

Steven C. Sunshine

Skadden

Partner, Washington, D.C.

Antitrust/Competition



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Education

J.D., Boston College
(*magna cum laude*)

B.A., Brown University (Chemistry)

Bar Admissions

District of Columbia
New York

Government Service

Deputy Assistant Attorney General
in Charge of Merger Enforcement,
U.S. Department of Justice, Antitrust
Division (1994-1995)

Steven C. Sunshine is the head of Skadden's Global Antitrust/Competition Group. He represents clients in connection with antitrust aspects of mergers and acquisitions, litigation, counseling and grand jury investigations.

Mr. Sunshine is recognized as a leading antitrust practitioner and is repeatedly listed in *Best of the Best USA* as one of the top competition lawyers in the world and in Lawdragon 500 Leading Lawyers in America. He also was named to Lawdragon's inaugural list of the 500 Leading Litigators in America and to the Lawdragon Hall of Fame, which recognizes past members of the Lawdragon 500 who have made remarkable contributions as leaders in their field. He was named by *The National Law Journal* as a 2020 Winning Litigator and previously as one of the publication's Trailblazers, honoring lawyers who have advanced their legal practice areas through the use of innovative strategies. He regularly is selected for inclusion in *Chambers Global*, *Chambers USA*, *Who's Who Legal* and *The Best Lawyers in America*, and named as a leading lawyer by *Legal 500*. Mr. Sunshine repeatedly has been named as a *Law360* MVP in the competition category (including 2020), a Litigator of the Week by *The Am Law Litigation Daily* and a finalist for *Global Competition Review's* Antitrust Lawyer of the Year. The *Financial Times* report on U.S. Innovative Lawyers recognized his work on *Sprint v. AT&T* as a Standout litigation matter. He also has been repeatedly cited as a Star by *LMG Life Sciences*.

Mr. Sunshine was formerly deputy assistant attorney general in charge of merger enforcement at the U.S. Department of Justice, Antitrust Division. While there, he supervised interventions in more than 35 proposed transactions, including those in the telecommunications, computer, consumer products, mining and industrial sectors.

Mr. Sunshine has led antitrust representations in numerous M&A transactions, including Activision/Microsoft; Adobe/Figma; Sprint/T-Mobile; HPE/Cray; Visa/Plaid; Coherent/II-VI; DoorDash/Caviar; Xilinx/AMD; Intel/Apple; NXP/Qualcomm; Embraer/Boeing; Becton Dickinson/C.R. Bard; Nokia/Alcatel-Lucent; Intel/Mobileye; Cardinal/Medtronic; Yahoo!/Verizon; HP/HyperX and Samsung sale of printers; Broadcom/Avago; Plum Creek/Weyerhaeuser; Freescale/NXP; Anheuser-Busch/Grupo Modelo; Sprint/Clearwire; Air Products/Evonik; SanDisk/Western Digital; Southwest/AirTran; Gilead/Pharmasset; SanDisk/Fusion-io; Rite-Aid/Envision; Cisco/Tandberg; Exelon/Constellation and Pepco; Duke/Progress Energy; Corning/Becton Dickinson Labware; Valeant/Allergan, Medicis and Bausch & Lomb; Jet Aviation/General Dynamics; Actavis/Forest and Warner Chilcott; Rockwood/Elementis; and De Beers/Louis Vuitton.

Mr. Sunshine's litigation experience includes defending Sprint in a challenge by 14 states to its merger with T-Mobile; defending Sabre Corporation in the Justice Department's challenge to its proposed acquisition of FareLogix; defending EnergySolutions in DOJ's challenge of its proposed acquisition of WCS; defending Sabre Corporation against a monopolization action brought by USAir; representing Sprint in its antitrust challenge to AT&T's acquisition of T-Mobile; defending Apple in a class action alleging claims under Sections 1 and 2 of the Sherman Act; representing Oscar Health in its monopolization case against Florida Blue; defending Anheuser-Busch in a U.S. antitrust attack against its distribution in Ontario; representing Bausch & Lomb in a multidistrict litigation regarding antitrust challenges to its contact lenses pricing policies; defending Nokia in an antitrust challenge to its IP licensing by Apple; defending Actavis Pharmaceuticals in suits brought by the FTC and private plaintiffs relating to "reverse payment" IP settlements for Androgel; defeating a challenge by private plaintiffs to Anheuser-Busch's acquisition of Modelo; representing Medicis in a multidistrict litigation relating to life cycle management and patent settlements for Solodyn;

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representing Actavis/Teva in suits brought by the FTC and private partners relating to Lidoderm; representing Southwest Airlines in securing a dismissal of an antitrust lawsuit challenging its acquisition of AirTran; defending De Beers in connection with national class actions involving gem diamonds; representing Actavis in suits defending patent settlements relating to Lidoderm; representing Energy Transfer Partners in the successful defense of an antitrust class action in the Texas natural gas market; defending a pharmaceutical company CEO in a challenge to an FTC investigation; and defending Hankyu Hanshin Express Ltd. in an alleged price-fixing conspiracy in freight forwarding.

