



## Manju Gupta

### Counsel

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Manju Gupta focuses her practice on complex business litigation, particularly federal contracting dispute resolution, federal contracts and business counseling, and creditor rights.

Manju serves as a trusted advisor, problem solver, and advocate for businesses, federal contractors, and subcontractors across the country. She is a fixer of sorts, and a strategist, leveraging her nearly two decades of experience to creatively and efficiently resolve complex issues for clients. Manju serves as outside counsel to an array of businesses, many of which have been awarded federal government contracts.

A seasoned litigator, Manju also represents businesses in federal courts throughout the country in matters ranging from contract dispute resolution to multimillion-dollar settlement negotiations in shareholder litigation.

Manju's practice encompasses both the advisory and advocacy aspects of government contracting. She employs innovative approaches to challenges in relationships with the government, enforcement authorities, prime contractors, and subcontractors. Her advisory practice includes counseling clients on agency procurements, contract performance issues, interpretation and compliance with the Federal Acquisition Regulation ("FAR") and Defense Federal Acquisition Regulation Supplement ("DFAR"), subcontracting, teaming and joint-venture relationships, intellectual property rights, compliance matters, and due diligence for mergers and acquisitions. In the advocacy piece of her practice, Manju represents contractors in issues with the government including procurement, contract performance, and failure to pay. While resolution prior to litigation is always preferable, if that is not an option, Manju represents contractors in bid and size protests and in litigation under the Contract Disputes Act. She is experienced in such forums as the U.S. Government Accountability Office, federal district courts, and administrative tribunals including the Armed Services Board of Contract Appeals, state protest forums, and agency-level forums.

Over the course of her nearly two-decade practice, Manju has gained significant experience representing creditors, including banks, in all aspects of bankruptcy proceedings, fraudulent transfer cases, preferences, and the prosecution and defense of adversary proceedings.

Manju is a lifelong Clevelander who is proud to call Cleveland home. Passionate about history and travel, she has an encyclopedic knowledge of hotels throughout the world. When not enjoying all that Cleveland has to offer, Manju is adventuring to a new city or country.

## Education

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- Cleveland State University College of Law (J.D., 2003)
- Cleveland State University, Monte Ahuja College of Business (M.B.A., 2003)
- John Carroll University (B.A., 1999)

## State Admissions

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- Ohio, 2003

## Federal Admissions

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- United States Court of Appeals, Sixth Circuit
- United States District Court, Northern District of Ohio
- United States District Court, Southern District of Ohio

## Service Areas

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- Business Litigation
- Bankruptcy
- Insolvency & Workout
- Construction
- Financial Services Litigation
- Middle Market
- Hospitality
- Federal Government Contracting

## Industries Represented

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- Construction
- Financial Institutions
- Accommodations
- Manufacturing
- Nonprofit Organizations

## Experience

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### KEY FEDERAL GOVERNMENT CONTRACTING MATTERS

- Prepared and resolved certified claims in excess of \$1 million under the Contract Disputes Act for Fortune 500 companies and small businesses
- Successfully resolved federal government bid protests filed with the U.S. Government Accountability Office, federal district courts, state protest forums, and agency-level protests
- Guided energy savings company on energy savings performance contract
- Guided businesses through all aspects of government contracting programs under the U.S. Small Business Administration, including women-owned, 8(a), HUBZone, and veteran-owned and service-disabled veteran-owned small businesses

### KEY LITIGATION MATTERS

- Lead litigator representing national banks in cases involving fraud, fraudulent transfers, and borrowing base fraud
- Lead litigator representing national sureties in protecting judgments against avoidance actions filed by debtors
- Resolved business shareholder and member disputes, leading to transformation of the business to save it from dissolution and bankruptcy
- Key member of defense team representing a large distributor company in the federal opioid litigation
- Key member of trial preparation team for \$100 million international business dispute

