

Brian J. Masternak

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Biography

Brian Masternak has devoted his professional career to helping businesses and individuals faced with civil litigation. Although Brian handles civil matters of all types, he has particular expertise in the areas of securities and product distribution issues, including antitrust, distribution and franchise disputes and unfair competition. Brian has successfully defended securities brokers and broker-dealers both in customer arbitration proceedings as well as SRO enforcement actions. He also has represented both plaintiffs and defendants in cases involving all aspects of the antitrust laws, including the Sherman, Clayton and Robinson-Patman Acts. He also regularly counsels businesses on distribution issues and dispute avoidance and resolution and handles litigation in that area as well.

Industries

- Financial Services

Practices

- Business and Corporate Services
- Litigation and Dispute Resolution
- Antitrust and Unfair Competition
- Funds and Investment Services
- Franchise Law
- Securities Litigation and Arbitration
- Class Action Defense
- Regulatory and Compliance

Education

- Harvard University J.D. 1995 cum laude
- University of Michigan B.A. 1992 high distinction

Representative Experience

- Successfully represented individual involved in Department of Justice investigation concerning price fixing in the automotive supply industry
- Represent mineral rights owners in federal litigation involving alleged price fixing by major natural gas and oil exploration companies
- Obtained multimillion-dollar settlement for client in matter involving allegations of monopolization in the market for dialysis services
- Successfully represented franchisors in cases involving alleged encroachment, unjust termination and other issues
- Obtained dismissal of claims involving claims of price discrimination and illegal advertising allowances under the Robinson-Patman Act
- Regularly counsels clients on a variety of antitrust issues, including pricing and advertising restrictions, interactions with customers and competitors and exercise of market power

Honors and Awards

- *Best Lawyers in America*, Commercial Litigation, 2019-Present

Publications

- Beware of Stock Drop Litigation During Times of Crisis, 5/5/2020
- "Compliance audits: an ounce of antitrust protection," *Grand Rapids Business Journal*, 4/4/2014

Bar Associations

- American Bar Association
Antitrust and Litigation Sections
- State Bar of Michigan
Antitrust Section
- Grand Rapids Bar Association

Speaking Engagements

- "SEC Exams During COVID-19," Warner Virtual CCO Roundtable, June 2, 2021
- "The Modernized Marketing Rule," Warner Virtual CCO Roundtable, March 3, 2021
- "Class Action Lawsuit Issues and Trends," Michigan Bankers Association, 11/30/17, Grand Rapids, Michigan
- Trade Associations: Tips for Avoiding Liability
- Antitrust and Trade Regulation Training
- An Ounce of Prevention: Litigation Preparedness Workshop

Admitted

- 1997, Michigan
- 1995, Illinois (inactive)