

# Steven Cernak

PARTNER

📞 248-994-2221

✉️ [steven.cernak@bonalawpc.com](mailto:steven.cernak@bonalawpc.com)

📍 Detroit



Steve Cernak is a respected leader in the international antitrust and competition law community. He served as in-house antitrust attorney at General Motors for more than 20 years, ultimately responsible for global antitrust compliance, merger reviews and litigation. As a result, Steve has experience tackling the toughest antitrust issues, and explaining them to everyone in an organization from the CEO to workers in the factories.

After leaving GM, Steve spent seven years at Schiff Hardin's Ann Arbor office, serving clients both inside and outside the automotive community. As he did at Schiff Hardin, Steve now assists clients big and small on a wide array of competition and consumer protection matters, including compliance programs; joint efforts with competitors; pricing strategies and programs; and merger reviews and filings.

Steve has served in the leadership of the Antitrust Section of the American Bar Association for more than 20 years, and is currently the Section Vice Chair. That position keeps him connected to the global community and up-to-date on developments.

Steve is a prolific writer for The Antitrust Lawyer Blog, WoltersKluwer's AntitrustConnect Blog and various Law360, Lexis and Westlaw publications. The second edition of his textbook of antitrust summaries and materials, [Antitrust Simulations](#), was published in 2019 by West Academic. He updates his [Antitrust in Distribution and Franchising](#) annually for publication in the LexisNexis Antitrust Law & Strategy Series. Steve is also a frequent commenter on antitrust developments, both on social and mainstream media.

Steve is a regular teacher at both the University of Michigan Law School and the Thomas M. Cooley Law School Corporate & Finance LLM program. He also taught for three years at Wayne State University Law School.

## Education

**J.D., University of Michigan Law School, 1989**

*Cum Laude*

**M.A., University of Michigan, 1989**

**A.B., University of Michigan, 1986**  
with high honors and distinction

## Admissions

Michigan

## Accolades

[Steven Cernak has been named a Best Lawyer for 2021](#)

Farmington St. Gerald Catholic Church,  
Council Member

2001 State Bar of Michigan  
John W. Cummiskey Award Winner  
(Pro Bono Lawyer of the Year)

[Best Lawyers](#)

[Leading Lawyers](#)

## Publications

- [FTC Section 5 Statement: Less Guidance Than Meets the Eye](#)
- [Three Strikes But Not Out: Antitrust Enforcers Swing and Miss in Recent Merger Challenges](#)
- [FTC's Challenge to Altria-JUUL Transaction: Antitrust and Constitutional Issues Hiding in Plain Sight](#) - September 2022
- [Biden's Antitrust: The Transformation is Here But Will it Last](#) - April 2022
- [Book Review - How to Evaluate Alleged Monopolies](#) - February 2021
- [FTC Lacks Statutory Authority to Lower Hart-Scott-Rodino Thresholds for Big Tech Acquisitions](#) - November 13, 2020
- [Coronavirus price gouging spurs efforts to rein in 'bad actor' resellers](#) - March 29, 2020
- [Viamedia: Seventh Circuit Makes Dismissal of Refusal to Deal Claims Very Difficult](#) - March 25, 2020
- [How Will the Application of Antitrust Law Change During the Coronavirus Crisis?](#) - March 20, 2020
- [Antitrust Refusal-to-Deal Cases: At or Near, but Still not Beyond, the Outer Boundary of Section 2](#)
- [The Enduring Rationale for "Limits of Antitrust"](#)
- [Robinson-Patman Suits Against 5-Hour Energy Maker Provide Lessons for Other Suppliers](#)
- [Maybe History Can Provide Useful Perspective](#)
- [No Need to Restrain "Carpet-bombing ... with Ugly Throw Pillows": Creation of the FTC's Economic Liberty Task Force](#)
- [5 Things to Expect from the Ohlhausen Commission](#)
- [Many Speeches to Review as Experts and Public Debate Antitrust Policy](#)
- [The ALLOW Act: Another Helpful Step Against Protectionist Licensing](#)
- [Antitrust Overhaul? Let's Get a Better Owner's Manual First](#)
- [FTC v. InVibio: Another Missed Opportunity to Provide Guidance](#)
- [Mainstream Media Is \(Finally\) Covering Antitrust Policy. Antitrust Practitioners Should Join the Discussion.](#)
- [You Would Cry Too If It Happened To You \(and You Were a Bundling Plaintiff\)](#)
- [Pricing Discussions and Allegations of Agreements: 2015 Cases Not Involving Contact Lenses](#)
- [Slower Crony Capitalism: The Immediate Aftermath of NC Board](#)
- [The Roberts Court, Enforcement Agencies and "The Limits of Antitrust"](#)

