to detect issues with recently purchased private jet. JR14, LLC v. JetCorp Technical Services, Inc., 2018 WL 3159839 (E.D. Mo. Apr. 23, 2018).
- Won motion to dismiss on personal jurisdiction grounds in case involving allegations of copyright infringement of photographs of motor vehicle accessories. etrailer Corporation v. Automatic Equipment Mfg Co., 2018 WL 1535473 (E.D. Mo. March 29, 2018)
- Won affirmance of a motion for judgment on the pleadings and an award of attorneys' fees for a pharmaceutical company against Fortune-50 food production company in breach of contract action. ADM All. Nutrition, Inc. v. SGA Pharm Lab, Inc., 877 F.3d 742 (7th Cir. 2017).
- Successfully defended franchise in enforcing its arbitration clause and compelling arbitration. Torres v. Simpatico, Inc., 781 F.3d 963 (8th Cir. 2015).
- Representative Class Action Matters
- Defended car dealership in class action against allegations its notice letters did not comply with the Uniform Commercial Code. CSAC, Inc. v. Crawford, 635 S.W.3d 148 (Mo. App. Ct. 2021) (Per Curiam).
- Defended franchisee trampoline park in a class action alleging violations of the Biometric Information Privacy Act. Stauffer v. Innovative Heights Fairview Heights, LLC, 480 F. Supp. 3d 888 (S.D. Ill. 2020).
- Defended insurance company in a class action accusing the company of engaging in illegal subrogation claims. White Knight Diner, LLC v. Arbitration Forums, Inc. 2019 WL 1327051 (E.D. Mo. March 25, 2019).
- Defeated plaintiff's motion for class certification and subsequently won summary judgment in case involving allegations of unauthorized practice of law in Circuit Court for Cole County, Missouri. Lucas Subway MidMo, Inc. v. Mandatory Poster Agency, Inc., 524 S.W.3d 116 (Mo. Ct. App. 2017).
- Representative Privacy And Regulatory Matters
- Defended franchisee trampoline park in a class action alleging violations of the Biometric Information Privacy Act. Stauffer v. Innovative Heights Fairview Heights, LLC, 480 F. Supp. 3d 888 (S.D. Ill. 2020).
- Conducted forensic analysis of client's devices and counseled client on potential causes of

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action related to unauthorized intrusion of network.

- Counseled grocery store chain on trends in food and beverage litigation, including (1) false labeling claims (like white chocolate or “real cocoa”), (2) slack-fill, (3) animal welfare (such as “dolphin safe” or “cage free”), (4) origin status, (5) vanilla, and (6) “All Natural” and “No Artificial Flavors” claims. Identified products that might leave the company vulnerable to litigation.
- Representative Employment Matters
- Won appeal of attorney’s fee award in Prevailing Wage Act and Wage Payment and Collection Act, along with award of appellate fees, in Third District Court of Appeals. Jones v. Brandt Constr. Co., 2022 IL App (3d) 210389-U.
- Defended restaurant against allegations it did not pay certain employees a fair wage or overtime wages in violation of the Fair Labor Standards Act. Tiburcio v. Chelbrans’ Inc., No. 3:22-CV-1088 (S.D. Ill.).
- Counseled hospital system on legality of vaccine mandate policy and prepared injunction papers in anticipation of class action litigation and requests for injunctive relief to enjoin enforcement of the policy.
- Represented a janitor in a case against her employer, alleging she was retaliated against for complaining about a supervisor in violation of Title VII. Moore v. St. Louis Community College, No. 4:19-CV-0006 (E.D. Mo.).
- Defended a casino against allegations its property was not sufficiently accessible to those with handicaps in violation of the Americans with Disabilities Act. Tooley v. GLP Capital L.P., No. 4:17-CV-2129 (E.D. Mo.).
- Defended a genomics company against claims that an employee was sexually harassed by her supervisor and subject to a hostile work environment in violation of the Missouri Human Rights Act. Mueller v. Cofactor Genomics, No. 1322-CC10101 (St. Louis City Circuit Court).
- Representative Banking and Securities Matters
- Representing a series of companies in a challenge to the constitutionality of the Missouri Commercial Receivership Act. Patriots Bank v. Black River Motel, LLC, No. SC99567 (Mo.).
- Representing car dealership against U.S. Bank to determine the rightful owner of interpled funds arising from an earlier garnishment proceeding. Earth Motorcars, LLC v. U.S. Bank National Association, No. SD37959 (Mo. App. Ct.).
- Prevailed in a seven-day FINRA Arbitration proceeding on behalf of claimants’ alleging the

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respondents executed trades without the necessary authority and without consideration for the claimants' best interests. Brucker et al. v. Wells Fargo Advisors, LLC et al., No. 17-02896 (FINRA Aug. 2019).

