



CHARLES N. INSLER

Partner

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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. Mr. Insler also has experience representing clients in insurance matters and has defended employers against discrimination claims and other employment-related matters.

Before joining HeplerBroom, Mr. Insler 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

PRACTICES

Antitrust

Appellate

Business & Corporate

Class & Mass Tort Actions

Commercial Litigation

Cybersecurity & Privacy
Protection

Distribution & Franchise

Employment & Labor

Securities & Financial Litigation

BAR ADMISSIONS

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

attorney for the U.S. Court of Appeals for the Sixth Circuit.

Mr. Insler 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*. He also maintains a cooking blog (<http://www.judicialpeach.com>) with over 200 original recipes.

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*

- 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

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

LAW SCHOOL HONORS/ INVOLVEMENT

- *Tulane Maritime Law Journal*
 - Managing Editor
- Highest Grade in Constitutional Law: Freedoms of Speech and Press

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, 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 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 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 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).

FEBRUARY 20, 2025

Davis and Insler Prevail Once Again in Casino Gaming License Case

JANUARY 28, 2025

Davis and Insler Prevail in Illinois Supreme Court Decision in Casino Licensing Case

APRIL 4, 2024

Davis and Insler Secure Summary Judgment in a Complex §1983 and Casino Licensing Case

NOVEMBER 1, 2022

Insler and Davis Secure Dismissal of Breach of Contract Lawsuit Against City of Waukegan

JULY 5, 2022

Illinois Appellate Court Upholds HeplerBroom Clients Right to Recover Attorney Fees

AUGUST 25, 2020

Environmental Attorneys Secure Important Legal Precedent for Farmers

SEPTEMBER 10, 2019

Davis and Insler Secure Securities Arbitration Award for Clients

AUGUST 8, 2019

Davis and Insler Secure Forum Non Conveniens Dismissal of Internationally Rooted Case

SEPTEMBER 29, 2016

Insler Obtains Dismissal with Prejudice for Federal Loan Servicer in TCPA Lawsuit

JANUARY 19, 2016

Davis, Insler, and Leible Achieved Significant Victory in Defeating Class Certification Motion

Honors

Honors & Awards

- Best Lawyers of America (2024-2026)

Professional Associations

- American Bar Association
 - Forum on Communications Law
- Defense Research Institute
- Illinois Bar Association
- The Missouri Bar
- Missouri Organization of Defense Lawyers
- St. Louis County Bar Association

Insights

Events & Speaking Engagements

- “How to Defend Your City Against Unhappy Bidders and License Applicants,” Illinois Municipal League Annual Conference (2025).
- “Is BIPA the Gift that Keeps Giving? How Coverage Litigation May Be the Next BIPA Hot Spot,” Illinois Defense Counsel (2024).
- “Recent Significant Developments in Consumer Protection Law,” American Bar Association audio seminar (2020). (co-presenter)
- “Data Security and Privacy Issues Know No Borders,” 14th Annual Sedona Conference Institute: eDiscovery, Data Privacy, and Security (St. Louis MO, 2020). (Co-presenter)
- “The Rise of Litigation Under Illinois’s Biometric Information Privacy Act,” HeplerBroom Employment Law Seminar (Edwardsville IL, 2017)
- “Crafting a Cyberinsurance Policy,” HeplerBroom University (Edwardsville IL, 2017)
- “Improving Your Legal Writing,” HeplerBroom University (Edwardsville IL, 2015; St. Louis MO, 2016).

Publications

- “BIPA Ruling Furthers Mixed Signals on Insurance Coverage,” *Law360* (May 23, 2023).

