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Attorneys for Benworth Capital Partners, 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 DWAYNE A.
ROBINSON, ESQ. IN SUPPORT OF
PETITIONER'S ADMINISTRATIVE
MOTION FOR *NUNC PRO TUNC*
ENLARGEMENT OF PAGE LIMITS
APPLICABLE TO BENWORTH'S PETITION
TO VACATE FINAL ARBITRATION
AWARD**

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 Petitioner Benworth Capital Partners LLC ("Benworth").

2. Benworth filed a Petition to Vacate that is 67 pages in length.

3. Benworth believes that the 25-page limit prescribed by Local Rule 7-2 is insufficient to adequately present its case for vacatur to the Court due to the complex nature of this dispute, the extensive record, and the demanding standard for vacating an arbitration award.

4. Respondent Oto Analytics, LLC f/k/a Oto Analytics, Inc. d/b/a Womply (“Womply”) expressed to Benworth that it believed the Petition to Vacate violated the Local Rules, but Womply filed a response to the Petition without moving to strike the Petition to Vacate.

5. Womply informed Benworth that it would not move to strike the Petition to Vacate for being over page limits if Benworth consented to magistrate judge jurisdiction for the related cases. Even after Benworth did not respond in agreement to a magistrate, Womply did not move to strike the Petition to Vacate. Again, it instead responded to the merits of that petition.

6. Benworth proposed to Womply that the parties agree to consolidate briefing on the vacatur and confirmation proceedings and to extended pages limits for the consolidated briefing.

7. Womply’s position is that its Opposition filed on August 26, 2024 rendered Benworth’s proposal moot.

8. Benworth requests that the Court grant a *nunc pro tunc* enlargement of the page limits applicable to the Petition to Vacate to 67 pages in the event the Court declines to consolidate proceedings and briefing related to the Confirmation Proceedings. To meet the demanding standard for vacatur, Benworth must survey the relevant undisputed facts in detail—which are set forth in a record containing over 4,000 pages of documentary, photographic, and video evidence—and do so in the context of hundreds of pages of SBA SOPs, rules, and regulations as well as the 73-page final arbitration award.

9. The undersigned met and conferred with counsel for Womply on August 28, 2024 regarding the requested relief. Womply objects to the requested relief because it believes Benworth should have sought this relief closer in time to when Womply accepted service of the Petition to Vacate.

1 I declare under penalty of perjury under the laws of the United States that the foregoing is true
2 and correct. Executed this August 29, 2024, at Miami, Florida.

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4 /s/ Dwayne A. Robinson
5 Dwayne A. Robinson
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ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(i)(3)

Pursuant to Civil Local Rule 5-1(i)(3), the filer of this document attests that concurrence in the filing of this document has been obtained from the signatories above.

Dated: August 29, 2024

/s/ Simon S. Grille
Simon S. Grille