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**FN-5143335 MN-5143335 LN-5143335,  
Esq.**

**New York, New York**

**Current Employer-Title** Gupta Dispute Resolutions LLC – Principal

**Profession** Attorney, Arbitrator, Mediator

**Work History** Principal, Gupta Dispute Resolutions, 2020-Present; Chief Compliance Officer/Senior Counsel, Amaya Management LP, 2019; Litigation Consultant, Ambac Assurance Corporation, 2016-2019; Assistant General Counsel/First Vice-President, Ambac Assurance Corporation, 2010-2016; Associate, DLA Piper LLP, 2006-2010; Associate, Seward & Kissel LLP, 2004-2006; Associate, Morgan Stanley Associates, 2001; Associate, Prudential Financial, 2000-2001; Business Analyst, Price Waterhouse Coopers, 1999-2000.

**Experience** Full-time arbitrator and mediator with two decades of experience concentrated in financial transactions, securities, insurance, employment, derivatives, structured finance, public finance, and other general and complex business disputes. Former in-house counsel, first as Assistant General Counsel for public company and then as Chief Compliance Officer for hedge fund. As in-house counsel, was responsible for managerial oversight for bet-the-company and other high-profile litigation, and gained extensive experience in corporate governance, board of directors' issues, e-discovery, trading, compliance, shareholder relations, and employment issues. Responsible for managing litigation portfolio that mediated and settled in excess of \$3 billion in litigation claims alleging breaches of representations and warranties made in connection with the issuance and insurance of residential mortgaged-backed securities (RMBS). Former commercial litigator with DLA Piper and Seward & Kissel, represented financial institutions, hedge funds, insurance companies, limited partnerships, and individuals in a wide-range of general and complex commercial and employment matters.

Commercial & Securities: Representative matters includes: breach of contract and fraud relating to residential mortgage-backed securities; derivative suits alleging misrepresentations in financial statements relating to public finance portfolio; securities class action relating to auction-rate securities; breach of contract relating to rights under put option agreements; litigation alleging claims for civil RICO, breaches of fiduciary duty, fraudulent misrepresentation and conspiracy filed by corporate developers of various military housing projects; remediation efforts relating to structured finance portfolio including student loans, credit default swaps (CDS), collateralized debt obligations (CDOs), and other sophisticated commercial instruments; due diligence in connection with mergers and acquisitions. As in-house counsel, provided securities and regulatory advice to investment desk of public company, managed insider trading policies, drafted SEC disclosures, and calculated litigation reserves.

Employment: disputes alleging discrimination, retaliation, hostile work environment and harassment based on race, gender, disability, religion, and age; disputes relating to executive compensation and wrongful termination; disputes relating to carried interest and deferred compensation; litigation relating to wage and hour claims under FLSA and New York Labor laws; advised companies in connection with reductions in force and company internal manuals, policies, and procedures.

Insurance: represented companies in connection with coverage disputes against insurance companies relating to interpretation of D&O and E&O policies; represented insurer in disputes relating to its ratings of municipal bonds, litigation alleging violations of insurance law, NY General Business Law and breaches of contract relating to alleged deceptive practices with respect to insurance renewal billing practices; managed the litigation portfolio of financial guaranty insurance company while it was in insurance rehabilitation and liaised extensively with court-appointed insurance rehabilitator; attorney responsible for managing multi-billion dollar litigation relating to breaches of representations and warranties.

Cryptocurrency: arbitrator presiding over cases alleging negligence, fraud, and violations of consumer fraud statutes and banking regulations relating to the unauthorized transfers of assets; mediated dispute relating to contract to purchase data centers for cryptocurrency mining; represented company in connection with the drafting and negotiations relating to cryptocurrency custody agreements.

Other: experience with adversary litigation to bankruptcy proceedings.

## **Representative Issues Handled as a Mediator**

Mediator handling commercial, insurance, real estate, and employment disputes for companies of all sizes and covering a wide range of subject matters.

