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*Attorneys for Respondent Benworth Capital
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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

OTO ANALYTICS, LLC,

Petitioner,

v.

BENWORTH CAPITAL PARTNERS LLC,

Respondent.

Case No. 3:24-cv-03975-AMO

**JOINT STIPULATION AND [PROPOSED]
ORDER REGARDING CROSS-
PETITIONS TO CONFIRM AND
VACATE ARBITRATION AWARD**

Hon. Araceli Martínez-Olguín

1 Pursuant to Civil Local Rule 7-12 and the Court's directive at the October 30, 2024 Case
2 Management Conference, Petitioner Oto Analytics, LLC ("Oto Analytics") and Respondent
3 Benworth Capital Partners, LLC ("Benworth," together, the "Parties") jointly submit this
4 Stipulation and Proposed Order construing the Parties' briefing on Benworth's Petition to Vacate
5 Arbitration Award, filed in Case No. 3:24-cv-04840, as cross-petitions to vacate and confirm the
6 arbitration award and permitting Oto Analytics to file a sur-reply accordingly.

7 WHEREAS, Oto Analytics filed its Petition to Confirm Arbitration Award and for Entry
8 of Judgment against Benworth on July 1, 2024, in the above-entitled action (ECF No. 1);

9 WHEREAS, Benworth filed its Petition to Vacate Arbitration Award against Womply on
10 August 7, 2024, in Case No. 3:24-cv-04840, ECF No. 1 ("Petition to Vacate");

11 WHEREAS, Oto Analytics filed its Motion to Confirm Arbitration Award and for Entry
12 of Judgment on August 20, 2024, in the above-entitled action (ECF No. 41) ("Motion to
13 Confirm");

14 WHEREAS, Oto Analytics filed its Response to Benworth's Petition to Vacate on August
15 26, 2024, in Case No. 3:24-cv-04840, ECF No. 25;

16 WHEREAS, Benworth filed its Response to Oto Analytics' Motion to Confirm on
17 September 6, 2024 (ECF No. 52);

18 WHEREAS, Benworth filed its Reply in support of its Petition to Vacate on September 9,
19 2024, in Case No. 3:24-cv-04840, ECF No. 33;

20 WHEREAS, Oto Analytics filed its Reply in support of its Motion to Confirm on
21 September 13, 2024 (ECF No. 56);

22 WHEREAS, the Court consolidated the above-entitled action with Case No. 3:24-cv-
23 04840 on October 23, 2024, and terminated all pending motions in the above-entitled action (ECF
24 No. 57);

25 WHEREAS, the Court held an initial case management conference on October 30, 2024,
26 during which it directed the Parties to streamline the briefing on the Petition to Vacate and Motion
27 to Confirm in light of the recent consolidation;

1 WHEREAS, the Parties have agreed, subject to the Court's approval, to construe the filed
2 briefing on the Petition to Vacate as cross-petitions to vacate and confirm the arbitration award,
3 provided Oto Analytics is permitted to file a sur-reply in support of its Response.

4 NOW THEREFORE, the parties stipulate as follows, subject to the Court's approval:

- 5 1. The Petition to Vacate shall be deemed the operative motion in the above-entitled action
6 and shall not be deemed terminated;
- 7 2. Oto Analytics' Response, filed in Case. No. 3:24-cv-04840, ECF No. 25, shall be
8 construed as a Response to Benworth's Petition to Vacate and a Cross-Petition to Confirm
9 Arbitration Award;
- 10 3. Benworth's Reply, filed in Case No. 3:24-cv-04840, ECF No. 33, shall be construed as
11 both a Reply in support of Benworth's Petition to Vacate and a Response to Oto Analytics'
12 Cross-Petition to Confirm;
- 13 4. Oto Analytics shall file a sur-reply of no longer than 10 pages by November 20, 2024; and
- 14 5. The Parties shall argue their respective positions at the Motion Hearing set for January 9,
15 2025, at 02:00 PM in San Francisco, Courtroom 10, 19th Floor.

16 Dated: October 31, 2024

Respectfully submitted,

17 WILLKIE FARR & GALLAGHER LLP

18 By: /s/ Alexander L. Cheney

19 Alexander L. Cheney

20 Stuart R. Lombardi

21 Joshua S. Levy

22 Zoe R. Packman

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By: /s/ Simon S. Grille

Simon S. Grille

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Capital Partners, LLC*

CIVIL LOCAL RULE 5-1 ATTESTATION

As required by Civil Local Rule 5-1, I, Alexander L. Cheney, attest that I obtained concurrence in the filing of this document from all signatories and that I have maintained records to support this concurrence.

Dated: October 31, 2024

By: /s/ Alexander L. Cheney
Alexander L. Cheney

[PROPOSED] ORDER

In view of the recent consolidation (ECF No. 57), Oto Analytics, LLC (“Oto Analytics”) and Benworth Capital Partners, LLC (“Benworth,” together, the “Parties”) shall proceed on cross-petitions to vacate and confirm the arbitration award at issue in this action. The Petition to Vacate Arbitration Award filed by Benworth in Case No. 3:24-cv-04840, ECF No. 1, shall be deemed the operative motion. Oto Analytics’ Response, filed in Case. No. 3:24-cv-04840, ECF No. 25, shall be construed as a Response to Benworth’s Petition to Vacate and a Cross-Petition to Confirm Arbitration Award. Benworth’s Reply, filed in Case No. 3:24-cv-04840, ECF No. 33, shall be construed as both a Reply in support of Benworth’s Petition to Vacate and a Response to Oto Analytics’ Cross-Petition to Confirm. Oto Analytics shall file a sur-reply of no longer than 10 pages by November 20, 2024. The Parties shall argue their respective positions at the Motion Hearing set for January 9, 2025, at 02:00 PM in San Francisco, Courtroom 10, 19th Floor.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: _____, 2024

ARACELI MARTÍNEZ-OLGUÍN
United States District Judge