

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

OTO ANALYTICS, LLC,

Plaintiff,

V.

BENWORTH CAPITAL PARTNERS PR,
LLC; BENWORTH CAPITAL PARTNERS,
LLC; BERNARDO NAVARRO and
CLAUDIA NAVARRO,

Defendants.

FEDERAL RESERVE BANK OF SAN
FRANCISCO,

Plaintiff-Intervenor,

V.

OTO ANALYTICS, LLC; BENWORTH
CAPITAL PARTNERS PR, LLC;
BENWORTH CAPITAL PARTNERS, LLC;
BERNARDO NAVARRO and CLAUDIA
NAVARRO,

Defendants in Intervention.

$\S\S$

Civil No. 23-01034 (GMM) *cons.* Civil
No. 24-01313 (GMM)

DECLARATION OF JOSHUA S. LEVY

I, Joshua S. Levy, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am a member of the bars of Washington, D.C. and New York, am admitted *pro hac vice* in the United States District Court for the District of Puerto Rico, and am an attorney at the law firm of Willkie Farr & Gallagher, LLP, counsel for Plaintiff Oto Analytics, LLC (f/k/a Oto Analytics, Inc. d/b/a Womply) (“**Womply**”).

2. I respectfully submit this declaration to provide this Court with certain information referenced in Womply's Motion to Strike Defendants Benworth Capital Partners PR, LLC,

Benworth Capital Partners, LLC (“**Benworth FL**”), Bernardo Navarro, and Claudia Navarro’s affirmative defenses of unclean hands, set off, and public policy. This declaration is based on my personal knowledge or information provided to me.

3. Attached hereto as Exhibit A is a true and correct copy of the Corrected Final Award in the arbitration between Womply and Benworth FL (the “**Arbitration**”), dated June 26, 2024.

4. Attached hereto as Exhibit B is a true and correct copy of an Order in the Arbitration, dated February 20, 2024.

5. Attached hereto as Exhibit C is a true and correct copy of Benworth FL’s Petition To Vacate Final Arbitration filed in the Northern District of California, dated August 7, 2024.

6. Attached hereto as Exhibit D is a true and correct copy of Benworth FL’s Opposition To Motion To Confirm Arbitration Award And For Entry Of Judgment, filed in the Northern District of California, dated September 6, 2024.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 9th day of September 2024 in Charlottesville, Virginia.

/s/ Joshua S. Levy
Joshua S. Levy