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Attorneys for Petitioner
Oto Analytics, LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

BENWORTH CAPITAL PARTNERS LLC,

Petitioner,

v.

OTO ANALYTICS, LLC,

Respondent.

Case No. 3:24-cv-4840-AMO

**RESPONDENT'S OPPOSITION TO
PETITIONER'S ADMINISTRATIVE
MOTION FOR ENLARGMENT OF TIME
TO REPLY TO OTO ANALYTICS,
LLC'S OPPOSITION TO PETITION TO
VACATE FINAL ARBITRATION
AWARD**

Hon. Araceli Martínez-Olguín

Pursuant Civil Local Rule 7-11(b), Respondent Oto Analytics, LLC (f/k/a Oto Analytics, Inc. d/b/a Womply) (“Womply”) submits this opposition to Petitioner Benworth Capital Partners LLC’s (“Benworth”) Administrative Motion (the “Administrative Motion” or “Adm. Mot.”; ECF No. 27), filed on August 29, 2024. Womply respectfully requests that this Court deny Benworth’s request for an **additional 30 days** to file a 15-page reply brief in support of its 67-page Petition to Vacate (“Petition to Vacate”) for several reasons.

First, Benworth’s Administrative Motion fails to comply with this Court’s Standing Order for Civil Cases, which requires that “[a]ny party seeking an extension of a court deadline must seek an extension at least seven (7) days prior to the deadline.” Standing Order for Civil Cases (D)(2). This Court already admonished Benworth that “[t]he Court will not make further exceptions to that requirement” in the related action captioned *Oto Analytics, LLC v. Benworth Capital Partners LLC*, 3:24-cv-03975-AMO (N.D. Cal.) (the “Confirmation Action”) (ECF No. 25).

Second, this Court denied Benworth’s request in the related Confirmation Action “to consolidate briefing on the vacatur and confirmation proceedings,” ordering that Benworth comply with the deadlines set by the Civil Local Rules and this Court’s standing orders. This Court should do the same here and deny the Administrative Motion.

Third, the issues raised in Benworth’s own Petition to Vacate are not so complex that Benworth requires more than a month to draft a 15-page reply brief in support of its own arguments. Benworth claims that “Womply took 20 days to submit its response after receipt of the Petition to Vacate, not 14 days.” (Adm. Mot. at 2.) That is not true. Although Benworth filed a redacted copy of its 67-page Petition to Vacate on August 7, 2024, Benworth did not provide Womply with an unredacted copy until the next day. (Ex. 1.)¹ More importantly, Womply did not accept service of the Petition to Vacate until August 12, 2024 (ECF No. 8), 14 days before Womply filed its 25-page opposition to the Petition to Vacate (ECF No. 25).

¹ All references to “Exhibit” or “Ex.” refer to exhibits to the accompanying declaration of Alexander L. Cheney dated August 30, 2024.

1 **Finally**—and most troubling—the dockets and filings from the “other proceedings” that
 2 Benworth’s counsel claims have “deadlines” that “necessitate an enlargement of time to file its
 3 reply” (Adm. Mot. at 2) raise serious questions regarding the veracity of that representation.

4 Benworth’s counsel claims that “the Undersigned” has an “[i]nitial [b]rief” due in the
 5 appeal *Andrea M. Caston, et al. v. Hoffman-La Roche, Inc., et al.*, Case No. 24-2920, D.C.
 6 No. 3:23-cv-00928-TLT. (Adm. Mot. at 2.) The Administrative Motion’s signature block lists
 7 Dwayne A. Robinson, Jorge L. Piedra, and Michael R. Lorigas of Kozyak Tropin &
 8 Throckmorton (“KTT”), and David C. Girard and Simon S. Grille from Girard Sharp LLP.
 9 However, the docket from the *Caston* case does not identify either of these law firms as having
 10 appeared in the case. And, while lawyers from KTT have been listed as counsel in that case,
 11 ***none of them are the KTT attorneys in this case.*** (See Exs. 2–3.)

12 Benworth’s counsel also claims that it has “[o]ral [a]rgument” in *Cato Corporation, et al.*
 13 *v. Zurich American Insurance Company*, Case No. COA23-305 (Adm. Mot. at 2), but the docket
 14 from that case indicates that the “Argue Date” is not until ***October 22, 2024***. (Ex. 4 at 1.) It
 15 strains credulity that an October 3, 2024 due date for a 15-page reply brief, which Benworth
 16 requests, would interfere ***less*** with an October 22 oral argument than the current September 3,
 17 2024 deadline.

18 Benworth’s counsel further claims that it has a “[r]eply [b]rief” in *Benes v. de la Aguilera*,
 19 No. 3D24-0152 (Fla. 3d DCA). While that brief is due on August 30, 2024, Mr. Robinson of
 20 KTT—who signed the Administrative Motion and the supporting declaration—has not appeared
 21 as counsel in that case. (Ex. 5.) Although Mr. Piedra and Mr. Lorigas are listed as counsel in
 22 that case, Mr. Robinson—who has signed nearly all of Benworth’s filings in this proceeding and
 23 in the related Confirmation Action—has not appeared in the *Benes* case. *Id.*

24 For these reasons, Womply respectfully requests that the Court deny Benworth’s
 25 Administrative Motion.

Respectfully submitted,

Dated: August 30, 2024

WILLKIE FARR & GALLAGHER LLP

By: /s/ Alexander L. Cheney

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