- [Phoebe Putney, NC Board: Winning Legal Battles, Not Hearts and Minds](#)
- [Costco v. J&J: The Latest and Largest in a Long Line of Pricing Cases](#)
- [McWane in the 11th Circuit: When Is Exclusive Dealing Anticompetitive?](#)
- [Antitrust Law and Effects on Innovation, Quality and the Labor Market](#)
- [State Regulation or Merely a “Gauzy Cloak”: A Preview of the North Carolina Board Oral Argument in the Supreme Court](#)
- [Can Bundled Discounts Be Illegal If Offered by a Firm Without Market Power?](#)
- [FTC/DOJ Workshop on Conditional Pricing Practices – Good as Far as It Goes](#)
- [So Whatever Happened to American Needle?](#)
- [OTA Case Turns Out to Be Less about MFNs and More about Agreement](#)
- [Is the FTC Changing Its Intellectual Property Rights Policy?](#)
- [Successful Mousetrap Builders Beware – Your Sales Contract Just Might Be “De Facto Exclusive Dealing”](#)
- [Why the FTC’s McWane Opinions Raise More Questions Than They Answer](#)
- [Is the FTC Picking on the Pharmaceutical Industry Through New HSR Rules?](#)
- [Antitrust Complaints About Giant Companies Are Not New](#)
- [7th Circuit Hospital Ruling Provides Exclusive-Dealing Lessons](#)
- [How New Pricing Technology Raises New Antitrust Issues](#)
- [How Eisai V. Sanofi Will Affect Loyalty Discount Cases](#)
- [Debating Old and New Trends In Auto Distribution](#)
- [3 Antitrust Precedents Ripe For Overturning](#)
- [Not All Antitrust Auto Parts Cases Are ‘Auto Parts Cases’](#)
- [District Courts Grapple With High Court’s Actavis Ruling](#)
- [Auto Parts Investigations: Lessons From The First 2 Years](#)
- [FTC Shakeup Means No New Initiatives Soon](#)
- [Clarification From High Court On State Action Exemption](#)
- [Overview Of Oral Argument In FTC V. Phoebe Putney](#)
- [The Auto Parts Investigations: Lessons From The 1st Year](#)
- “Can Working with Your Competitors Make You More Competitive,” MiMfg Magazine January 2017.

- “A Conversation about Antitrust,” Michigan Bar Journal December 2014
- “You Had Me at Hyphen: A Review of Daniel Crane’s Antitrust,” Antitrust Source, August 2014
- [Antitrust Simulations](#), 2ed. 2019, West Academic
- [Antitrust in Distribution and Franchising](#), 2019, LexisNexis

## Speeches & Presentations

- “Antitrust & Competition Law Strategies: Protecting your Brand,” (panelist) Luxury Law New York Summit, New York, N.Y. (Nov. 13, 2019)
- ["Revisiting 'The Limits of Antitrust'" \(panelist\), Federal Trade Commission Hearings on Competition and Consumer Protection in the 21st Century](#) (June 12, 2019)
- “ABA Section of Antitrust Law March 2019 – Social Media,” (panelist) American Bar Association, Antitrust Law Section, AT/CP Podcast (Apr. 26, 2019)
- “Monthly Antitrust Update Program for In-House Counsel,” American Bar Association, Antitrust Law Section, Corporate Counseling Committee (Jan. 10, 2019)
- “Antitrust Masters Course IX,” American Bar Association Section of Antitrust Law, Cambridge, Md. (Oct. 18-19, 2018)
- “Protecting Brand & Distributor Investment on the Internet,” ABA Antitrust Section Spring Meeting, Washington D.C. (Apr. 11, 2018)
- “Antitrust Masters Course VIII,” American Bar Association Section of Antitrust Law, Williamsburg, VA (October 2016)
- “Scaling the Antitrust Wall in China,” ABA Section of Antitrust Law Teleconference (Mar. 5, 2015)
- “So You (Might) Want to Be an Antitrust Adjunct Professor?” (panelist) 62nd Antitrust Law Spring Meeting, Washington, D.C. (Mar. 27, 2014)
- “Advertising Claims – Are the Substantiation Standards Shifting?” (moderator) 61st Spring Meeting, ABA Section of Antitrust Law (Apr. 10, 2013)
- “Antitrust Update for In-House Counsel,” (moderator) Corporate Counseling Committee Meeting, ABA Section of Antitrust Law (Mar. 2013)
- “When Offense is the Best Defense: Handling Concurrent Threats of Private Lawsuits and Government Investigations,” (moderator) ABA Section of Antitrust Law Corporate Counseling Committee Teleseminar (Sep. 2012)
- “The Antitrust-Labor Interface: Not Just for Pro Athletes,” ABA Section of Antitrust Law Spring Meeting, Washington, D.C. (Mar. 2012)

## Professional Associations & Bar Memberships

- American Bar Association, Section of Antitrust Law, Marketing Officer
- State Bar of Michigan, Antitrust, Franchising & Trade Regulation Section, Member
- U.S. Chamber of Commerce, Antitrust Council, International Competition Policy Working Group, Member

## Teaching Appointments

- University of Michigan Law School, Intermittent Lecturer; Counseling and Advocacy in Antitrust; In House Counsel; Advanced Antitrust; Federal Antitrust (2009-present) Wayne State University Law School, Adjunct Professor; Antitrust Law, (2012-2014) Thomas M. Cooley Law School Corporate and Finance LLM Program, Adjunct Professor; Antitrust Law (2010-present)

## Other Activities

- Filed hundreds of Hart-Scott-Rodino premerger notifications, handled several second-request responses and managed several multinational merger reviews.
- Created and implemented numerous global competition law compliance programs, in the form of presentations, speeches, booklets, films or online modules.
- In a billion-dollar antitrust conspiracy matter, coordinated response to multiple agency investigations and hundreds of lawsuits to settle allegations for a fraction of the original claim.
- Negotiated joint-venture agreements among fierce automotive rivals, made filings necessary for their antitrust protection, advised top management on their implementation and served as virtual general counsel for one of them for more than a decade.
- Served as divisional general counsel for aftermarket parts and service divisions, and now advises leading automotive aftermarket consultant.
- Advised on and defended successful minimum-advertised pricing, loyalty pricing and other innovative marketing programs.
- Created and managed integrated team of lawyers, legal assistants, technical experts and customer service representatives to help reduce breach of warranty claims for one automotive manufacturer by more than 60 percent.
- Coordinated antitrust advice for multiple CEOs on antitrust/labor interface during labor negotiations.

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### 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

287 Park Avenue South, Suite 422  
New York, NY 10010  
212-634-6861

### San Diego

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