

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 (1994-95)

Steven C. Sunshine leads Skadden's global Antitrust/Competition Group, which was named by *Chambers USA* as the 2024 Antitrust Firm of the Year. He represents clients in connection with the antitrust aspects of mergers and acquisitions, litigation, counseling and grand jury investigations.

Mr. Sunshine is recognized as a leading antitrust practitioner. He has been repeatedly listed in *Best of the Best USA* as one of the top competition lawyers in the world, was named one of America's Top 200 Lawyers by *Forbes* in 2024 and has been regularly honored as one of Lawdragon's 500 Leading Lawyers in America and 500 Leading Litigators in America. In addition, he has been selected to the Lawdragon Hall of Fame, which recognizes members of the Lawdragon 500 who have "made remarkable contributions as leaders in their field." Mr. Sunshine has previously been named one of *The National Law Journal's* Winning Litigators and Trailblazers, and is regularly selected for inclusion in *Chambers Global*, *Chambers USA*, *Who's Who Legal*, *The Best Lawyers in America*, *The Legal 500* and *LMG Life Sciences*. Additionally, he has been repeatedly honored as a Competition MVP by *Law360*, 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 also recognized his work on *Sprint v. AT&T* as a Standout litigation matter.

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; Juniper/HPE; Ansys/Synopsis; Nokia/Infirera; Splunk/Cisco; Catalent/Novo Nordisk; HPE/Cray; Visa/Plaid; Coherent/II-VI; DoorDash/Caviar; Xilinx/AMD; Intel/sale of a modem business; NXP/Qualcomm; Embraer/Boeing; Becton Dickinson/C.R. Bard; Nokia/Alcatel-Lucent; Intel/Mobileye; Cardinal/Medtronics; 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/Pharmasett; 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 Activision Blizzard in a lawsuit brought by the FTC challenging the proposed acquisition of the company by Microsoft; defending Juniper Networks in a lawsuit brought by the DOJ to block Hewlett Packard Enterprise's proposed \$14 billion acquisition of the company; defending Amex GBT in the DOJ's challenge to its proposed acquisition of CWT defending Sprint in a challenge by 14 states to its merger with T-Mobile; defending Sabre Corporation in the DOJ'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; 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 from IP allegations; 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; 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 DOJ criminal investigation.

Selected Publications

- “Cross-Border Investigations Update,” *Skadden Publication*, Recurring publication
- “DOJ and FTC Release Final 2023 Merger Guidelines Formalizing Aggressive Merger Enforcement Playbook,” *Skadden Publication*, December 21, 2023
- “What the New Federal Merger Guidelines Mean for Companies Pursuing Deals,” *Skadden Publication*, Summer 2023
- “DOJ and FTC Propose a New Playbook for Merger Reviews,” *Skadden Publication*, July 19, 2023
- “FTC Sues To Block \$40 Billion NVIDIA Acquisition of Arm, Reinforcing Aggressive Enforcement Agenda,” *The M&A Lawyer*, January 2022, and *Skadden Publication*, December 21, 2021
- “FTC Chair Khan Highlights Key Policy Priorities Going Forward, but Aggressive Agenda Faces Uphill Climb,” *Skadden Publication*, October 4, 2021
- “Facebook Rulings Are a Setback for Antitrust Regulators but May Spur Amendments,” *Skadden Publication*, July 8, 2021
- “Lina Khan’s Appointment as FTC Chair Reflects Biden Administration’s Aggressive Stance on Antitrust Enforcement,” *Skadden Publication*, 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 Publication*, September 21, 2020
- “Ninth Circuit Strikes Down Sweeping Injunction Against Qualcomm and Reins In Expansive Interpretation of Sherman Act,” *Skadden Publication*, August 14, 2020
- “Third Circuit Demands Rigorous Analysis of the Predominance Requirement for Class Certification in Pharmaceutical Antitrust Case,” *Skadden Publication*, April 28, 2020
- “Coronavirus/COVID-19 Update,” *Skadden Publication*, March 18, 2020
- “Antitrust in the Technology Sector: Policy Perspective and Insights From the Enforcers,” *Skadden Publication*, March 4, 2019
- “Georgetown Law’s 12th Annual Global Antitrust Enforcement Symposium,” *Skadden Publication*, 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 Publication*, May 18, 2018
- “Year Two of Trump Antitrust Merger Enforcement: What to Expect in 2018,” *Skadden Publication*, April 19, 2018
- “Antitrust in the Technology Sector: Policy Perspectives and Insights From the Enforcers,” *Skadden Publication*, March 7, 2018
- “The Hidden Risks of MOFCOM’s Simplified Procedure,” *Skadden Publication*, November 21, 2017