

EXHIBIT 1

From: [Jorge L. Piedra](#)
To: [Levy, Joshua S.](#); [Simon S. Grille](#); [Dwayne Robinson](#); [Erica M Scott](#); [Farola Saint-Remy](#); [Michael Lorigas](#)
Cc: [Cheney, Alexander](#); [Lombardi, Stuart](#); [Morris, Daniel L.](#); [Hanley, Katherine](#); [Morton, Adriana](#)
Subject: RE: Oto Analytics, LLC v. Benworth Capital Partners LLC (N.D. Cal.)
Date: Monday, July 8, 2024 4:38:28 PM
Attachments: [image001.png](#)
[Oto Analytics LLC v. Benworth - Waiver of Service of Summons.pdf](#)

*** **EXTERNAL EMAIL** ***

Josh,

Please see attached.

Sincerely,

JORGE L. PIEDRA, ESQ. | PARTNER



2525 Ponce de Leon Boulevard, Floor 9, Miami, Florida 33134

Phone [305.372.1800](tel:305.372.1800) | **Direct** [305.728.2975](tel:305.728.2975) | **Email** jpiedra@kttlaw.com

Firm Bio | **Personal LinkedIn** | **KTT LinkedIn**

From: Levy, Joshua S. <JLevy@willkie.com>

Sent: Monday, July 8, 2024 10:30 AM

To: Jorge L. Piedra <jpiedra@kttlaw.com>; Simon S. Grille <sgrille@girardsharp.com>; Dwayne Robinson <d robinson@kttlaw.com>; Erica M Scott <ems@kttlaw.com>; Farola Saint-Remy <fsr@kttlaw.com>; Michael Lorigas <mlorigas@kttlaw.com>

Cc: Cheney, Alexander <ACheney@willkie.com>; Lombardi, Stuart <slombardi@willkie.com>; Morris, Daniel L. <DMorris@willkie.com>; Hanley, Katherine <KHanley@willkie.com>; Morton, Adriana <AMorton@willkie.com>

Subject: RE: Oto Analytics, LLC v. Benworth Capital Partners LLC (N.D. Cal.)

CAUTION: [This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Hi Jorge,

I hope you had a good Fourth of July weekend. Please send the executed waiver of service today. Thanks.

Regards,
Josh

Joshua S. Levy
Willkie Farr & Gallagher LLP
1875 K Street, N.W. | Washington, DC 20006-1238
Direct: [+1 202 303 1147](tel:+12023031147) | Mobile: [+1 516 680 5751](tel:+15166805751)
jlevy@willkie.com | [vCard](#) | www.willkie.com/bio

From: Levy, Joshua S. <jlevy@willkie.com>
Sent: Wednesday, July 3, 2024 8:32 PM
To: Jorge L. Piedra <jpiedra@kttlaw.com>; Simon S. Grille <sgrille@girardsharp.com>; Dwayne Robinson <drobenson@kttlaw.com>; Erica M Scott <ems@kttlaw.com>; Farola Saint-Remy <fsr@kttlaw.com>; Michael Lorigas <mlorigas@kttlaw.com>
Cc: Cheney, Alexander <ACheney@willkie.com>; Lombardi, Stuart <slombardi@willkie.com>; Morris, Daniel L. <DMorris@willkie.com>; Hanley, Katherine <KHanley@willkie.com>; Morton, Adriana <AMorton@willkie.com>
Subject: RE: Oto Analytics, LLC v. Benworth Capital Partners LLC (N.D. Cal.)

Thanks Jorge, it's attached. Happy Fourth of July!

Regards,
Josh

Joshua S. Levy
Willkie Farr & Gallagher LLP
1875 K Street, N.W. | Washington, DC 20006-1238
Direct: [+1 202 303 1147](tel:+12023031147) | Mobile: [+1 516 680 5751](tel:+15166805751)
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From: Jorge L. Piedra <jpiedra@kttlaw.com>
Sent: Wednesday, July 3, 2024 7:23 PM
To: Levy, Joshua S. <jlevy@willkie.com>; Simon S. Grille <sgrille@girardsharp.com>; Dwayne Robinson <drobenson@kttlaw.com>; Erica M Scott <ems@kttlaw.com>; Farola Saint-Remy <fsr@kttlaw.com>; Michael Lorigas <mlorigas@kttlaw.com>
Cc: Cheney, Alexander <ACheney@willkie.com>; Lombardi, Stuart <slombardi@willkie.com>; Morris, Daniel L. <DMorris@willkie.com>; Hanley, Katherine <KHanley@willkie.com>; Morton, Adriana <AMorton@willkie.com>
Subject: RE: Oto Analytics, LLC v. Benworth Capital Partners LLC (N.D. Cal.)

*** EXTERNAL EMAIL ***

Josh,

Change it to my name, date it for Friday, July 5 and I will sign and return.

