

Daniel C. Girard (State Bar No. 114826)
dgirard@girardsharp.com
Simon S. Grille (State Bar No. 294914)
sgrille@girardsharp.com
GIRARD SHARP LLP
601 California Street, Suite 1400
San Francisco, CA 94108
Telephone: (415) 981-4800

Jorge L. Piedra (Florida Bar No. 88315)
(*Pro Hac Vice*)
jpiedra@kttlaw.com
Dwayne A. Robinson (Florida Bar No. 99976)
(*Pro Hac Vice*)
drobinson@kttlaw.com
Michael R. Lorigas (Florida Bar No. 123597)
(*Pro Hac Vice*)
mlorigas@kttlaw.com
KOZYAK TROPIN & THROCKMORTON
2525 Ponce de Leon Boulevard, 9th Floor
Miami, Florida 33134
Telephone: 305-372-1800

Attorneys for Benworth Capital Partners, LLC

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

BENWORTH CAPITAL PARTNERS, LLC,

Petitioner,

v.

OTO ANALYTICS, LLC f/k/a OTO
ANALYTICS, INC. d/b/a WOMPLY,

Respondent.

Case No. 3:24-cv-4840

**DECLARATION OF MICHAEL R.
LORIGAS IN SUPPORT OF
PETITIONER'S ADMINISTRATIVE
MOTION TO CONSIDER WHETHER
ANOTHER PARTY'S MATERIAL
SHOULD BE SEALED**

**DECLARATION OF MICHAEL R. LORIGAS IN SUPPORT OF PETITIONER'S
ADMINISTRATIVE MOTION TO CONSIDER WHETHER
ANOTHER PARTY'S MATERIAL SHOULD BE SEALED**

I, Michael R. Lorigas, hereby declare under penalty of perjury:

1. I am an attorney at the law firm of Kozyak Tropin & Throckmorton and represent Petitioner Benworth Capital Partners, LLC (“Benworth”) in this action. I have personal knowledge of the facts stated in this declaration and, if called to do so, could and would testify competently thereto.

2. I submit this declaration in support of Benworth’s Administrative Motion to Consider Whether Another Party’s Material Should Be Sealed.

3. In the arbitration underlying this action, the arbitrator entered a Stipulated Protective Order. A copy of the Stipulated Protective Order is attached hereto as Exhibit 1. Paragraph 12.3 of the Stipulated Protective Order entered in the arbitration requires materials designated as “Confidential” (i.e., “Protected Material”) to be filed under seal. “Protected Material” includes information (regardless of how it is generated, stored or maintained) or tangible thing that contain trade secrets, proprietary business information, competitively sensitive information, personally sensitive or private information, or any other information, documents, or testimony not previously disclosed to the public. *See* Stipulated Protective Order, ¶¶ 2.2, 2.5, & 2.12.

4. The following portions of Benworth Petition to Vacate Final Arbitration Award and certain materials contained within the accompanying Appendix, summarize or reflect the content of materials that Respondent Oto Analytics, LLC f/k/a Oto Analytics, Inc., d/b/a Womply (“Womply”) has claimed or may claim is confidential and subject to seal:

Document	Description	Page/Line Nos.
Petition	Petition to Vacate Final Arbitration Award	12:4-13; 12:26-27; 13:6-8; 13:12-21; 13:23-14:8; 14:9-14; 17:14-18:15; 18:27-19:8; 21:13-23:24; 29:7-11; 33:19-39:5; 42:18-19; 42:27-28; 44:19-21; 45:25-28; 47:4-5; 48:9-11; 49:6-11; 50:10-11; 53:17-54:5; 55:16-21; 59:10-11; 64:2-11; 64:15-18; 65:26-27; 66:6-7.
Appendix	<i>Oto Analytics, Inc. dba Worn ply vs. Benworth Capital Partners, LLC</i> Case No. 1210038203 Docket Sheet	App.5-22

