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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

OTO ANALYTICS, LLC f/k/a OTO
ANALYTICS, INC. d/b/a WOMPLY,

Petitioner,

v.

BENWORTH CAPITAL PARTNERS, LLC,

Respondent.

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

**DECLARATION OF DWAYNE A.
ROBINSON, ESQ. IN SUPPORT OF
RESPONDENT'S OPPOSITION TO
MOTION TO CONFIRM ARBITRATION
AWARD AND FOR ENTRY OF JUDGMENT**

Hon. Araceli Martínez-Olgún

I, Dwayne A. Robinson, Esq., hereby declare under penalty of perjury:

1. I am over the age of 18, competent to provide testimony, and make this declaration based on my personal knowledge. I am a partner at the law firm of Kozyak Tropin & Throckmorton LLP and am one of the attorneys representing Respondent Benworth Capital Partners LLC ("Benworth").

2. I respectfully submit this declaration to provide this Court with certain materials cited in Benworth's Opposition to the Motion to Confirm Arbitration Award and For Entry of Judgment filed by Petitioner Oto Analytics, LLC f/k/a Oto Analytics, Inc. d/b/a Womply ("Womply").

3. Attached hereto as **Exhibit 1** is a true and correct copy of excerpts from the transcript of the closing arguments presented in the Arbitration following the initial merits hearing, dated June 29, 2023.

4. Attached hereto as **Exhibit 2** is a true and correct copy of the Interim Final Rule titled, Business Loan Program Temporary Changes; Paycheck Protection Program as Amended by Economic Aid Act, 86 Fed. Reg. 3692, dated January 14, 2021, which was introduced into evidence in the Arbitration as JX022.

5. Attached hereto as **Exhibit 3** is a true and correct copy of SBA Form 2483, the First Draw PPP Loan Application, which was introduced into evidence in the Arbitration as JX060.

6. Attached hereto as **Exhibit 4** is a true and correct copy of SBA Form 2483-SD, the Second Draw PPP Loan Application, which was introduced into evidence in the Arbitration as JX061.

7. Attached hereto as **Exhibit 5** is a true and correct copy of an email with attachment produced by Womply in the Arbitration bearing bates number WOMPLYBWC0000019, which was introduced into evidence in the Arbitration as JX030.

8. Attached hereto as **Exhibit 6** is a true and correct copy of excerpts from the transcript of Day 2 of the Arbitration hearing, dated March 21, 2023.

9. Attached hereto as **Exhibit 7** is a true and correct copy of a document produced by Womply in the Arbitration bearing bates number WOMPLYBWC00015530, which was introduced into evidence in the Arbitration as JX355.

10. Attached hereto as **Exhibit 8** is a true and correct copy of the Declaration of Toby Scammell dated November 30, 2022, which was introduced into evidence in the Arbitration as JX323.

11. Attached hereto as **Exhibit 9** is a true and correct copy of borrower-facing screenshots of Fast Lane, which was introduced into evidence in the Arbitration as JX340.

12. Attached hereto as **Exhibit 10** is a true and correct copy of excerpts from the transcript of Day 3 of the Arbitration hearing, dated March 22, 2023.

13. Attached hereto as **Exhibit 11** is a document containing a true and correct link to a video showing Womply's Fast Lane application process, which was introduced into evidence in the Arbitration as JX338.

14. Attached hereto as **Exhibit 12** is a true and correct copy of an email chain produced by Womply in the Arbitration bearing bates number WOMPLYBWC00010552, which was introduced into

evidence in the Arbitration as JX060.

15. Attached hereto as **Exhibit 13** is a true and correct copy of the standard operating procedures promulgated by the SBA's Office of Capital Access titled, *SOP 50 10 6: Lender and Development Company Loan Program*, and dated October 1, 2020, which was introduced into evidence in the Arbitration as JX019.

16. Attached hereto as **Exhibit 14** is a true and correct copy of excerpts from the transcript of Day 4 of the Arbitration hearing, dated March 23, 2023.

17. Attached hereto as **Exhibit 15** is a true and correct copy of Benworth's Post-Hearing Brief, dated May 12, 2023.

18. Attached hereto as **Exhibit 16** is a true and correct copy of an email chain produced by Benworth in the Arbitration bearing bates number Benworth00000181, which was introduced into evidence in the Arbitration as JX209.

19. Attached hereto as **Exhibit 17** is a true and correct of Benworth's Motion for Reconsideration, dated December 28, 2023.

20. Attached hereto as **Exhibit 18** is a true and correct copy of a document produced by Womply in the Arbitration bearing bates number WOMPLYBWC00015653, which was introduced into evidence in the Arbitration as JX356.

21. Attached hereto as **Exhibit 19** is a true and correct copy of Benworth's Pre-Hearing Brief, dated March 13, 2023.

22. Attached hereto as **Exhibit 20** is a true and correct copy of Benworth's Response to Womply's Post-Hearing Brief, dated May 31, 2023.

23. Attached hereto as **Exhibit 21** is a true and correct copy of Benworth's Motion to Stay, dated September 13, 2023.

24. Attached hereto as **Exhibit 22** is a true and correct copy of the U.S. House of Representatives' Select Subcommittee on the Coronavirus Crisis's December 2022 report titled, *We Are Not the Fraud Police": How Fintechs Facilitated Fraud In The Paycheck Protection Program*.

1 I declare under penalty of perjury under the laws of the United States that the foregoing is true
2 and correct. Executed this September 6, 2024, at Miami, Florida.

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4 /s/ Dwayne A. Robinson

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