- Representative Constitutional Matters
- Secured affirmance of jury's defense verdict for hog farming operator and won cross-appeal to obtain $2.5 million fee award for the hog farming operator in a matter of first impression. Marsh v. Sandstone N., LLC, 2020 IL App (4th) 190314.
- Defeated qualified immunity challenge while representing plaintiff, pro bono, in excessive force claim against St. Louis City police officer. Graham v. St. Louis Metro. Police Dep't, 933 F.3d 1007 (8th Cir. 2019).
- Representative Insurance Coverage Matters
- Defended insurance company against allegations it underpaid "actual cash value" of vehicle claims. Schoenholtz v. Twin City Fire Insurance Co., No. 4:22-CV-778 (E.D. Mo.).
- Represented insured in insurance coverage case involving question of whether policy provided coverage under the Biometric Information Privacy Act. Everest National Insurance Co. v. Innovative Heights Fairview Heights, LLC, No. 3:19-CV-900 (S.D. Ill.).
- Won reversal of an adverse motion for judgment on the pleadings for valve manufacturer in a first-party insurance coverage dispute. Federated Mutual Ins. Co. v. Coyle Mech. Supply, Inc., 983 F.3d 307 (7th Cir. 2020).
- Litigated insurance coverage issues on behalf of a valve manufacturer in a first-party insurance coverage dispute. Federated Mutual Insurance Co. v. Coyle Mechanical Supply, 447 F. Supp. 3d 745 (S.D. Ill. 2020).
- Defended insurance company in a class action accusing the company of engaging in illegal subrogation claims. White Knight Diner, LLC v. Arbitration Forums, Inc. 2019 WL 1327051 (E.D. Mo. March 25, 2019).
- Representative Professional Malpractice Matters
- Won summary judgment for accounting firm in lawsuit accusing the firm of negligent misrepresentations in its audit work after audit company's client defaulted on a $3.5 million loan. Central Bank of St. Louis v. Stone Carlie & Company, LLC, No. 18SL-CC03021 (Mo. Cir. Ct.).
- Defended attorney against allegations of legal malpractice in the drafting of corporate

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documents for a start-up company. Ray v. Crain, 2021-L-18 (Ill. Cir. Ct.).

- Successfully defended accounting firm against allegations of negligence in a lawsuit seeking more than $45 million in damages. Morriss v. UHY Advisors Mo., Inc., 12SL-PR03035 (Mo. Cir. Ct.).
- Representative Jury Trials, Bench Trials, and Arbitrations
- Represented car dealership against U.S. Bank to determine rightful owner of interpled funds arising from an earlier garnishment proceeding. Earth Motorcars, LLC v. U.S. Bank National Ass'n, No. 1931-CC01247 (Mo. Cir. Ct. Feb. 2023).
- Served as first chair in a jury trial, representing the plaintiff in a civil rights case alleging excessive force in the course of an arrest. Graham v. Klipsch, No. 4:15-CV-1324 AGF (E.D. Mo. Dec. 2021).
- Represented claimants in a seven-day FINRA Arbitration proceeding alleging the respondents executed trades without the necessary authority and without consideration for the claimants' best interests. The three arbitrators awarded the claimants the entirety of their compensatory losses and awarded half of the attorneys' fees that were requested. Brucker et al. v. Wells Fargo Advisors, LLC et al., No. 17-02896. (FINRA Aug. 2019).

Honors & Awards

- Best Lawyers of America (2024-2027)

Professional Associations

- American Bar Association
  - Forum on Communications Law
- Defense Research Institute
- Illinois Bar Association
- Litigation Counsel of America
  - Fellow

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- The Missouri Bar
- Missouri Organization of Defense Lawyers
- St. Louis County Bar Association