

# Pat Pascarella

PARTNER / GENERAL COUNSEL

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📍 Dallas



Pat Pascarella has handled some of the most complicated antitrust cases in history, including the largest mergers on record, the US v. Microsoft monopolization case, and multiple antitrust litigations that have shaped the contours of modern antitrust law. He successfully represented clients in the most important Supreme Court antitrust victories in the past twenty years including: Bell Atlantic v. Twombly and Pacific Bell v. linkLine.

Prior to joining Bona Law, Pat was Chief Antitrust Counsel at AT&T and served with the U.S. Department of Justice Antitrust Division – where, among other things, he opened the successful investigation and prosecution of the NASDAQ market makers. He most recently was a partner at two major law firms, chairing the antitrust and competition law group at one of them.

Because of Pat's successful track record as a government enforcer and private litigator, he is one of the few private lawyers asked by the California Attorney General's Office to serve as trial counsel for the government in the prosecution of a high-profile price-fixing case.

Pat describes his practice as protecting and enabling clients and credits his effectiveness to his diverse background. In addition to litigation, Pat assists clients in responding to civil and criminal investigations before the DOJ, FTC, and states' attorneys general, as well as foreign competition enforcers in Europe, Mexico, and South America. Pat has successfully concluded numerous investigations – one of note being the complete revocation of a billion-dollar fine imposed by the Mexican antitrust authority against América Móvil's TelCel in an abuse-of-dominance case.

## Education

**J.D., George Washington University  
National Law Center**

**B.A., The Ohio State University**

## Government Service

Antitrust Division, U.S. Department of  
Justice D.C. (1993-1996)

Lecturer, National Defense University,  
Industrial College of the Armed Forces  
D.C. (1995, 1996)

Summer Associate, U.S. Attorney's Office  
D.C. (1982)

## Admissions

District of Columbia

Texas

Ohio (inactive)

Pat regularly advises clients on all manner of business activities from pricing and distribution to mergers and joint ventures. Pat pioneered the pre-merger planning process that today enables clients to accelerate the post-closing capture of merger-related efficiencies and has developed antitrust compliance programs for companies of all shapes and sizes.

Pat has represented clients in a multitude of industries including telecommunications and technology, media and entertainment, cryptocurrency, digital platforms, cybersecurity, oil and gas, pharmaceuticals, manufacturing, sports, cement, military weapons systems, and ice cream.

## Representative Matters

- Lead outside litigation counsel for the California Attorney General in prosecution of a price fixing case against global gasoline trading firms. *People v. Vitol* (C.D.Cal.)
- Defended national trucking company in Section 1 “no poach” class action. *Markson v. CRST International, Inc.* (C.D.Cal.)
- Defended medical device manufacturer in Section 1 and 2 Sherman Act lawsuit (exclusive dealing and refusal to deal) brought by generic drug manufacturer.
- Prosecuted a Noerr Pennington sham litigation action on behalf of a major international telecommunications firm.
- Defended a wireless network infrastructure provider in the text-messaging price-fixing litigation. *In re A2P SMS Antitrust Litigation* (S.D.N.Y.)
- Defended government contractors in conspiracy and attempt to monopolize lawsuit in Northern District of Ohio.
- After assuming defense of a US carrier in ongoing litigation, convinced federal judge to reverse her prior adverse summary judgment ruling in a Sections 1 and 2 antitrust action. *Jensen v. OldCastle* (N.D.Cal.)
- Defended regional sports governing body against conspiracy and monopolization cases in federal district court. *Levin v. Northeastern Ohio Tennis Assoc. et al.* (S.D.Ohio)

- Defended incumbent local telephone company in price-squeeze lawsuit. Pacific Bell v. linkLine (USSC)
- Defended incumbent local telephone company in Section 1 lawsuit. Bell Atlantic v Twombly (USSC)
- Unanimous jury verdict rejecting tying and monopolization claims against a US carrier in California state court. RLH v. SBC Communications

## Publications

- Practical Advice for In-House Counsel Amid the Antitrust Sound and Fury, The Antitrust Attorney Blog (September 1, 2021)
- New York's Proposed Antitrust Laws Are Out of Sync with US Law, Law360 (September 14, 2020)
- Antitrust Compliance Can Help Cut Costs, Law360 (July 17, 2020)
- Pat Pascarella Named to Law360's Competition Editorial Advisory Board, Law360 (March 13, 2019)
- Interlocking Directorates – Not Just a Section 8 Issue, Law360 (October 6, 2017)
- The Resale Price Maintenance Two-Step, DRI's For the Defense (October 1, 2017)
- Product-Hopping Cases: A Bad Prescription for Consumers, Law360 (August 14, 2015)
- Major Makeover in the Works for Mexican Competition Law, Law 360 (March 18, 2013)

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