Mr. Sunshine also represents clients in connection with grand jury investigations into allegations of price fixing or other cartel conduct. He has resolved key matters for companies such as De Beers, Corning International KK; Hankyu Hanshin and SGL Carbon, and successfully represented many clients in several investigations that closed without indictment or plea. He also represented Globe Telecom in successfully quashing a grand jury subpoena, ending a Department of Justice criminal investigation.

Selected Publications

“Cross-Border Investigations Update,” *Skadden, Arps, Slate, Meagher & Flom LLP*, Recurring publication

“FTC Sues To Block \$40 Billion NVIDIA Acquisition of Arm, Reinforcing Aggressive Enforcement Agenda,” *The M&A Lawyer*, January 2022, and *Skadden, Arps, Slate, Meagher & Flom LLP*, December 21, 2021

“FTC Chair Khan Highlights Key Policy Priorities Going Forward, but Aggressive Agenda Faces Uphill Climb,” *Skadden, Arps, Slate, Meagher & Flom LLP*, October 4, 2021

“Facebook Rulings Are a Setback for Antitrust Regulators but May Spur Amendments,” *Skadden, Arps, Slate, Meagher & Flom LLP*, July 8, 2021

“Lina Khan’s Appointment as FTC Chair Reflects Biden Administration’s Aggressive Stance on Antitrust Enforcement,” *Skadden, Arps, Slate, Meagher & Flom LLP*, June 18, 2021

“DOJ’s Failure to Prove Its “Killer Acquisition” Claim In Sabre/Farelogix and Parallels to Other Recent Government Merger Litigation Losses,” *Florida Law Review*, 2021

New DOJ Merger Remedies Manual: Preference for Structural Remedies and Private Equity Buyers,” *Skadden, Arps, Slate, Meagher & Flom LLP*, September 21, 2020

“Ninth Circuit Strikes Down Sweeping Injunction Against Qualcomm and Reins In Expansive Interpretation of Sherman Act,” *Skadden, Arps, Slate, Meagher & Flom LLP*, August 14, 2020

“Third Circuit Demands Rigorous Analysis of the Predominance Requirement for Class Certification in Pharmaceutical Antitrust Case,” *Skadden, Arps, Slate, Meagher & Flom LLP*, April 28, 2020

“Coronavirus/COVID-19 Update,” *Skadden, Arps, Slate, Meagher & Flom LLP*, March 18, 2020

“Antitrust in the Technology Sector: Policy Perspective and Insights From the Enforcers,” *Skadden, Arps, Slate, Meagher & Flom LLP*, March 4, 2019

“Georgetown Law’s 12th Annual Global Antitrust Enforcement Symposium,” *Skadden, Arps, Slate, Meagher & Flom LLP*, October 8, 2018

“Criminal Antitrust Enforcement Has a New Leader,” *Law360*, May 21, 2018

“DOJ Antitrust Division Names New Criminal Deputy Assistant Attorney General,” *Skadden, Arps, Slate, Meagher & Flom LLP*, May 18, 2018

“Year Two of Trump Antitrust Merger Enforcement: What to Expect in 2018,” *Skadden, Arps, Slate, Meagher & Flom LLP*, April 19, 2018

“Antitrust in the Technology Sector: Policy Perspectives and Insights From the Enforcers,” *Skadden, Arps, Slate, Meagher & Flom LLP*, March 7, 2018

“The Hidden Risks of MOFCOM’s Simplified Procedure,” *Skadden, Arps, Slate, Meagher & Flom LLP*, November 21, 2017

“Skadden Discusses DOJ Leniency Program Updates,” *CLS Blue Sky Blog*, March 6, 2017

“DOJ Updates Leniency Program FAQs,” *Skadden, Arps, Slate, Meagher & Flom LLP*, January 27, 2017

“Agencies Release Updated Guidelines for IP Licensing and International Enforcement and Cooperation,” *Skadden, Arps, Slate, Meagher & Flom LLP*, January 19, 2017