

WILLKIE FARR & GALLAGHER LLP

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Attorney for Respondent

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

**DECLARATION OF ALEXANDER L.
CHENEY IN SUPPORT OF WOMPLY'S
RESPONSE TO ADMINISTRATIVE
MOTION FOR *NUNC PRO TUNC*
ENLARGEMENT OF PAGE LIMITS
APPLICABLE TO BENWORTH'S
PETITION TO VACATE FINAL AWARD**

Hon. Araceli Martínez-Olguín

1 I, Alexander L. Cheney, pursuant to 28 U.S.C. § 1746, declare as follows:

2 1. I am a member in good standing of the bars of California and New York. I am
3 admitted to practice in the United States District Court for the Northern District of California. I
4 am a partner at Willkie Farr & Gallagher LLP, counsel for Respondent Oto Analytics, LLC (f/k/a
5 Oto Analytics, Inc. d/b/a Womply) (“Womply”).

6 2. I respectfully submit this declaration to provide this Court with certain information
7 relied upon in Womply’s Response to Benworth Capital Partners LLC’s (“Benworth”) Administrative Motion for *Nunc Pro Tunc* Enlargement of Page Limits, filed on August 29, 2024
8 (the “Response”). This declaration is based on my personal knowledge or information provided
9 to me.

10
11 3. On August 28, 2024, Benworth’s counsel sent an email to Womply’s counsel
12 informing Womply that Benworth intended to file a motion to request an enlargement of space
13 *nunc pro tunc* for its Petition to Vacate Final Arbitration Award (“Petition to Vacate”; ECF
14 No. 1).

15 4. That same day, counsel for Womply responded to counsel for Benworth stating
16 that it disagreed with Benworth’s request for a retroactive page limit increase, noting that when
17 Womply accepted service, it informed counsel for Benworth that its Petition to Vacate violated
18 the applicable Local Civil Rule regarding page limits. Womply declined Benworth’s request at
19 the time because the vast majority of Benworth’s Petition to Vacate is devoted to criticisms of
20 the arbitrator’s factual findings and legal conclusions that are beyond the scope of this Court’s
21 limited review under the Federal Arbitration Act.

22 5. However, in the interest of preventing further delay in the resolution of this
23 proceeding, Womply has determined that it will not move to strike Benworth’s Petition to Vacate
24 and, for the same reason, Womply has decided not to oppose Benworth’s request for a retroactive
25 increase of page limits.

1 I declare under the penalty of perjury under the laws of the State of California and the United
2 States that the foregoing is true and correct.

3
4 Executed at San Francisco, California on this 30th day of August, 2024.

5
6 Dated: August 30, 2024

WILLKIE FARR & GALLAGHER LLP

7 By: /s/ Alexander L. Cheney

8 Alexander L. Cheney

9 *Attorney for Respondent*
10 *Oto Analytics, LLC*
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