### KEY BANKRUPTCY MATTERS

- Representation of banks and other creditors in bankruptcies, including adversary proceedings involving multimillion-dollar fraudulent conveyance claims
- Represented a \$400 million revenue Ohio hospital system in Chapter 11 bankruptcy
- Litigated and negotiated a multimillion-dollar settlement for a large subcontractor in the Fontainebleau Hotel bankruptcy

## Publications & Events

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### Speaking Engagements

- “Interrupting the Legal Profession’s Systemic Inequities Following the Affirmative Action Decision,” Cleveland Metropolitan Bar Association (February 2024)
- “Cracking the Old Boys Network: Finding, Building, and Marketing Your Own Practice,” Cleveland Metropolitan Bar Association’s Racial Equity and the Law Talks (July 2020)
- “The Legalities of Sale-Leasebacks and Ground-Lease-Leasebacks,” Ohio Municipal League (November 2018)
- “Preliminary Considerations When Drafting a Contract,” National Business Institute (June 2017)
- “Ways to Get and Keep a Government Contract,” Subcontractors Association of Northeast Ohio (November 2016)
- “Considerations When a Contractor Defaults,” Ohio Surety Association (October 2015)

### Publications

- “[Looming Government Shutdown and a Practical Approach for Government Contractors](#),” Tucker Ellis Client Alert (November 2023)
- “Incorrect Wage Classifications: Potential Personal Liability for Contractors?” *Contract Management Magazine* (March 2020)
- “Insured-Versus-Insured Exclusion Applies to Liquidating Trustee,” ABA Business Law Section’s Director & Officer Liability Committee’s *Flash Report* (September 2017)
- “Principal File Bankruptcy? All Is Not Lost: The Surety’s Ability to Subrogate Suppliers’ and Administrative Claims, Fidelity & Surety,” *Law Committee Newsletter* (Spring 2015)
- “DIP Financing 101: A View from the Debtor, the Committee, and the Secured Lender,” Turnaround Management Association (February 2015)
- “Business Restructuring and Bankruptcy: A Practical Guide for a Surety When a Principal Files for Bankruptcy,” *Client Alert* (July 2014)
- “When a Contractor Defaults, Who Has Priority? Surety or Bank?,” Turnaround Management Association’s *Turnaround Times* (September/October 2014)
- “Rethinking the Bankruptcy/Non-Bankruptcy Restructuring Choice,” *Cleveland Metropolitan Bar Journal* (September 2014)
- “Not So Fast: Supreme Court Adopts a Higher State of Mind Standard for Non-Dischargeability Under Section 523(a)(4) of the Bankruptcy Code,” *American Bar Association Committee News* (Winter 2014)
- “Occupational Risk: The Outrageous Reaction to HIV Positive Public Safety and Health Care Employees in the Workplace,” *19 J.L. & HEALTH* 39 (2004–2005)

## Honors

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- The Best Lawyers in America®
  - » Bankruptcy and Creditor Debtor Rights/Insolvency and Reorganization Law (2019–2025)
  - » Commercial Litigation (2024, 2025)
- Ohio Super Lawyers® (2014–2025)
  - » Top 25 Women Cleveland Ohio Super Lawyers® (2023)
- *Crain's Cleveland Business*, Notable Women in Law (2024)
- Ohio Super Lawyers Rising Stars® (2012–2013)
- Lawyers of Color Hot List (2013)

## In the Community

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- American Bar Association
  - » Former Co-Chair, Fidelity and Surety Law Committee, Bankruptcy Section
  - » Former Articles Editor, Fidelity and Surety Law Committee
- Cleveland Metropolitan Bar Association
  - » Former Co-Chair, Women's Section
- DANCECleveland, Executive Committee, Board Member
- Cleveland State University, Alumni Association, Board Member
- Cleveland-Marshall College of Law, Alumni Association, Honorary Board Member
- Case Western Reserve University, Committee on Diversity, Equity, and Inclusion, Visiting Committee
- International Women's Insolvency and Restructuring Confederation, Northeast Ohio Chapter, Former Co-Chair
- Turnaround Management Association, Ohio Chapter
  - » Former Chair, NextGen
- William K. Thomas Inn of Court, Former Treasurer and Secretary