

Pat Pascarella

PARTNER / GENERAL COUNSEL

📞 469-296-7716

✉ pat.pascarella@bonalawpc.com

📍 Dallas



Pat Pascarella has been involved in some of the largest mergers on record and represented clients in antitrust litigations, such as *US v. Microsoft*, that have shaped the contours of modern antitrust law. He successfully defended 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. He was also a partner at two major national 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 retained 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.

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 enforcement agencies 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. He also convinced a US enforcement agency to close an investigation in which statutory penalties for the alleged violations exceeded the net worth of his Fortune 100 client.

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 efficiencies and has developed antitrust compliance programs for companies of all shapes and sizes.

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.

Lecturer, National Defense University,
Industrial College of the Armed Forces
D.C.

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

Accolades

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Award Recipient—Antitrust

Admissions

District of Columbia

Texas

Ohio (inactive)

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. Pat's clients have included AT&T, Carlos Slim's America Movil, Claro, Ericsson, State of Japan, Avery Dennison, Diebold Nixdorf, Olin Corporation, People of the State of California, Pillsbury, and News Corp.

Representative Matters

- Currently prosecuting a claim that a major US wireless carrier has monopsonized a 5G wireless spectrum market.
- 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)
- 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)

Dallas

100 Crescent Ct #700 - 3425
Dallas, TX 75201
469-296-7716

Detroit

28175 Haggerty Rd
Novi, MI 48377
248-994-2221

Minneapolis

331 2nd Avenue S. #420
Minneapolis, MN 55401
612-284-5001

New York

16 Madison Square Park West,
9th Floor
New York, NY 10010
212-634-6861

San Diego

4275 Executive Square #200
La Jolla, CA 92037
858-964-4589
info@bonalawpc.com