- "Insurance Providers & BIPA Litigation," *Illinois Bar Journal* Vol. 110 No. 10 (October 2022).
- "Rule 317, Appeal as a Matter of Right," *Illinois Bar Journal* (May 2021).
- "Will the Proposed Amendments to the Biometric Information Privacy Act (BIPA) Be Retroactive?" *Business Law Today* (April 2021).
- "Litigation under the Biometric Information Privacy Act after *Rosenbach*: Still a Wild Ride," *Illinois Bar Journal* (January 2020).
- "How to Ride the Litigation Rollercoaster Driven by the Biometric Information Privacy Act," *Southern Illinois Law Journal*, Vol. 43 (October 2019).
- "How to Tackle Litigation under the Biometric Information Privacy Act," *The Computer and Internet Lawyer* (December 2018).
- "Understanding the Biometric Information Privacy Act Litigation Explosion," *Illinois Bar Journal* (March 2018).
- "O-M-G. Worst Article EVERRRR!!! Or when Does the Yelp-fueled Takedown Rise to Defamation," *Communications Lawyer* (Fall 2017).
- "Raging Zombies: Kill Nominalizations, Breathe Life Back into Briefs," *For the Defense* (October 2017).
- "Who's Calling? TCPA Litigation in the Aftermath of Spokeo," *Business Law Today* (February 2017).
- "Crafting a Cybersecurity Policy: Defending Against Today's Digital Threats," *In-House Defense Quarterly* (Winter 2017).
- "*Campbell-Ewald* Fails to Rein in the 'National Cash-Cow' that is TCPA Litigation," *For the Business Suit* (June 3, 2016).
- "Using Parallel Government Litigation as a Defense," *In-House Defense Quarterly* (Spring 2016).
- "In (Partial) Defense of Internet Trolls: Advocating a Flexible Summary Judgment Standard before Unmasking Anonymous Commentators Accused of Defamation," *Communications Lawyer* (Winter 2016).
- "Please Call Again: The State of TCPA Litigation After *Campbell-Ewald*," *IDC Quarterly* (Second Quarter 2016).
- "Opening Lines," *Litigation*, Volume 42, No.2 (Winter 2016).
- "Fighting the Square Footage Fight," *In-House Defense Quarterly* (Winter 2016).
- "The French Competition Authority Sanctions an Anti-Competitive Agreement on Dairy Products Sold Under Retailers' Private Labels," *e-Competitions Bulletin* (November 2015).
- "Fighting the CAFA Fight in the Eighth Circuit," *The Voice*, Volume 14, Issue 39 (Sept. 30, 2015).
- "The French Supreme Court Rejects Parent Company's Authority and Revenue as Basis for Fines," *e-Competitions Bulletin* (February 2014).

MAY 4, 2017 | PUBLICATION

Insler and Bauer Publish Article on Concussion-Related Injuries and Litigation

Blog Posts

DECEMBER 23, 2025 | BLOG

5 Keys to Crafting Non-Compete Agreements in Missouri After FTC Abandons Its Nationwide Ban

JANUARY 23, 2025 | BLOG

To File or Not to File? The Ongoing Uncertainty of the Corporate Transparency Act's Beneficial Ownership Information Report Filing Requirement

FEBRUARY 13, 2024 | BLOG

Is There Insurance Coverage for an Underlying BIPA Lawsuit?

MAY 25, 2023 | BLOG

BIPA Ruling Furthers Mixed Signals On Insurance Coverage

OCTOBER 6, 2022 | BLOG

Insurance Providers & BIPA Litigation: Are Insurers Obligated to Defend Their Insureds in BIPA Litigation?

OCTOBER 29, 2021 | BLOG

No Southern Hospitality: The District of South Carolina Denies Plaintiffs' Requests to Enjoin Local Governments' Vaccine Mandates

OCTOBER 26, 2021 | BLOG

Not Ducking the Issue: The District of Oregon Denies Requests to Enjoin State's Vaccine Mandates

OCTOBER 25, 2021 | BLOG

First Circuit Affirms Maine's COVID-19 Vaccination Mandate

MAY 4, 2021 | BLOG

Four Appellate Decisions Could Alter the Current Landscape for Claims Under Illinois' Biometric Information Privacy Act (BIPA)

FEBRUARY 9, 2021 | BLOG

The Biometric Information Privacy Act (BIPA) Is Back Before the Illinois Supreme Court

NOVEMBER 3, 2020 | BLOG

Could the Illinois Biometric Information Privacy Act (BIPA) Have a One-Year Statute of Limitations?

FEBRUARY 4, 2020 | BLOG

Facebook Tagged for \$550 Million Settlement

JULY 16, 2019 | BLOG

Is the Illinois Biometric Information Privacy Act (BIPA) Unconstitutional?

JANUARY 29, 2019 | BLOG

Get Ready for a Wild Ride: The Illinois Supreme Court Decides that a Bare Violation of BIPA Supports a Cause of Action, with No Actual Injury Required

JUNE 21, 2018 | [BLOG](#)

Welcome to the United States. Now Please Enter Your Passcode

JULY 16, 2015 | [BLOG](#)

Changing Creameries: A Look Inside France's Yogurt Cartel

DECEMBER 11, 2014 | [BLOG](#)

Shhhhhhh!! It's a Trade Secret!