Sincerely,

JORGE L. PIEDRA, ESQ. | PARTNER



2525 Ponce de Leon Boulevard, Floor 9, Miami, Florida 33134

Phone [305.372.1800](tel:305.372.1800) | **Direct** [305.728.2975](tel:305.728.2975) | **Email** jpiedra@kttlaw.com

Firm Bio | **Personal LinkedIn** | **KTT LinkedIn**

From: Levy, Joshua S. <JLevy@willkie.com>

Sent: Wednesday, July 3, 2024 3:55 PM

To: Jorge L. Piedra <jpiedra@kttlaw.com>; Simon S. Grille <sgrille@girardsharp.com>; Dwayne Robinson <drobinson@kttlaw.com>; Erica M Scott <ems@kttlaw.com>; Farola Saint-Remy <fsr@kttlaw.com>; Michael Lorigas <mlorigas@kttlaw.com>

Cc: Cheney, Alexander <ACHeney@willkie.com>; Lombardi, Stuart <slombardi@willkie.com>; Morris, Daniel L. <DMorris@willkie.com>; Hanley, Katherine <KHanley@willkie.com>; Morton, Adriana <AMorton@willkie.com>

Subject: RE: Oto Analytics, LLC v. Benworth Capital Partners LLC (N.D. Cal.)

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Jorge,

We will agree to accept service of Benworth's petition to vacate the arbitration award if you will accept service of Womply's petition to confirm the arbitration award.

Regards,
Josh

Joshua S. Levy

Willkie Farr & Gallagher LLP

1875 K Street, N.W. | Washington, DC 20006-1238

Direct: [+1 202 303 1147](tel:+12023031147) | Mobile: [+1 516 680 5751](tel:+15166805751)

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From: Jorge L. Piedra <jpiedra@kttlaw.com>

Sent: Wednesday, July 3, 2024 3:45 PM

To: Levy, Joshua S. <JLevy@willkie.com>; Simon S. Grille <sgrille@girardsharp.com>; Dwayne Robinson <drobinson@kttlaw.com>; Erica M Scott <ems@kttlaw.com>; Farola Saint-Remy <fsr@kttlaw.com>; Michael Lorigas <mlorigas@kttlaw.com>

Cc: Cheney, Alexander <ACHeney@willkie.com>; Lombardi, Stuart <slombardi@willkie.com>; Morris, Daniel L. <DMorris@willkie.com>; Hanley, Katherine <KHanley@willkie.com>; Morton, Adriana <AMorton@willkie.com>

Subject: RE: Oto Analytics, LLC v. Benworth Capital Partners LLC (N.D. Cal.)

*** EXTERNAL EMAIL ***

Josh,

Will you agree to accept service on our petition to vacate the award?

Sincerely,

JORGE L. PIEDRA, ESQ. | PARTNER



2525 Ponce de Leon Boulevard, Floor 9, Miami, Florida 33134

Phone [305.372.1800](tel:305.372.1800) | **Direct** [305.728.2975](tel:305.728.2975) | **Email** jpiedra@kttlaw.com

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From: Levy, Joshua S. <JLevy@willkie.com>

Sent: Monday, July 1, 2024 11:09 PM

To: Simon S. Grille <sgrille@girardsharp.com>; Jorge L. Piedra <jpiedra@kttlaw.com>; Dwayne Robinson <drobinson@kttlaw.com>; Erica M Scott <ems@kttlaw.com>; Farola Saint-Remy <fsr@kttlaw.com>; Michael Lorigas <mlorigas@kttlaw.com>

Cc: Cheney, Alexander <ACheney@willkie.com>; Lombardi, Stuart <slombardi@willkie.com>; Morris, Daniel L. <DMorris@willkie.com>; Hanley, Katherine <KHanley@willkie.com>; Morton, Adriana <AMorton@willkie.com>

Subject: Oto Analytics, LLC v. Benworth Capital Partners LLC (N.D. Cal.)

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Jorge, Dwyane, and Michael,

Today, on behalf of Oto Analytics, LLC, we filed a Petition for Confirmation of the Final Arbitration Award in federal court in the Northern District of California. The Petition is attached and we're sending the full filing by FTP because it is too large to send by email. Please confirm that you accept service on behalf of Benworth Capital Partners LLC and execute the attached waiver. We will also send hard copies to your office. Thank you.

Regards,

Josh

Joshua S. Levy

Willkie Farr & Gallagher LLP

1875 K Street, N.W. | Washington, DC 20006-1238

Direct: [+1 202 303 1147](tel:+12023031147) | Mobile: [+1 516 680 5751](tel:+15166805751)

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UNITED STATES DISTRICT COURT

for the

Northern District of California

OTO ANALYTICS, LLC,

Plaintiff

v.

BENWORTH CAPITAL PARTNERS, LLC,

Defendant

)
)
) Civil Action No. 3:24-cv-03975
)
)

WAIVER OF THE SERVICE OF SUMMONS

To: Alexander L. Cheney

(Name of the plaintiff's attorney or unrepresented plaintiff)

I have received your request to waive service of a summons in this action along with a copy of the complaint, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

I, or the entity I represent, agree to save the expense of serving a summons and complaint in this case.

I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from 7/5/2024, the date when this request was sent (or 90 days if it was sent outside the United States). If I fail to do so, a default judgment will be entered against me or the entity I represent.

Date: 7/8/2024

/s/Benworth Capital Partners LLC

Printed name of party waiving service of summons


Signature of the attorney or unrepresented party

Jorge L. Piedra

Printed name

2525 Ponce de Leon Blvd.

9th Floor

Coral Gables, FL 33134

Address

jpiedra@kttlaw.com

E-mail address

305-728-2975

Telephone number

Duty to Avoid Unnecessary Expenses of Serving a Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is located in the United States and who fails to return a signed waiver of service requested by a plaintiff located in the United States will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

“Good cause” does *not* include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant’s property.

If the waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.