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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

**[PROPOSED] ORDER DENYING
PETITION TO VACATE ARBITRATION
AWARD AND GRANTING CROSS-
PETITION TO CONFIRM
ARBITRATION AWARD;
[PROPOSED] JUDGMENT**

Hon. Araceli Martínez-Olguín

[PROPOSED] ORDER

Before the Court are cross-petitions concerning the Final Award dated June 26, 2024, in the JAMS arbitration captioned *Oto Analytics, Inc. d/b/a Womply v. Benworth Capital Partners LLC*, JAMS Ref. No. 1210038203: Respondent Benworth Capital Partners LLC’s (“Benworth”) Petition to Vacate Arbitration Award (3:24-cv-04840, ECF No. 1) and Petitioner Oto Analytics, LLC’s (“Womply”) Cross-Petition to Confirm Arbitration Award (3:24-cv-04840, ECF No. 25). The Court, having carefully considered the submissions, the record, the applicable law, and any arguments related thereto, hereby orders that Benworth’s Petition to Vacate is **DENIED** and Womply’s Cross-Petition to Confirm is **GRANTED**.

PROCEDURAL BACKGROUND

Womply filed a Petition to Confirm Arbitration Award on July 1, 2024, in the above-entitled action. (ECF No. 1.) On August 7, 2024, Benworth filed a Petition to Vacate Arbitration Award in a new action, Case No. 3:24-cv-04840. The parties briefed both petitions. On October 23, 2024, the Court consolidated the two actions and terminated all pending motions. (ECF No. 57.) Following a case management conference, and pursuant to the Court’s guidance, the parties agreed to streamline the briefing on October 31, 2024. (ECF No. 61.) The parties agreed, with the Court’s approval, to: (1) deem Benworth’s Petition to Vacate as the operative motion in this action; (2) construe Womply’s Opposition (Case No. 3:24-cv-04840, ECF No. 25) as both an Opposition to Benworth’s Petition to Vacate and a Cross-Petition to Confirm Arbitration Award; (3) construe Benworth’s Reply (Case No. 3:24-cv-04840, ECF No. 33) as both a Reply in support of Benworth’s Petition to Vacate and a Response to Womply’s Cross-Petition to Confirm; and (4) permit Womply to a sur-reply in support of its Opposition.

ANALYSIS

Under the Federal Arbitration Act (“FAA”), “a court ‘must’ confirm an arbitration award ‘unless’ it is vacated, modified, or corrected ‘as prescribed’ in §§ 10 and 11.” *Hall Street Assocs., L.L.C. v. Mattel, Inc.*, 552 U.S. 576, 582 (2008) (citing 9 U.S.C. § 9). Judicial review of an arbitrator’s decision is “both limited and highly deferential.” *Schoendube Corp. v. Lucent Techs., Inc.*, 442 F.3d 727, 730 (9th Cir. 2006) (quoting *Poweragent Inc. v. Elec. Data Sys. Corp.*, 358

1 F.3d 1187, 1193 (9th Cir.2004)). “Neither erroneous legal conclusions nor unsubstantiated
2 factual findings justify federal court review of an arbitral award.” *Bosack v. Soward*, 586 F.3d
3 1096, 1102 (9th Cir. 2009) (cleaned up).

4 Vacatur is not warranted here. *See Sanchez v. Elizondo*, 878 F.3d 1216, 1221 (9th Cir.
5 2018) (explaining there “is a very high standard for vacatur”) (cleaned up). Benworth has not
6 demonstrated that the Final Award is “completely irrational” or “exhibits a manifest disregard of
7 the law.” *Id.* at 1221–22. Nor has Benworth shown that the Final Award violates “an explicit,
8 well-defined, and dominant public policy.” *Va. Mason Hosp. v. Wash. State Nurses Ass’n*, 511
9 F.3d 908, 916 (9th Cir. 2007). Accordingly, Benworth’s Petition to Vacate is **DENIED**,
10 Womply’s Cross-Petition to Confirm is **GRANTED**, and the Final Award is **CONFIRMED**.

11 **IT IS SO ORDERED.**

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13 Dated: _____

14 Hon. Araceli Martínez-Olgún
15 United States District Judge
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[PROPOSED] JUDGMENT

Before the Court are cross-petitions concerning the Final Award dated June 26, 2024, in the JAMS arbitration captioned *Oto Analytics, Inc. d/b/a Womply v. Benworth Capital Partners LLC*, JAMS Ref. No. 1210038203: Respondent Benworth Capital Partners LLC's ("Benworth") Petition to Vacate Arbitration Award (3:24-cv-04840, ECF No. 1) and Petitioner Oto Analytics, LLC's ("Womply") Cross-Petition to Confirm Arbitration Award (3:24-cv-04840, ECF No. 25). The Court, having carefully considered the submissions, the record, the applicable law, and any arguments related thereto, enters Judgment as follows:

It is hereby ADJUDGED, ORDERED, and DECREED that:

1. Pursuant to 9 U.S.C. § 201 *et seq.*, the Final Award, dated June 26, 2024, in the JAMS arbitration captioned *Oto Analytics, Inc. d/b/a Womply v. Benworth Capital Partners LLC*, JAMS Ref. No. 1210038203, is **CONFIRMED**.
2. Benworth's Petition to Vacate Final Arbitration Award is **DENIED**.
3. In conformity with the Final Award, judgment is entered in favor of Oto Analytics, LLC and against Benworth Capital Partners LLC.

Dated: _____

Hon. Araceli Martínez-Olguín
United States District Judge