Representative mediation matters include:

### **Commercial & Securities:**

- \*Federal securities litigation alleging securities fraud against pharmaceutical company.
- \*Breach of contract and fraud relating to purchase of data centers for cryptocurrency mining.
- \*Breach of contract relating to installation of fiber optic network across 29 international sites.
- \*Breach of contract relating to litigation expert consulting agreement.
- \*Claims seeking business dissolution and counterclaims alleging breaches of fiduciary duties by partners in real-estate management company.
- \*Breach of contract claim asserted against bank in connection with letter of direction to repay loan made in connection with music festival.
- \*Breach of contract in connection with purchased receivables agreement.
- \*Business divorce involving founders of beverage company.
- \*Declaratory judgement seeking priority interest in assets/deposit account
- \*RICO and fraudulent conveyance claims.
- \*Breach of software design and installation agreement involving food and beverage distributor.
- \*Breach of warehousing and distribution services agreement.

### **INSURANCE:**

- \*Coverage dispute relating to property damage and business interruption in connection with fire and collapse of wind turbine and tower.
- \*Coverage disputes pursuant to maritime, property & casualty and commercial liability policies;
- \*Dispute alleging failure to pay workers compensation premiums.
- \*Co-mediator for disputes involving the interpretation of D&O and EPLI policies.

### **REAL ESTATE:**

- \*Dispute concerning termination of commercial sublease due to COVID-19-related business interruption.
- \*Breach of contract dispute relating to sale of residential building in NYC.
- \*Breach of fiduciary duties in connection with condominium association bylaws and seeking equitable accounting.
- \*Breach of contract case relating to commercial construction contract concerning project for renovations at 16 buildings in NYC.
- \*Breach of commercial lease for misuse of property.

### **EMPLOYMENT:**

- \*Federal litigation filed by former president and general manager of public corporation alleging claims for breach of contract, unjust enrichment, and New York Labor Law violations relating to executive compensation contract.
- \*Claims of discrimination, retaliation, and hostile work environment relating to disability, gender, race, religion and age, including, but not limited to: claim against hospital for gender and race discrimination, claim against law firm for age discrimination, claim against art museum for religious

discrimination for failure to grant exemption from COVID vaccine mandate.

\*Wage and hour claims under FLSA and New York Labor laws.

## **Mediator Style & Process Preferences**

The key to a productive mediation is advance preparation by both the mediator and participants. I work with the parties in advance of the mediation day to ensure that I have the information I need to fully understand the issues and what both parties are seeking in a resolution, and also that they each have what they need to be able to evaluate what an acceptable settlement might be. By working with the parties to identify the issues at the heart of the dispute and that are necessary to tackle to reach a negotiated resolution, my role is to help parties evaluate their potential legal risk and benefits to settlement, value their case, and overcome impasse. The entire process requires honesty and constructive dialogue. When a party is focused on a distraction, it is important to redirect them towards the central issues that are necessary for a negotiated resolution. My process is tailored to the needs of the case and it is important for me to remain flexible and creative. If asked for by the parties, or if I think it will be helpful to reach resolution, I am prepared to weigh in on the merits and risks to each party. However, in all instances, I view my role as more than merely a messenger of offers and counter-offers and my engagement as more than simply "shuttled diplomacy".

As in-house counsel with managerial oversight for bet the-company and other high-profile litigation, I gained firsthand knowledge of companies' internal operations, policies, procedures, and corporate objectives, which provided me with an essential understanding of the costs and demands of dispute resolution, as well as the numerous factors that influence organizations in their decision making. This experience informs me in my role as mediator and has enabled me to effectively work with companies of all sizes in mediation.

## **Technology Proficiency**

Proficient in remote hearings/mediations using Zoom. Pledged support to Campaign for Greener Arbitrations and conduct arbitrations almost entirely paperless.

As both outside and in-house counsel, became well-versed in e-discovery matters. As in-house counsel, was the company representative responsible for managing the e-discovery process for numerous litigations, including multi-billion dollar litigations, and accordingly gained experience managing expansive e-discovery projects, involving the collection, review, and production of electronic documents, including the hiring and management of contract attorneys. Vast experience formulating, negotiating, and implementing discovery protocols and the document review procedures for the internal or contract attorney review teams. Devised internal confidentiality and retention policies.

## **Education**

Fordham University School of Law (JD-2004); The George Washington University (BA-1999).

## **Professional Licenses**

Admitted to the Bar: New York (2005), New Jersey (2004); U.S. District Court: Southern (2007) and Eastern (2010) Districts of New York.