Document	Description	Page/Line Nos.
Appendix	Letter to Arbitrator Brainerd Re Summary Disposition	App.80-121
Appendix	Letter from Jorge L. Piedra to Arbitrator Brainerd in response to replies from Claimant	App.122-261
Appendix	Order Re: Womply's Emergency Request to Disclose Protected Materials and Womply's Motion to Produce (Order No. 5)	App.262-65
Appendix	Joint Rule 20(A) Pre-Hearing Submission	App.266-302
Appendix	Letter from Jorge L. Piedra to Arbitrator Brainerd re: update on determination of SBA	App.303-04
Appendix	Letter Re: Disqualification of Arbitrator Brainerd	App.305-327
Appendix	Benworth Capital Partners, LLC's Pre-Hearing Brief	App.328-48
Appendix	Womply's Rule 20(B) Pre-Hearing Brief	App.349-96
Appendix	Arbitration Hearing Transcript Day 1	App.397-760
Appendix	Arbitration Hearing Transcript Day 2	App.761-1119
Appendix	Arbitration Hearing Transcript Day 3	App.1120-1410
Appendix	Arbitration Hearing Transcript Day 4	App.1411-1680
Appendix	Arbitration Hearing Transcript Day 5	App.1681-2025
Appendix	Arbitration Hearing Transcript Day 6	App.2026-2344
Appendix	Arbitration Hearing Transcript Day 7	App.2345-2571
Appendix	Respondent/Counter-Claimant Benworth Capital Partners, LLC's Post-Hearing Brief	App.2572-2615
Appendix	Womply's Post-Hearing Brief	App.2616-61
Appendix	Respondent/Counter-Claimant Benworth Capital Partners, LLC's Response to Womply's Post-Hearing Brief	App.2662-80
Appendix	Arbitration Hearing Transcript Closing Arguments	App.2681-2877
Appendix	Benworth's Motion to Stay	App.2878-84
Appendix	Benworth's Reply in Support of Motion to Stay	App.2885-93
Appendix	Order Re Benworth's Motion to Stay Order No. 7	App.2894
Appendix	Letter from A. Cheney to Arbitrator Brainerd Re Letter from the SBA	App.2895-98

Document	Description	Page/Line Nos.
Appendix	Letter from Dwayne A. Robinson to Arbitrator Brainerd re: Third SBA Extension	App.2899-2901
Appendix	Interim Award	App.2902-56
Appendix	Benworth's Motion for Reconsideration	App.2957-3037
Appendix	Benworth's Reply in Support of Motion for Reconsideration	App.3038-53
Appendix	Order Re Benworth's Motion for Reconsideration and Further Proceedings - Order No. 8	App.3054-61
Appendix	Benworth's Response to Womply's Motion for Benworth to Deposit Funds into an Escrow Account	App.3062-3111
Appendix	Final Award	App.3112-84
Appendix	Corrected Final Award	App.3185-3257
Appendix	2/14/2021 Email from T. Scammell to M. Roth re PPP Fast Lane (JX030)	App.3869-3914
Appendix	2/19/2021 Email from C. Capoccia to B. Navarro re Intro call: Womply and Benworth with attached Womply PPP Fast Lane with attachment (JX032)	App.3915-25
Appendix	2/25/2021 Email from Bernie Navarro to Cory Capoccia re Agreement with attachments with attachment (JX035)	App.3926-54
Appendix	3/18/2021 Email from Connie Spencer-Adams to Toya De La Cruz re: Applying through Womply (JX060)	App.3957-59
Appendix	4/15/2021 Email from Cory Capoccia to Bernie Navarro re Womply – Benworth countersigned agreement with attachment (JX123)	App.3974-88
Appendix	11/30/2022 T. Scammell Decl. (JX323)	App.3992-4000
Appendix	Video showing Womply PPP Application Process (JX337)	App.4001
Appendix	Video showing Womply PPP Fast Lane (JX338)	App.4002
Appendix	Womply Master Developer Agreement (JX339)	App.4003
Appendix	Womply technology platform borrower-facing screenshots (JX340)	App.4015-17
Appendix	Screenshot of PPP loan application page (JX345)	App.4018

Document	Description	Page/Line Nos.
Appendix	Screenshot of PPP loan application page (JX346)	App.4019
Appendix	Womply Disclaimer re: Tax Documents Qualification Issue (JX355)	App.4020
Appendix	Womply PPP Program - 03. Training - 3.06 Application Process (JX356)	App.4021
Appendix	12/8/2022 SBA Letter (JX374)	App.4022-23

5. Benworth takes no position as this time on whether any of these designated portions satisfy the requirements for sealing, and specifically reserves the right to challenge any designation under the Stipulated Protective Order as well as the propriety of sealing any of these materials under Civil Local Rule 79-5 and applicable law.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 7th day of August, 2024, in Miami, FL.

/s/ Michael R. Lorigas

Michael R. Lorigas

ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(i)(3)

I, Simon S. Grille, am the ECF User whose identification and password are being used to file this Declaration of Michael R. Lorigas in Support of Petitioner's Administrative Motion to Consider Whether Another Party's Material Should be Sealed Pursuant to Civil L.R. 5-1(i)(3), I attest under penalty of perjury that concurrence in this filing has been obtained from counsel.

/s/ Simon S. Grille
Simon S. Grille