## **Professional Associations**

Associate, College of Commercial Arbitrators Associate Program, 2023-2025  
Recipient, JAMS Diversity Fellowship, 2021-2022  
Arbitrator and Mediator for International Institute for Conflict Prevention and Resolution (CPR)  
Arbitrator for FINRA  
Mediator for United States District Court for the Southern District of New York  
Mediator for United States District Court for the Eastern District of New York  
Mediator for New York Supreme Court, Commercial Division, New York County, Bronx County, and Kings County  
Board of Directors and Secretary for ADR-Inclusion Network, 2021-2023  
Member of the New York State Bar Association's Dispute Resolution Section, Mediation Committee and Co-Chair of Domestic Arbitration Committee (2024-2025)  
Member of the New York State Bar Association's Commercial and Federal Litigation Section  
Member of New York City Bar Association, ADR Committee and Co-chair Diversity Subcommittee, 2020-2023  
International Network of Boutique and Independent Law Firms & Lawyers, NY Chapter ADR Member  
Member of CPR Y-ADR Steering Committee  
Member of American Bar Association, Dispute Resolution Section

## **Recent Publications &**

Speaking Engagements:

I routinely speak on the subjects of mediation, arbitration, diversity in ADR, and practice building

## Speaking Engagements

tips at various bar associations and ADR provider-sponsored events.

Understanding the Mediation Process and Five Behaviors of Counsel That Can Lead to Impasse, Riverside County Bar Association, November 14, 2023.

The Art of Impactful Opening and Closing Statements, ICC Young Arbitration and ADR Forum (ICC YAAF), IBA Arb-40, and the Columbia International Arbitration Association (CIAA), November 6, 2023

The Changing Face of Mediation, ALM General Counsel Conference, October 2023

There Has to Be A Better Way: Changing How We Practice to Obtain Professional Satisfaction, NYSBA ComFed and Dispute Resolution Sections, Spring Meeting, May 6, 2023

Co-Mediation: How to Ensure Two Heads Really Are Better Than One, American Bar Association, March 8, 2023

How to Start an ADR Practice, NYSBA Dispute Resolutions Section, Arbitration Committee, January 10, 2023

Early Mediation: Why, When and How, CPR Global Conference, December 7, 2022

Handling Arbitrator Misbehavior (Perspectives from Co-Arbitrators, Counsel and Institutions), NYSBA Dispute Resolution Fall Conference, October 20, 2022

Arbitration Advocacy in the Virtual and Hybrid World, Session 3: When to Consider Mediation, CPR Dispute Resolution, May 19, 2022

Mass Arbitration Filings: How Are Arbitral Institutions Handling Them?, American Bar Association, March 17, 2022

Hot Topics in ADR, CPR Dispute Resolution Annual Conference, March 2022

Habits of Highly Effective Dispute Resolvers, New York State Bar Association, Dispute Resolution Section, Mediation Committee, March 1, 2022

Recent Publications:

5 Mediation Mistakes that Create Obstacles to Settlement, Law360, March 31, 2022, co-authored with JAMS Neutral Hon. Lynn O'Malley Taylor

DEI & ADR: 5 Practical Ways to Increase Diversity in the Selection of Neutrals, ACC Docket, May 23, 2022

Overcoming Client Misconceptions About Mediation, Association of Corporate Counsel Docket, June 2021, <https://www.accdocket.com/overcoming-client-misconceptions-about-mediation>

Five Principles to Maximize Chances of Success in Mediation, Mediate.com, January 2021.

Employment Litigation: 3 Instances Where Companies Should Consider Mediation, Mediate.com, September 2020

## Locations Where Parties Will Not be Charged for Travel Expenses

New York City

## Mediation Rate

\$600 Per Hour

## Languages

English

## Citizenship

United States of America

**Locale**

New York, NY

The AAA's Rules provide the AAA with the authority to administer a mediation including, mediator appointment, general oversight and billing. Accordingly, mediations that proceed without AAA administration are not considered AAA mediations, even when the parties select an mediator who is on the AAA's Roster.

The information contained in this resume has been supplied solely by the individual mediator and may, or may not, be a complete recitation of their experience. The AAA assumes no responsibility for the content, completeness, accuracy, or reliability of the information contained in a mediator's resume. If you have any questions about a mediator's experience or background, you are encouraged to contact your case manager.

Mediators on the AAA Roster are not employees or agents of the AAA.